

MEETING OF THE PARLIAMENT

(GLASGOW)

Wednesday 24 May 2000

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Scottish Parliament

Wednesday 24 May 2000

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

Time for Reflection

The Presiding Officer (Sir David Steel): I am sorry to have to tell members that Captain Connelly of the Salvation Army has not turned up to take time for reflection. If members do not mind, I will read his text to the chamber.

Captain Connelly wanted to appear before us today as a representative of the Salvation Army, whose work is valued and appreciated worldwide. Its motto is:

“Heart to God and hand to man”.

He says that the Salvation Army’s service is therefore a practical application of the spiritual instruction that is found in Matthew’s gospel, chapter 25, verses 35-36 and 40.

“For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me . . . The King will then reply, ‘I tell you the truth, whatever you did for one of the least of these brothers of mine, you did it for me.’”

Captain Connelly says:

“Every human being has the capacity for service to others. There are many varied ways to serve. I want to share a reading with you and all who work to serve other people.”

It is entitled “For Them”.

“I put my hands together
and I stand
before your throne.
Just me!
and yet there’s more than me;
in fact I’m not alone!
Behind me stands
a motley crowd.
I want to speak for those who give themselves
in service
for the nameless no one knows.
Your servants
who spend all they have,
and sometimes something more,
in drying tears,
and calming fears,
and often waging war
on poverty, on loneliness,
on hopelessness and grief,
on sadness and on badness,
never asking relief.
Please give your willing ones
the strength
and all of the grace they need.

I can’t do much to help them,
I can only intercede.
O hear me, Lord.
For them I pray this prayer
and, when they need you
most of all,
just let them know
you’re there!

“Let us try just for today to ‘Give our hearts to God and a helping hand to our fellow man’.”

That is Captain Connelly’s message to us this morning.

Mike Tyson

The Presiding Officer (Sir David Steel): We now move to the first item of business, which is the SNP motion S1M-890, in the name of Roseanna Cunningham, on Mike Tyson.

In view of the complaints about the level of noise in the chamber—which seems to be exaggerated by the acoustics—that we received after last week's proceedings, Patricia Ferguson, George Reid and I would like to remind members, before we begin the debate, of rule 7.3.1 of the standing orders, which says:

"Members shall at all times conduct themselves in a courteous and respectful manner and shall respect the authority of the Presiding Officer . . . In particular, members should not speak or stand when the Presiding Officer is speaking."

Members should also note paragraph 9.3.4 of the code of conduct, which states:

"no behaviour that interferes with the conduct of proceedings"

will be tolerated by the Presiding Officer.

09:34

Roseanna Cunningham (Perth) (SNP): I would like to begin by dealing with one or two issues that this debate is not about. First, it is not about boxing—it never has been and it never will be. I know that individual members have their own views on boxing—one member in particular may have a very particular view—but to suggest that the opposition to the spectacle planned for 24 June comes only from those who oppose boxing is quite wrong.

I, personally, do not oppose the sport. The debate is not about boxing, because what I refer to as the spectacle has little to do with boxing and everything to do with circus. In the welter of accusation and counter-accusation, I know that some small voices from the boxing fraternity have been heard, pointing out that Michael Tyson is hardly a good advert for their sport. I can only agree with that—this is not sport, but spectacle. Many of those who attend the spectacle will do so in the hope that they see blood.

Secondly, the debate is not about Michael Tyson being black. His victim, Desiree Washington, is black. Perhaps if those who shout so loudly about Tyson's civil rights stopped to consider the civil rights of the black woman he raped, they would be a little more circumspect about what they say. However, in some quarters, circumspection is somewhat lacking.

Thirdly, several commentators have made great play of the fact that Tyson has done the crime and

served his time. He has, but this is not about a refusal to forgive and to allow a man who has tholed his assize to get on with his life. We are not dealing with just one crime of violence; Tyson has a rape conviction, has spent time in jail for road rage, demonstrated a total lack of control in the ear-biting episode with Evander Holyfield and is the subject of further investigations as a result of allegations made against him by a waitress. That is a pattern of behaviour in which the common factor is Mike Tyson's inability to deal with his own aggression and an apparent lack of remorse for anything he does.

What the debate should be about runs the risk of being lost if we do not state it now. It is about the values of society and how seriously society is prepared to view violence in general and violence against women in particular. We have already had a lengthy debate about domestic violence in this Parliament. Recently, the Executive launched a consultation paper on stalking and harassment. The Justice and Home Affairs Committee is considering a committee bill that would extend the power of interdict in a way that would benefit a great many people—mostly women—threatened with violence.

Violence against women is something that both the Executive and the Parliament take very seriously, as evidenced by the debates that we have had, the motions that have been lodged and the parliamentary questions that have been asked. Naturally, much of what we discuss centres around potential changes in the law, which would either make successful prosecution easier or make the whole judicial process less daunting for the victim. Equally, we are concerned to deter assailants where possible. We may consider early identification of the propensity for violence, followed by support and education to teach men ways in which to deal with their anger without resorting to violence. We may examine the penalties imposed on those who are convicted and take a view on whether the sentences send out the right signals to offenders.

In all the discussions, both formal and informal, on violence against women, one view has come up repeatedly: if we are to make real headway we must know what signals and messages we are sending out to young people right now. The omens are not good. In previous debates, reference has been made to research carried out on behalf of the Zero Tolerance Trust, which investigated young people's attitudes towards violence, sex and relationships. The findings of that research are worth considering, because they are germane to this debate. They provide the real background to the whole debate and the extent of the problem that requires our attention.

The depressing truth appears to be that young

people tolerate both physical and sexual violence against women. The research showed that between one in four and one in 10 young men think violence against women is okay, depending on prevailing circumstances. When it comes to forcing a woman to have sex—that is how it is described in the research, but otherwise known as rape—the picture is no better.

The research revealed that one in five young men think it is okay to force a woman to have sex if he is married to her. One in seven think it is okay if they have been going out together for a long time. One in 10 think it is okay if the man is so turned on that they cannot stop. More depressingly, a further 16 per cent were unsure in that case whether it was okay. Six per cent thought it was okay if the man had spent a lot of money on her. Six per cent thought that it was okay if she had slept with loads of men. Overall, the research indicated that one in two boys and one in three girls still think that there are circumstances in which it is okay to hit a woman or force her to have sex. The findings make depressing reading indeed.

I make no apology for quoting those findings extensively because, significantly in view of this debate, the attitudes and actions of adults and mass media messages were seen as key. The Zero Tolerance Trust states in its information that

“media representations were often used as reference points helping young people to justify certain ways of looking at the world or making sense of their own experiences.”

That is a key statement for society and this Parliament to consider. Young people do not learn in a vacuum. Zero Tolerance rightly points out that what is important is understanding how young people are socialised. That means understanding the role played by media images.

With Tyson, the message is that no matter what the crime, the level of violence, the fact that your behaviour has included rape—a crime right up there with murder—you can go on, live your life, make megabucks, be a hero, be surrounded with all the trappings of success, and gain preferential treatment from officialdom. If we do not challenge that head on in every way we can, by default we collude in that image. It is therefore entirely proper that we should question the apparent adulation of an individual such as Mike Tyson and seek to address the problem of the message that that sends out.

This Parliament may not have power over immigration, but it does have responsibility for justice and education, and both of those areas are key to this debate. It is this Parliament that will develop any strategies for dealing with the problem of violence against women. It is this Parliament that has to devise the appropriate criminal justice responses. It is this Parliament that

is concerned with the way in which our children learn and grow. Therefore, this Parliament also has responsibilities in this debate that cannot be ignored.

We are perfectly at liberty, of course, to take on board Frank Warren's helpful suggestion that the spectacle of Mike Tyson fighting in Glasgow will be an ideal opportunity to focus on the issue of violence against women. One could almost imagine that Mr Warren's motives are totally pure and that he really believes he is doing society a great service by allowing us this opportunity. I will not court disaster with the Presiding Officer by being blunt about what my own views are of that breathtakingly disingenuous approach. I am sure everyone in the chamber can fill in the blanks. But in any case, if—and I say if—this fight goes ahead, all the relevant groups and individuals will undoubtedly try to ensure that some balance is maintained in the coverage.

Mike Watson (Glasgow Cathcart) (Lab): I cannot disagree with anything Roseanna Cunningham has said so far and I suspect that many of my colleagues would say the same—perhaps that will not be true about what she goes on to say. Why did she not use the opportunity of Home Office questions in the House of Commons on Monday to raise this issue; or table a question for Scottish questions in the House of Commons yesterday; or go to the House of Commons—or ask her colleagues John Swingley or Alasdair Morgan to raise these issues in the House of Commons—yesterday? Those opportunities existed and they were passed by. Why?

Roseanna Cunningham: One of the simple answers to that, which Mr Watson might be surprised to hear, is that I was convening the Justice and Home Affairs Committee on Monday afternoon, trying to get the Executive's legislative programme through as quickly as possible.

I said that I would be sad if we simply accepted that the fight will go ahead and that there is nothing that can be done in any forum to alter the decision, no matter how late in the day. The Home Secretary's decision was unfortunate, unwise and unwelcome. It was also wrong. I am well aware that strenuous attempts are being made by back-bench Labour MPs at Westminster to achieve a reversal of that decision. I welcome those attempts and I wish them every success. Those members may have channels of communication that are not open to me. Equally, I believe that strenuous attempts should be made in Scotland to achieve the same result. Who knows, one or other of those attempts may be successful. It is the potential for that successful outcome on which we should focus.

During the past week, a great deal of controversy has surrounded the decision itself, the

way it was reached and its implications. I do not want to rehearse all that, but one or two things should be highlighted. First, the issue was considered sufficiently important for it to be decided that this Parliament's views should be conveyed to the Home Office in advance of the decision being taken. The Minister for Justice and, I think, the Presiding Officer, made the required calls. It is a pity that the minister was unable to speak directly to his Westminster counterpart. It is even more to be regretted that having been assured that no decision had been taken, within a few hours it transpired that a decision must already have been taken because extensive briefing of the media had already been under way. Perhaps Barbara Roche, the minister to whom our Deputy First Minister spoke, was unaware of that. We must assume so.

Secondly, it now transpires that the Home Secretary had, some 12 days previously, met the principals promoting this event. The Home Secretary is not, as I understand it, required to consult on an issue such as this, but if he does begin to undertake consultation it is not unreasonable to expect him at least to hear from those—including representatives of the Scottish Executive—who might have an opposing view. At no stage was that done. Arguably, it should have been done anyway. He cannot have been unaware of the likely furore. He chose to disregard it. That was, at best, unfortunate. That unbalanced level of consultation is, in my view, a real flaw in the process of coming to a decision.

Just as flawed is the reliance on the economic argument for justification. Surely I am not alone in the chamber in feeling that the demand for tickets should not govern whether the fight goes ahead. There are undoubtedly many things that, if allowed to proceed, would engender the same level of interest. It is hard to avoid the conclusion that a number of the ticket buyers will be interested only in the possibility of another exhibition of Tyson's complete lack of control. Like the crowds that will gawp at a tragedy, they will be there in the hope that something outrageous will happen.

If we take the view that demand is all, that could be used to justify legalising many things that are currently illegal. Simple demand is never considered sufficient—not even for those who state their belief in the free market as vociferously and frequently as the Conservatives. Even they do not accept that simple demand should dictate everything. It is never considered sufficient and never should be; otherwise, we would be selling tickets to public executions.

We should not rule out any potential means of stopping this fight. We have asked that that include not ruling out a judicial review of the decision. The minister must know that a great

many judicial reviews are taken each year, a significant percentage of which are initiated by the Government, local authorities and non-departmental public bodies. There would be nothing unusual in the Scottish ministers seeking to apply for a judicial review. I am sure that they have done so frequently in the past.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Like Mike Watson, I agree with everything Roseanna Cunningham has said. However, as a Westminster MP, surely she knows that the Home Secretary has wide-ranging discretion in matters of immigration and that therefore the issue of a judicial review is a red herring?

Roseanna Cunningham: I do not know where Mr Chisholm has obtained his legal advice; the advice given to us is that a judicial review is perfectly proper and appropriate in the circumstances. Its success cannot be predicted, but there is no reason not to do it.

Despite the disappointing tone of the Tory amendment and the Executive amendment to it, it should be kept in mind that any judicial review is not about whether the Home Secretary has the constitutional right to make a decision, but whether the decision he made was flawed. He, along with every other minister, is subject to the same processes—he will undoubtedly have been judicially reviewed in the past.

Phil Gallie (South of Scotland) (Con): Will the member give way?

Roseanna Cunningham: With respect, I must finish. I am getting close to the end of my time.

Women's groups throughout Scotland support the idea of a judicial review—my colleague Gil Paterson will speak more about that. I very much hope that the message we send out from this debate is not, "We will leave it up to cash-strapped voluntary organisations to do what it is within the power of the Executive, with all its resources, to do." That is my plea to everyone in the chamber today.

I will finish on a lighter note. I have been much entertained by the comparison between those who object to the Tyson fight and cackling geese. Geese are useful: they provide an efficient early warning system. I suggest that, from here on in, all individuals and women's groups active in the field of violence against women adopt the cackling goose as their motif. I would be proud to be so described.

I move,

That the Parliament notes the decision of the Home Secretary to grant a visa for Mike Tyson to enter the United Kingdom; is concerned that his decision was taken without any genuine consultation with members of the Scottish

Parliament, Scottish Executive or relevant women's groups; further notes that Mike Tyson has at no time expressed public remorse for the crimes of violence for which he has been convicted, and calls upon the Scottish Executive to ensure by whatever means possible, and if necessary by arranging for a judicial review to be sought, that the boxing match scheduled for 24 June 2000 at Hampden Stadium does not go ahead.

09:49

David McLetchie (Lothians) (Con): Today's debate is yet another illustration of the fact that the SNP will exploit any issue to further its political agenda of separation and division. It is not about rape or violence about women; it is about the SNP trying to deliver a volley of uppercuts and haymakers to the constitutional settlement. That is why we are debating this motion today.

All the warm words about the Scottish Parliament that Alex Salmond and his colleagues uttered during the run-up to the devolution referendum and the Scottish elections have been shown to be so much hot air. Far from wanting this Parliament to work in the interests of the Scottish people, the SNP wants to rip up the Scotland Act 1998 and start all over again. It ignores the fact that people in Scotland have had 30 years of debate about the constitution and made their decision in the devolution referendum. They voted for a Parliament that would improve housing, health and education in Scotland, not one that would continue to debate endlessly Scotland's constitutional position.

Tricia Marwick (Mid Scotland and Fife) (SNP): Did Mr McLetchie listen to a word of what Roseanna Cunningham said in her speech?

David McLetchie: I listened with great interest to her speech. What matters is not the words that she spoke but the import of the motion that followed. The motion is about subverting and disrupting the constitutional settlement that was voted for in the referendum and established this Parliament.

The campaign to keep Mike Tyson out of Scotland is yet another bandwagon on which the SNP has jumped to further its political agenda. It is happy—indeed, delighted—to ignore the fact that this matter is reserved to Westminster and is not a matter on which the Scottish Parliament or the Executive has authority. Whatever one's personal views might be on the rights and wrongs of the decision taken by Jack Straw, the fact remains that, constitutionally, Jack Straw was the right person to take that decision.

Ms Sandra White (Glasgow) (SNP): I have a simple question for Mr McLetchie: is he or is he not in favour of allowing Mike Tyson to enter this country?

David McLetchie: I am in favour of the decision about Mike Tyson's application being made by the Home Secretary of the United Kingdom. I am not here to second guess the Home Secretary. The SNP wants to change the constitution to allow us to do so.

Roseanna Cunningham: Will Mr McLetchie give way?

David McLetchie: No, I am sorry.

Roseanna Cunningham: He is feart.

David McLetchie: I am not feart; I have given way twice already.

Of course we can discuss the Tyson issue, as we have discussed other issues in the Parliament on which we have no legislative or executive competence, such as the Act of Settlement. There is a clear difference, however, between the debate on the Act of Settlement and today's debate. The motion in the Act of Settlement debate was an expression of opinion by this Parliament that Her Majesty's Government could take on board if it so chose. That motion did not call for any executive action.

We should not instruct the Executive to take action in areas for which it is not responsible, which is what today's motion demands. Moreover, this motion bemoans the fact that neither the Scottish Executive nor MSPs were consulted by Jack Straw before he reached his decision on Tyson. Taken to its logical conclusion, that is tantamount to saying that this Parliament should be consulted on every aspect of policy for which Westminster is responsible and which might impinge on the lives of Scots. Does that mean that Robin Cook has to run all his foreign policy decisions past this Parliament, Gordon Brown all his decisions on taxation and spending, Geoff Hoon all matters relating to defence or Alistair Darling all matters relating to social security? Of course not. The idea is ludicrous and completely impractical.

Shona Robison (North-East Scotland) (SNP): Does the member believe that this Parliament has any locus on the matter of violence against women, which is what this debate is about?

David McLetchie: This debate is not about violence against women; the Parliament and its committees have had very important debates on that subject. This debate is about an SNP motion that calls on the Executive to disrupt the constitutional settlement.

The SNP motion is explicit, because it calls on the Scottish Executive or a surrogate to take the UK Government to court. Given that this Parliament has existed for only a year and that our new constitutional settlement is still bedding down, the last thing we need is for the SNP to foment

division between Westminster and the Scottish Parliament for its own selfish political ends through the legal contrivances that Ms Cunningham has described. That is irresponsible gesture politics of the worst kind and does no service whatsoever to people working to counter violence against women.

If the SNP was really serious about helping victims of domestic violence, it would support our calls to the Scottish Executive to reverse the cuts planned for the next two years in the victim support budget.

Mr Alex Salmond (Banff and Buchan) (SNP): The SNP has already made that point several times in this chamber.

As for the logic of Mr McLetchie's argument that there should be no consultation on a range of issues, does he think that the acting First Minister was wrong to phone up the Home Office to give the Scottish Executive's opinion, or does he think that that should have been done without disrupting the UK constitution?

David McLetchie: The acting First Minister can answer for his own actions. [MEMBERS: "Oh."] No, seriously, it was wrong for the Deputy First Minister to phone the Home Office because the 72 MPs at Westminster are there specifically to raise issues and concerns such as the Mike Tyson affair. For the time being, six of those MPs are members of the SNP, although they have all served notice to quit Westminster. Instead of raising in this Parliament issues over which we have no authority, SNP MPs should do the job for which our taxpayers pay them in the House of Commons, and ensure that the concerns of Scots are raised in the proper forum.

By their actions, the Scottish Executive and individual members of the Labour party are not immune to criticism about the handling of this issue. From the evidence of yesterday's emergency motion in the Education, Culture and Sport Committee, Labour members seem quite happy to subvert the decision of a Labour Home Secretary by calling on the Scottish Football Association to cancel the boxing match by refusing to lease Hampden for that purpose, notwithstanding the fact that the Home Secretary's decision was based on the economic benefit that Mr Tyson's participation in the boxing match would bring to Scotland and the UK. Why are all the Labour members of the Education, Culture and Sport Committee subverting a Labour Home Secretary's decision by the back door? It is a piece of absolute nonsense.

Roseanna Cunningham: Will the member give way?

David McLetchie: No, sorry.

Labour members have once again fallen victim to their fear of the SNP.

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

David McLetchie: No.

Instead of standing firm—

Mrs Mary Mulligan (Linlithgow) (Lab): Will the member give way?

David McLetchie: No, I am sorry.

Instead of standing firm and arguing from a unionist perspective, Labour members cravenly bend the knee to the SNP because they are tied into the same gesture politics agenda and are afraid to let the SNP steal their thunder.

I will take Mary Mulligan's intervention.

The Presiding Officer: You should be winding up now, Mr McLetchie.

David McLetchie: Well, I think that I have taken six interventions.

The Presiding Officer: All right. I will allow one more.

Mrs Mulligan: Mr McLetchie criticises the motion before the Education, Culture and Sport Committee yesterday, but the committee was only meeting his suggestion that the Parliament restrict itself to issues over which it has some influence. I hope that the committee will have a very positive relationship with the SFA. It is quite within our remit to ask that organisation to examine the consequences of having Mike Tyson at Hampden stadium and the message that that gives the people of Scotland. As a result, the committee quite legitimately asked the SFA to take a different decision.

David McLetchie: It is no doubt within the competence of the Education, Culture and Sport Committee to express such an opinion, but it was wrong to do so. The committee is attempting to subvert a Labour Home Secretary's decision that was partly based on the economic benefit to Scotland and the UK of having Hampden as a venue for major international sporting events. It is quite wrong for the committee to try to subvert that decision.

Roseanna Cunningham: Will the member give way?

David McLetchie: I am sorry. I have taken too many interventions and must wind up.

What I have said today does not mean that I wholeheartedly approve of Jack Straw's decision, but we are not in the business of playing constitutional politics with what was undoubtedly a very difficult decision for the Home Secretary.

When she was questioned about this matter, the shadow Home Secretary, Ann Widdecombe, acknowledged that. She said that, had she been Home Secretary, she would have refused Mr Tyson's application, based on her belief that the fact that someone is a celebrity does not mean that they can evade laws that apply to everybody else. The Conservatives support Ann Widdecombe's position on this matter because, as a party, we understand that devolution means respecting the division of responsibilities between this Parliament and Westminster.

Several concerns have been raised in regard to the substantive issue of the current review of rule 320(18) of the UK immigration rules, which is at the centre of the Tyson argument. No doubt the SNP would argue that that review is irrelevant as, in an independent Scotland, we should be able to decide our own immigration policy and keep people such as Mike Tyson out.

Alex Neil (Central Scotland) (SNP) *rose—*

David McLetchie: I am sorry, I am winding up.

That position ignores the fact that, even in an independent Scotland, the immigration policies of the rest of the United Kingdom would materially affect us. As fervent supporters of European integration, the nationalists would no doubt support a common European immigration policy that would leave Scotland with far less control over who entered the country than it has as part of the United Kingdom.

Whether the SNP likes it or not, one thing is for sure: at present, the Tyson decision was not, and is not, ours to make. Long may it remain so, as issues of nationality, immigration and residency are the cornerstone of a nation state. They are a cornerstone of the nation state that is the United Kingdom, and long may that remain the case. It is about time the SNP grew up and accepted that fact and let this Parliament get on with the real business that we are here to conduct.

I move amendment S1M-890.1, to leave out from first "notes" to end and insert:

"regrets the determination of the SNP to promote an agenda designed to wreck rather than address the issues for which the Parliament is responsible; recognises and supports the current constitutional settlement, which was endorsed by a referendum of the Scottish people and which leaves immigration policy in the hands of the Home Secretary, and accordingly notes that the Home Secretary is the proper person to take the decision on whether Mike Tyson should be allowed into this country."

10:02

The Deputy Minister for Justice (Angus MacKay): The Executive and the partnership parties deplore all violence, in particular violence against women. This debate should be about

changing the public perception and ending the culture of violence. Instead, the nationalist motion and Roseanna Cunningham's remarks focus on constitutional politics. Two weeks ago, the nationalists wasted parliamentary time, supposedly dealing with the state of the nation. Instead, that debate was about independence, in an attempt to appease the fundamentalists. This time, the SNP's opportunism is far more damaging, as it belittles a far more serious issue.

I want to begin by considering some of what the Executive has done to protect women in Scotland from violence. The protection of women from all forms of violence is a high priority for the Scottish Executive.

Alex Neil: Will Angus MacKay take an intervention?

Angus MacKay: No.

We are determined to take whatever steps are necessary to raise awareness, to improve the availability of information on the scale and nature of the problem and to ensure that women in Scotland are offered the protection and support that they need. One of the first things that we have done is to make a difference by establishing the Scottish Partnership on Domestic Abuse, which will report to us and recommend minimum levels of service provision for abused women and their children, to ensure consistent levels of service provision throughout Scotland.

We know that domestic abuse is associated with broader gender inequalities in society; it is one of a range of behaviours that constitute a male abuse of power, and is linked to other forms of male violence such as rape and child abuse. That is why the partnership has defined domestic abuse as physical abuse such as assault; sexual abuse, which includes any acts that degrade and humiliate women and which are perpetrated against their will; and emotional abuse such as threats, verbal abuse and other types of controlling behaviour such as isolation from family or friends.

That partnership will put its recommendations to ministers this summer, including recommendations that relate to the impact of existing policies and legislation. The submission will also include an examination of current criminal and civil law and the policies that affect service provision. The partnership will also examine how the criminal justice system deals with victims. It will consider which recommendations should be given priority for action, taking into account such factors as their impact, the speed with which they can be implemented and local variations in needs and existing provisions.

That is real action that is designed to benefit women throughout Scotland. It is not soundbite politics and posturing; it is an attempt to change

attitudes and improve provision. We must concentrate on the long-term substantial issues on which Parliament is competent.

If that is what we are doing, and if the Tyson fight is a threat to our attempts to change the perception and the reality about violence towards women, what should we make of the nationalists' position in that context? As has been mentioned, an attempt was made yesterday in the Education, Culture and Sport Committee to reach a coherent position of tactical unity, but the SNP rejected that proposal. For them, the debate is about borders, not boxers. Their pitch for a judicial review is not about stopping a fight; it is about trying to start a fight between Holyrood and Westminster. The SNP's strategy is not anti-violence; it is pro-nationalism.

Alex Neil: Will the minister give way?

Angus MacKay: Not at the moment.

Alex Neil: The minister is feart.

Angus MacKay: I am glad that Alex Neil has said feart, because in *The Herald* on 22 May, Mr Salmond said:

"as Tom McCabe is not as enthusiastic as I am about this, then we will be prepared to give up our own parliamentary time."

It is a pity that Mr Salmond was so feart about getting another doing from Jim Wallace that he is speaking at the end of the debate rather than at the beginning.

Ms White rose—

Angus MacKay: There is no SNP solidarity with Scottish women; there is only solidarity with the nationalist desire for separation. They lost the argument with the Scottish people last year and they are now trying to assert their view that this Parliament must exercise all the powers that the Parliament of a separate state would. Their true credo is not about solidarity with women; it is about separation from England. SNP members came into politics not because of identification with women or with workers, but because of a desire to build barriers.

Shona Robison: Will the minister give way?

Angus MacKay: I will give way in a moment.

The SNP does not want to stop only boxers on the M74 and its agenda is not about social inclusion, but about exclusion from Scotland.

Shona Robison: The minister has seriously lowered the tone of the debate with his comments. He should, perhaps, have taken some time to rewrite his speech during Roseanna Cunningham's comments. Given his comments on judicial review, does he also condemn the moves that are afoot by women's groups throughout

Scotland to consider judicial review as a course of action?

Angus MacKay: At least that intervention was worth waiting for.

I do not condemn women's groups for rightly attempting to represent the interests of women whose position they are trying to defend. Those pressure groups should rightly use all the means at their disposal to raise the issue of domestic violence, which is not mentioned in the motion in Roseanna Cunningham's name.

The SNP motion reveals the real agenda. That agenda puts women last and puts Parliament and the Executive first. The SNP's agenda is less about domestic violence than it is about the nationalists' perpetual demand for the break-up of Britain. Why are they so unwilling to accept the devolution settlement and to accept that Westminster deals with immigration and Glasgow deals with licensing? None of us was sent here by the Scottish people to undermine that settlement; we were sent here to uphold it and to make it work. We have moved away from the time when one institution exercised all the power and held all the democratic legitimacy and have moved towards a pluralist and diverse system in which discrete institutions exercise discrete powers.

If the nationalists were sincere about devolution and did not merely waste time arguing about what we cannot do, they would devote themselves to improving Scotland with the powers that we can exercise. They are less interested in excluding Tyson from Scotland than they are in excluding Scotland from Britain—as they are in every debate.

Ms White: Will the minister give way?

Angus MacKay: No.

So much for the words. What do the nationalists' actions show? While Scottish Labour MPs were raising the issue in Parliament, what were the nationalists doing? What concerns did they raise in the Parliament that is constitutionally responsible? Two days ago, at Scotland Office questions in Westminster, they did not even raise the issue. Of all the Westminster early-day motions that had been tabled as of yesterday, only one had been signed by one nationalist MP, and that was sponsored by Labour's Maria Fyfe.

Maybe they were saving themselves for the real opportunity to speak up—at Home Office questions. Not so very long ago, Jack Straw, the minister directly responsible for immigration policy and for the decision on Tyson about which the nationalists are so exercised, stood at the dispatch box specifically to answer questions on Home Office business. Not one nationalist asked him a question. Why? Because not one nationalist had

even turned up, just as they did not turn up to support the national minimum wage.

At the next election, members of that party will ask Scots to vote for them.

Ms White: Will Angus MacKay give way?

Angus MacKay: No.

We can predict what their slogan will be. It will be, "Vote SNP—Scotland's voice at Westminster". When Scotland waited for that voice to be heard, what did it get? Silence. Did SNP members stand up for Scotland? No. Did they speak up for Scotland? No. Did they even turn up for Scotland? No.

Tommy Sheridan (Glasgow) (SSP): On standing up for Scotland and letting Westminster hear the voice of Scotland, will the minister explain what the Labour voice of Scotland in Westminster has been?

Angus MacKay: Maria Fyfe and Frank Roy, for starters, did an excellent job of raising the issue on behalf of the Labour party in the Westminster Parliament. I am sure that Mr Sheridan is aware of that.

Perhaps SNP members would like to ask Margo MacDonald about the views that she expressed on Lesley Riddoch's programme recently—that Mike Tyson had committed a crime and served his time, and should now be allowed to get on with resuming his career and boxing in Scotland.

Devolution brings real and substantial powers to tackle domestic violence. This partnership Executive has already used those powers to put in place an £8 million fund to address the gaps in service provision and to create 123 more refuge spaces across Scotland, an increase of a third. We have also launched a national telephone helpline, with help from Thus plc, so that help is instantly available for those who need it.

The job of this Parliament is not constitutional warfare; it is to improve the lives and safety of men and women across Scotland. Let the nationalists use their time to seek division; we shall concentrate on the work of this Parliament in delivering.

I move amendment S1M-890.1.1, to insert at end of amendment S1M-890.1:

"and, whilst recognising the widespread concerns, in this Parliament and elsewhere, about the proposed visit, believes that this Parliament should use its time to discuss and to take decisions on matters within its competence and so help to build a Scotland true to the values of fairness, equality and justice, and supports the work of the Scottish Executive in tackling domestic abuse and supporting its victims, in particular in developing effective intervention and service provision to prevent male violence against women and their children".

10:12

Nora Radcliffe (Gordon) (LD): In January this year, the Home Secretary decided to allow Tyson to fight in Manchester, despite vocal opposition and despite the wording of paragraph 320 of the UK's immigration rules, which states that visitors from abroad convicted of certain crimes will normally be refused entry, save where the immigration officer is satisfied that admission would be justified for strong compassionate reasons.

Jack Straw stated that his reasons for admitting Tyson in January were concerned with the potentially devastating effect on businesses in the Manchester area providing services for the fight. I would not have felt so compassionate towards fight promoters making large profits, but at least there was some justification for the decision, as arrangements had been finalised and there would have been real losses. At the time, we were also assured that it was a once-only decision.

This time, arrangements were not so far advanced that real money would be lost—only the potential for profit. The fight promoters knew about the recent pronouncement by the Home Secretary that Tyson's last visit had been allowed as a one-off. That might have been considered a warning to them not to commit themselves, but their cynicism was evidently more justified than my faith in the Home Secretary's previous assurance.

Jack Straw made the following statement concerning his decision to allow Tyson to fight in Glasgow:

"I have today, informed Mr Tyson that he will be granted entry clearance for a single visit of three weeks' duration strictly for the purpose of a boxing match in Scotland on 24 June 2000.

The decision to grant entry clearance has been taken in accordance with Rule 320(18) of the United Kingdom Immigration Rules . . . but also bearing in mind the residual discretion which I have under the Rule."

Because of the element of discretion allowed to the Home Secretary, it is unlikely that a judicial review of his decision would result in its being overturned, especially as the Home Secretary also said that, before reaching his decision, he had taken into account

"the fact that Mr Tyson has relevant convictions for the purposes of the application of this Rule."

He also took into account recent allegations of an assault still under investigation,

"the views expressed by the public about Mr Tyson visiting the United Kingdom"

and the views of the Scottish Parliament relayed by Jim Wallace.

Mr Straw

"did not consider that there were strong compassionate

reasons which would justify admission in Mr Tyson's case for the purpose of the Rule."

However, he

"concluded that there were other exceptional circumstances which justified his entry to the country for the purpose of participating in the boxing match."

I take exception to the word "exceptional". This is a straightforward fight promotion for profit.

Mr Straw also said that his decision took account of Mr Tyson's behaviour on his previous visit, which was satisfactory, that risk to the public would be minimised because of all his minders and

"that a refusal to permit entry would result in a loss of economic benefit to the United Kingdom, and in particular to the areas in which engagement took place, and would not enhance the United Kingdom's standing as a venue for major sporting events."

We have to wonder what the word "sporting" now means. The crime of which Mr Tyson was convicted, the conviction that would normally have debarred him from entry to the UK—the crime of rape—is one of violence against a weaker person, surely the antithesis of sport.

Mr Tyson's record as a sportsman is not an especially savoury one either. Any contest in which he participates is, somewhat unsportingly, weighted against his opponents who cannot fail to be aware of previous notorious behaviour which was well outside the rules of the sport.

Mr Straw also said that he

"took account of the fact that rule 320(18) currently operates in an inconsistent manner in that those in the public eye whose convictions are known are more likely to be caught by its provisions."—[*Official Report, House of Commons*, 18 May 2000; Vol 350, c 210W.]

It seems perverse to argue that a rule should not be applied because it has been applied inconsistently. Surely it should be imperative to apply it to achieve consistency.

I acknowledge that whether Mr Tyson should be allowed entry is entirely a matter to be decided by the Secretary of State for the Home Department and that it is a decision that he must take in accordance with law. I believe that he made the wrong decision.

Nicola Sturgeon (Glasgow) (SNP): If Nora Radcliffe is of the opinion that the Home Secretary had taken a decision that was contrary to law, that the decision that he had taken is on the wrong basis, does she not accept that a judicial review would be entirely appropriate?

Nora Radcliffe: I believe that he made the wrong decision, but I presume that he believes that he made the right one. It is his right to make the decision.

Rape represents the most serious of all major crimes against the person short of homicide. Making this exception for someone convicted of rape inevitably sends the message that the crime has been discounted against a higher priority of making money.

Research information tells us that, out of 2,000 young people aged between 14 and 21, half the boys and a third of the girls interviewed believed that there were some circumstances in which it was all right for a man to hit a woman or to force a woman to have sex. That makes the Home Secretary's decision even more dangerously wrong.

That is why so many women's organisations in Scotland have been clear and consistent in their opposition to Tyson gaining entry to fight in Scotland.

Nicola Sturgeon rose—

Nora Radcliffe: I am winding up.

That is why the Scottish Trades Union Congress and Unison have also expressed anger about Jack Straw's decision and why many members of Parliament opposed it at Westminster, together with the majority of members of the Scottish Parliament.

It means that we must work all the harder to get the message across to our young people and to every citizen that violence is deplorable and intolerable. That includes domestic violence, violence committed against women by celebrities such as Mike Tyson and violence committed by people who are anonymous but inflict violence day in, day out on members of their family or other women.

Setting aside violent crimes committed by a celebrity has not helped us, Mr Straw.

10:19

Mr Gil Paterson (Central Scotland) (SNP): I am speaking today as the convener of the proposed cross-party group on men's violence against women and children. I cannot help but make a plea to Labour members not to sign up to the speech that David McLetchie made earlier, which was quite deplorable.

The announcement last week by Jack Straw that Tyson was to be granted entry into the UK for a second time sickened me, for both legal and moral reasons. Under Jack Straw's rules, Mike Tyson should be refused entry into the United Kingdom.

Dr Elaine Murray (Dumfries) (Lab) rose—

Mr Paterson: I will give way in a moment.

Jack Straw has decided that he can make up the law as he goes along. He says that he has applied

rule 320(18).

Dr Murray: On a point of order.

The Deputy Presiding Officer (Mr George Reid): Order. The member has indicated that he will take the intervention shortly. [MEMBERS: "It is a point of order."] I am sorry. It is difficult for me to hear from where I am.

Dr Murray: Mr Paterson has indicated that he is speaking on behalf of the cross-party group on domestic violence. I am not aware that that group has discussed this issue. Mr Paterson appears to be speaking from the benches of the Scottish nationalist party, which is rather different.

Mr Alex Salmond (Banff and Buchan) (SNP): It is the Scottish National party.

The Deputy Presiding Officer: I cannot rule on what Mr Paterson claims to be. I ask him to address that and to push on.

Mr Paterson: I will address it. I am not speaking on behalf of anybody. I said that I was speaking as the convener of the cross-party group on men's violence against women and children, which is slightly different.

Under Jack Straw's rules, Mike Tyson should be refused entry into the United Kingdom, but Jack Straw has decided that he can make up the law as he goes along. He says that he has applied rule 320(18). The first time that he allowed Mike Tyson into the United Kingdom he said that there were strong compassionate reasons for doing that. Now he says that there are no strong compassionate reasons for allowing Tyson to enter the UK. That means that Tyson should be refused entry. It is as simple as that.

But no, our Jack has other ideas. He has ignored his rules and decided to invent something new. He says that there are exceptional circumstances. I say that this has everything to do with money and nothing to do with compassion. The rule is supposed to allow people with criminal convictions to enter the UK to visit dying relatives or for other compelling reasons. It is not supposed to open the door for rapists to come to our national stadium and get rich. Jack Straw is applying Lego rules to his own law: when he does not like a bit of it, he takes it out and puts something else in.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab) *rose*—

Mr Paterson: I will not give way.

The vast majority of members of this Parliament, a majority that cuts across all parties, condemned the decision to allow Tyson to fight, despite our feelings, which are well documented. In January I lodged a motion—which is still in the business bulletin, if people care to look for it—condemning Jack Straw's decision to allow Mike Tyson entry

into the UK, and wrote a letter to Jack Straw voicing our strong concerns. We now know that the Secretary of State for the Home Department has chosen to ignore the lot of us.

Rape is seen as a women's issue, and we must endeavour to change that. Men such as me must take responsibility and join those who are arguing on behalf of victims of rape. Boxing and football are almost exclusively male dominated, and our voices must be heard in those sports if we are to make a difference. It is, therefore, sad that boxing is promoting a man who is a convicted rapist and elevating him almost to hero status.

I would like to take this opportunity to quote from some letters that I have received since the weekend.

Scottish Women's Aid states:

"We are opposed to Tyson coming to Scotland. As an organisation working against violence against women, we feel welcoming Tyson sends the wrong messages out to people."

Edinburgh rape crisis centre states:

"Edinburgh Rape Crisis Centre wishes to support the efforts of women's groups and MSPs in protesting against the decision to allow Mike Tyson to come to Glasgow . . . We are deeply concerned that women have not been consulted about their feelings and that those who have suffered male violence will be disgusted at the high profile that this convicted rapist is given."

The women's support project states:

"We are very concerned and extremely disappointed about the recent decision to allow Mike Tyson to fight in Scotland."

It has been encouraging in recent months to see such positive commitment within the Scottish Parliament to tackle violence against women and children, working along with those organisations supporting survivors. We feel that this has been undermined by the decision. We live in a society where young people (especially young men) are very much influenced by sports personalities and a situation has been created to glorify male violence."

My final quotation is from a letter from the Dundee young women's centre.

"We protest vigorously about Mike Tyson coming to Scotland and we would like to ask for a Judicial Review regarding this."

The letter continues:

"Women and children who have been raped are the real heroes of our society because of what they live with on a daily basis and it is a real slap on the face for them to have this rapist come to Scotland to be upheld as a sporting legend."

Instances of rape have risen by 64 per cent in the past six years. In 1998, 613 rapes were reported in Scotland; in the same year, only 43 charges of rape were proven—only 5.5 per cent. I think we all know that most cases of rape go unreported because of the double trauma that is

involved.

Parading Tyson as some kind of hero is setting women's groups and those who have campaigned against rape back years.

The Deputy Presiding Officer: Speeches should last about four minutes, plus interventions.

10:25

Ms Margaret Curran (Glasgow Baillieston) (Lab): We have heard strong views on this issue, both for and against Tyson coming to Scotland. Most of the debate, properly, has focused on his criminal conviction for rape. Rape is the most horrific violation of a woman and a brutal exercise of power. It seems that Mike Tyson is to be forever connected to the horror of his past. I argue today that only he can dissociate himself from that.

Those who argue for the fight to proceed say that he has paid his price and that it is now time to move on. Many of us would subscribe to the idea of rehabilitation. However, the key ingredients of rehabilitation are contrition and a renunciation of past behaviour. Without those, Tyson cannot be rehabilitated. Jack Straw therefore made the wrong decision. If Tyson is to make huge sums of money and benefit from public attention, he must accept the responsibility of his role. He is a public figure; to some he is a sporting hero and a role model. We cannot allow him, in any way, to legitimise violence against women.

I know that many people in the west of Scotland appreciate the sport of boxing. To many of them, Tyson is a towering figure. They distinguish clearly between the man, the sporting hero, and the crime. I do not wish to associate them with any of these comments, because I know that they have no wish to collude in violence against women. However, I ask them to think about this. How would they feel if it had been their daughter, their wife or their mother? Seeing the perpetrator express no remorse and be hailed as a hero would perhaps be too hard to bear.

However, the most powerful argument as to why this debate is fundamentally about violence against women is seen in the slippage in the way that the issue has been debated in some quarters. Some people start off by saying that the crime is in the past; then they call the rape conviction into question; then they question the woman—her motives, her dress, or the lack of it. That line of argument is all too familiar to those of us who have been involved in the rape debate.

I have been involved in that debate for a long time—more than 20 years. I make a genuine plea today. Do not usurp the fundamental issues to serve narrow party political interests. When Tyson came to Manchester, I raised the same issues. If

Jack Straw decided next week to let Tyson into Cardiff, my message would be the same. I hope that Alex Salmond's would be too. Morality does not stop at the Scottish border.

I call on the SFA not to stage the fight. However, if the fight is to go ahead, let the victims receive some of the economic benefits. If Tyson comes to Glasgow, let him make a public statement denouncing rape and violence against women.

I appeal to the Parliament and beyond: do not get lost in constitutional politics. This is not about the powers of the Scottish Parliament; this is about solidarity with women in England and Wales. That is where the argument properly is. We should never believe that we have dealt with the crime of rape. Too many women still have great fear of reporting crime; and too many women still face violent subjugation. As Angus MacKay said, we have begun to tackle violence against women in our society. Do not let Mike Tyson deter or undermine that drive.

10:29

Shona Robison (North-East Scotland) (SNP): I congratulate Margaret Curran on addressing the key issue of this debate—violence against women. All of us in the SNP support that position. I hope that others will address the key issue, because unfortunately, so far, debate has not.

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

Shona Robison: I would like to get started.

The issue is whether Jack Straw made the right decision or the wrong decision when he granted Tyson, a convicted rapist, a visa—nothing more, nothing less. If members agree that he made the wrong decision, the question is what they are prepared to do about it. The debate is about the way in which Jack Straw made his decision and the conclusion that he came to. It is about the lack of consultation with the Scottish Executive, which the Tories seem to think was okay, and the fact that Jack Straw was prepared to see the promoters of the Tyson fight, but was not prepared to speak to Jim Wallace directly. He then came to the decision to let Tyson in, despite that being against the wishes of the majority of members of this Parliament and of the Scottish public.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Shona Robison said that Margaret Curran had addressed the issues, which are about domestic violence, not Jack Straw. The wording of the motion makes us talk about Jack Straw and judicial reviews, when we should be talking about the effects of domestic violence. Margaret Curran talked about the issues; Shona Robison is taking us away from them.

Shona Robison: The problem is that Jack Straw's decision has real implications for the issue of violence against women. Unlike Ian Jenkins, I believe that the fight is not yet over. I believe that we can get a reversal of the decision, which is what I am going to talk about.

Jack Straw's decision was reached in accordance with rule 320 of the UK immigration rules, which states that admission will not normally be granted to people with criminal convictions for relatively serious offences unless it can be justified on strong compassionate grounds. I see no compassionate reasons for the decision, let alone strong ones. The decision is therefore wrong, which is why the idea of a judicial review must be considered.

Glasgow rape crisis centre has stated that women's organisations met and came out fully in favour of a judicial review. That is one of the ways that the Parliament can address the issue; there are others. All the motion asks is that the Scottish Executive consider all the possibilities for getting the decision reversed.

I am saddened by the Tory and Labour amendments. The Tories' amendment makes no mention of whether they think the decision was right or wrong. All the Labour amendment talks of is widespread concerns—the understatement of the decade when women's groups the length and breadth of Scotland are up in arms about the decision.

I am also puzzled as to why the amendment appears to say that the Scottish Parliament has no locus, when it has been accepted that Jim Wallace and David Steel attempted to make representations to Jack Straw and the Home Office. The fact that they were ignored is another matter.

Members from other parties who are unhappy about the Tyson decision must ask themselves what they are going to do about it. Do they not accept the need for a judicial review of the decision? Are they saying that the numerous women's groups considering such action are wrong? If members agree with the principle of judicial review, why do they think that cash-strapped women's groups should finance it—creating a David and Goliath situation—rather than a well-resourced Scottish Executive?

The SNP motion calls on the Scottish Executive to consider all the options to stop Tyson, whether through pressure on the SFA, a judicial review or whatever. The important thing to establish today is that this Parliament's will is to do whatever it can to prevent Tyson coming to Scotland. We should be united behind that call.

Johann Lamont: If we are focusing on the issues, does Shona Robison agree that this matter

is of concern—an affront—not just to women in Scotland, but to all women in the United Kingdom? Does she agree that it was therefore most unfortunate that her leader last week chose to talk about Scotland instead of women and about Scotland being sold out for Tyson's gold rather than about women's safety being sold out for Tyson's gold?

Shona Robison: This Parliament has a locus because justice and crime are devolved issues. I would support a call that Tyson should not be allowed into Scotland, England, Wales or Ireland—it does not matter where. I support Maria Fyfe and others at Westminster who have been vociferous on the issue. That does not mean that this Parliament should not debate the matter. If anything, we should be encouraged to do so and encourage our colleagues at Westminster to do so.

The issue of whether Tyson comes to Scotland is a matter for this Parliament because of the signal it sends out to our young people that a convicted rapist and a notoriously violent man is someone they should respect and look to as a role model. If the state is prepared to condone his behaviour, which is the implication of the decision, then how can we expect young people to reject the idea that violence against women is acceptable?

We should all think beyond party politics today. After years of working with women who have been abused and raped, my motivation in this debate is not party politics but to raise the issue of violence against women and to argue that this Parliament should send out a clear message on the unacceptability of violence against women. I urge all members to do that today.

10:35

Phil Gallie (South of Scotland) (Con): I think that most members will agree with Shona Robison's emotive remarks—but what she said is not represented in the SNP motion. Sadly, the motion is clouded by the constitutional issue. I am happy to speak on the issue of violence against women at any time. I have done so in this Parliament in the past and I look forward to doing so in the future, but I would like to do so in a way that honestly addresses the issues and does not try to subvert them.

On the constitutional issue, we have 72 Scottish MPs at Westminster. I checked their record through the internet today, and I find that only five Labour members have signed an early-day motion on the Tyson affair. One of them, John McAllion, serves in both Parliaments. Only five Liberal Democrats have signed an EDM—not including the Minister for Justice, but including Donald

Gorrie. Not one SNP member has bothered to table an EDM or, as far as I can see, has been prepared to participate in the debate on the matter at Westminster. Why is that? Six SNP MPs are sent to Westminster to represent Scotland on UK issues. Why has none of them spoken up for Scotland on the issue, when the leader of the SNP in this Parliament concentrated on it in question time last Thursday? Why, when SNP members proposed the issue for debate today, did they not use their Westminster position to promote the issue there? Nobody rises—nobody is defending that. It is to their shame that they sit on their backsides and say nothing.

Among Scottish MPs at Westminster, Maria Fyfe is at the forefront, and Jimmy Wray is on the other side. Some of the characters from the boxing world whom I have seen Jimmy Wray trail round Westminster in the past have not seemed to me to be very savoury. We have to recognise, when we look at those in boxing, in the USA especially, they are hardly angelic.

I shall not query the decision of the Home Secretary. My home affairs spokeswoman in the House of Commons has said that she would have been minded not to allow Tyson into the country. That is an issue for the Westminster MPs.

Dorothy-Grace Elder (Glasgow) (SNP): Why does not Mr Gallie, who represents a law and order party—as we always hear—query the Home Secretary's decision? Surely the Home Secretary, even more than Mike Tyson, is responsible for this situation.

Phil Gallie: Much has been said today about judicial reviews. There was a judicial review earlier this year, since when I do not think that the circumstances have changed. The finding of that judicial review was that it is a condition for the Home Secretary to consider the public interest, and entertainment or economic grounds. In this issue, there are certainly economic grounds and, to some degree, for the many who follow boxing, entertainment grounds. We have been down the judicial review trail.

Ms White: Throughout Phil Gallie's speech, I have not heard him mention violence against women once.

Phil Gallie: The lady must have lost her hearing, as I opened my speech by backing what Shona Robison said about violence against women. I am sorry that Sandra White is hard of hearing, but that is another matter.

Mike Tyson is an unsavoury character and is certainly not a role model, as some people have suggested. I deplore not only his violence against women, but his cannibalistic tendency. I ask members to support David McLetchie's amendment.

10:40

Allan Wilson (Cunninghame North) (Lab): This is a place of opinion—a Parliament ought to be full of different personal and party political opinions. Therefore, it is correct that parliamentarians should express the opinions on whatever matter exercises them. In this instance, it is whether Mike Tyson, former heavyweight champion of the world and convicted rapist, should be allowed to enter the UK to fight at Hampden park in Scotland.

For a variety of reasons, which have been given by Roseanna Cunningham and others, I would prefer that Mike Tyson did not come here. I admit that I am not a boxing fan, although I appreciate that many others are—even boxing fans have expressed the opinion that he should be denied entry. I recognise, as does the Scottish Labour party, that there is widespread concern in the Parliament and the country about the decision to grant entry to Mike Tyson.

However, that is not really the point or the point of the motion that we are debating. I am not a lawyer, but it seems to me that it was entirely predictable that permission would be sought and granted, based on Mike Tyson's most recent visit only a few months ago, when by all accounts his behaviour was satisfactory. No one claims that he poses any risk to the public, which is a ground on which a less high-profile applicant could normally be denied access—assuming that he declared his convictions. Instead, a refusal to permit entry could, undeniably, result in a loss of economic benefit to Glasgow and the UK and militate against such promotions in future.

Therefore, the case against granting permission for entry is based entirely on the presumption that, because of his spent criminal conviction for rape, to grant entry to Tyson sends out the wrong messages and glamorises his criminal past. However, that is an entirely subjective opinion, which serves only to underline the importance of the discretionary element in the process. After all, it is perfectly possible to conceive of circumstances in which it would be desirable to permit the entry of another high-profile applicant with a criminal past because it sent out the right messages—for example, a former terrorist who was reconciled to the democratic process. Indeed, some people think that the visit of Mike Tyson provides precisely such an opportunity—to reinforce to young males the fact that, world heavyweight boxing champion or not, if someone commits rape, they go to jail. That message was strongly associated with the Manchester fight.

Whatever opinions we hold, as immigration is a reserved matter, the decision to grant entry is quite properly one for the Home Secretary. Scotland's Parliament can express its opinion on

any matter, but immigration policy is determined at the Westminster Parliament, to which Scotland still sends 72 MPs, who have the power to speak out on the matter.

Labour members have done that, but, as Angus MacKay said, SNP members have been noticeable by their silence. They are all talk in Scotland but no action in Westminster. As Johann Lamont mentioned, last week, the nationalist leader asked the rhetorical question:

"is the only solution for Scotland for this Parliament to have the power to decide who shall and who shall not enter our country?"—[*Official Report*, 18 May 2000; Vol 6, c 857.]

The I-word is not mentioned, but that is independence unmasked. The SNP is not interested in violence against women, but is interested in searching Eddie Stobart lorries for illegal boxers. How would the nationalists enforce their decision to restrict entry to Scotland to someone granted entry to England? They want the power to grant entry visas, and to do so they must restrict the right of free movement within this island. That means immigration controls and border posts.

Two weeks ago, the Scottish Parliament rejected independence as a solution. Today, the Parliament rejects the nationalists' final solution to the Mike Tyson affair. I support the Labour amendment to the amendment.

10:45

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): When so many of us agree about so much of the ground of the debate, it is a shame that we should end up squabbling about technicalities. I have said before that I do not like the idea of politicians banning things. However, when motions were circulating the Parliament last week, with some reservations, I signed a motion that declared that the fight should not take place in Glasgow.

When I was a student, I was a boxing fan. I lived in Glasgow and would go and watch the amateur boxing at St Andrew's Halls before they were burned down. I saw Walter McGowan, before he became a professional boxer, fighting three or four times in one night and winning an amateur championship. I still watch boxing matches on the rare occasions when they are televised on BBC or ITV, rather than on pay-per-view. Nevertheless, I cannot see anything about the whole Tyson episode that is to do with sport. As others have said, it is a media circus.

This is a tawdry exercise, in which a once dominant fighter, now at the fag-end of his career, is cashing in his notoriety by staging a bout against a fighter whom no one has ever heard of. It is a contest where blood lust and a desire to

witness crude violence are given full rein and where the audience willingly submit to being financially exploited—as they have every right—in order to be present at a disreputable and probably short-lived mismatch. We are talking about a guy who has bitten off the ear of his opponent when in the ring and who has been convicted of raping a woman in his hotel room.

When we stand back, we can recognise that Tyson is a victim of the social and cultural pressures of his experience. He has been exploited by the managers and hangers-on who surround him. I can understand the arguments of people who say that he has served his sentence and should not be punished further. Those are both arguments for compassion and generosity of spirit. However, the clinching argument for me is that Tyson should not be treated differently from anyone else. I cannot accept that Tyson should be picked out for special treatment.

Phil Gallie: There is a danger that Tyson will be treated differently. The majority of visa applicants are not checked out—their backgrounds are not known—and they are allowed to enter, but if Tyson were banned, that would mean that someone in the public eye would be refused entry because of their past record.

Ian Jenkins: There is a presumption against entry, and in this case, the presumption should have been exercised. If those are the rules for Joe Public, they should also apply to rusty Mike Tyson. The whole bout is a farce that should be ended before it begins.

The problem with a judicial review is that if we follow that path and lose, by definition, we have conferred legitimacy on the whole exercise. That would be a spurious legitimacy. Jack Straw is wrong.

Mr Salmond: The Home Secretary has already conferred legitimacy by his decision, and that is why it should be challenged through every avenue, including a judicial review.

Ian Jenkins: The trouble is that the legitimacy that the Home Secretary has given would be reinforced if a judicial review were lost. His decision is likely to be legally correct, but the decision is morally bankrupt, and we should say that openly. A judicial review is a non-event and would be likely to backfire on us.

10:50

Dorothy-Grace Elder (Glasgow) (SNP): I felt rather alarmed as some members questioned the integrity of those of us who submitted motions early on. One of my motions was lodged in January, opposing Tyson's visit to Manchester, and my other motion was lodged on 12 May. I

thank members of all parties who signed my motion and that of Hugh Henry, because they signed up willingly on principle, so members should not lose their bottle now.

In the past week or so, a wonderful thing has happened. I have had calls from all over the world praising the stance of this Parliament, and praising the fact that Scotland has people here who are willing to stand up for principles in an age of plummeting standards. We are a small country, but we are trying to stand firm on a big principle. It is tragic that Jack Straw's standards reach no higher than Mike Tyson's wallet. Another Home Secretary might have made a different decision.

People overseas are puzzled about our Scottish situation. They know that we have our own Parliament, and they also know that we have our own legal system, yet a convicted rapist can be foisted on Scotland against our will. A judicial review in this case might halt Straw from opening the doors wider to let in criminals who have been sentenced for up to 10 years, which would include murderers.

Try telling those in the Asian community in Glasgow why their decent grandmothers cannot get into this country for a holiday, but the same Home Secretary admits a rapist because, frankly, he is a rich and famous rapist. Sometimes, Asians cannot even visit for a family funeral or when someone is dying. Last year, two Asian grandparents were barred from going to Glasgow to attend the wedding of their granddaughter. Every year, around 7,000 Pakistanis are refused temporary entry, and 22,000 people are refused entry from the Indian sub-continent as a whole. Just think of the money that their visits would generate when people talk about money and Tyson.

The Home Office is not putting principles first. This is a story of two men: Tyson and Straw. One is a man who shows no principles and is willing to grub in the gutter for money, and the other is Mike Tyson, and we know about him.

Ms Curran rose—

Dorothy-Grace Elder: I do not have time to give way, although I applaud Margaret Curran's speech.

Straw is breaking his own rules to make us a rogues' gallery for vile visitors—a haven for celebrity criminals—and he started with the mass torturer General Pinochet.

There are so many examples of cruel contrasts. If members went to the British embassy in Islamabad at 7.30 of a morning, they would see a piteous queue of elderly people waiting like beggars—waiting for four hours at a time without food or liquid just to try to gain entry to Britain to

see their grandchildren. I know of one family in which the son is a justice of the peace in Glasgow, but his elderly mother has been through that humiliation. She wants to see three grandchildren; that is all. She might never see them, because the British embassy returns the word from the Home Office in London, "No, no entry to Glasgow," and no entry to Britain for that old lady. But Mike Tyson gets in. That is all right. The Home Office keeps out the innocent grandmothers. Let these decent people come into our country. Let us welcome them.

Meanwhile, we have not sold out like Jack Straw—the one-time student activist, remember. The message from this Parliament is still, "We do not sell out. Scotland still has standards."

10:54

Tommy Sheridan (Glasgow) (SSP): In the course of this morning's debate, I heard a number of statements—from the Tory benches and, unfortunately, from some of the new Labour members—about this issue being beyond our competence and outwith our remit. I heard shouts of "Posturing" from one particular new Labour member sitting to my left.

I find it quite ironic that we are meeting in Glasgow, one of the first cities that conferred the freedom of the city to Nelson Mandela. That was roundly condemned by the Tories, who said that to grant the freedom of the city to Nelson Mandela was beyond Glasgow's remit, that it was beyond the competence of a local authority and that it was posturing. Allan Wilson has made the point that it was a Labour local authority. That is precisely the point, because now some of the same new Labour members—Richard Simpson in particular—shout "Posturing" at those who try to use all legal means possible to prevent the entry of Mike Tyson to this country.

Mr McNeil: Does not Tommy Sheridan share the regret of the Parliament that Alex Salmond and his Westminster colleagues did not take the opportunity to raise the issue where it belongs at Westminster? Did they not miss an opportunity?

Tommy Sheridan: I found the comments, particularly those directed towards Roseanna Cunningham, the convener of—

Mr McNeil: Tommy—

Tommy Sheridan: I let Duncan McNeil ask his question. Will he let me answer it?

Roseanna Cunningham, the convener of what is probably the busiest and most heavily laden committee in the Parliament, was attacked for not being at Westminster on Monday, when she was convening a parliamentary committee. As a member of the Scottish Parliament, I am much

more interested in what we do as parliamentarians than in what is done at Westminster. Members who have a fixation about this debate being about the settlement that has been arrived at, and our devolved arrangement, are showing an awful lot of concern about what happens at Westminster and not enough about what we do in the Scottish Parliament.

If the Parliament agrees to take on board a judicial review, it does not mean that those who support it, support independence. It does not mean that they support the break-up of the United Kingdom. What it means is that the Parliament is doing everything in its legal power to try to stop a wrong decision.

Ms Curran: I have been trying to intervene to make this point, because it is the nub of the argument about the powers of the Parliament and how we handle this debate.

I have every respect for SNP members who are committed to the issue of violence against women. If we are honest, there is a debate about that in all parties; it is time that we all recognised that. This is not quite the tidy party political issue some of us would like to pretend it is—I have always made that clear and have a record of doing so. However, I have seen distressing evidence of violence against women—I will not stand back and let that issue be hijacked for yet another dispute about the powers of the Parliament.

Tommy Sheridan: I thank Margaret Curran for her intervention. I agree that the issue should not be hijacked for party political reasons, which is why I sat in an all-party press conference last week, at which we jointly condemned the decision that Jack Straw had taken. At the end of the day, he is the main villain. As Jack Straw happens to be a Labour secretary of state, it might be party political to have a go at him. However, I remind those who have attacked the Parliament and told us that we are a Johnny-come-lately on the issue, that in January, we signed motions opposing Tyson coming to Manchester. We said then that he should not have been allowed in.

Perhaps members can remember Jack Straw's argument—Maria Fyfe has expressed it particularly well—which was based on exceptional circumstances: the potential loss to Manchester businesses, which had apparently already spent millions on staging the fight. The reason why I think that a judicial review is worth attempting is that there were no exceptional circumstances in this instance—a stadium had not even been booked. Support for a judicial review does not necessarily indicate support for an independent Scotland—although I would like people to support an independent socialist Scotland—but it shows a willingness for the Scottish Parliament to do all in its power to make its views clear. The debate is

about violence against women, and this Parliament must make clear the fact that under no circumstances is violence against women to be tolerated.

Margaret Curran made a good point in her speech; I will repeat it. Some people have tried to cast doubt about what happened with Desiree Washington. They have asked what really happened in the hotel room and have raised questions about whether she went with him voluntarily. I invite anyone who has doubts about the matter to watch again the Evander Holyfield fight that took place in June 1997 in front of millions of viewers. Tyson did not just bite Holyfield's ear; he held his teeth there for several seconds for the world to see. Watching that, I trembled to think what it would be like to be a woman—someone with the least power in our society—alone with that man.

This debate is about violence against women, but it is also about exceptions being made for multi-millionaires. If a poor black rapist with poor white friends wanted to come into this country, he would not be allowed in. Tyson is a rich black rapist with rich white friends, which is why he is being allowed in. That is why the Scottish Parliament should not only condemn Jack Straw's decision but do everything in its power to keep him out, including calling for a judicial review of that decision.

11:01

Maureen Macmillan (Highlands and Islands (Lab): If we turn this issue into a debate on the constitutional settlement or on immigration, we do it a disservice. The call for a judicial review shifts the focus away from the core of the debate, which must be to address the deep-rooted culture of violence in Scotland. This boxing match would not take place if there were not men in Scotland who admire Mike Tyson, condone his behaviour and will buy tickets to see him fight or if there were not organisations willing to promote or host the fight.

Our debate is about the values of Scottish society. What do we value more: footballers, film stars, pop stars and boxers—whether they be rapists or wife beaters—or the creation of a country free from abuse and violence, particularly violence against women?

Ours is a society that too readily accepts violence against women. I have campaigned to change the attitudes of this country for 20 years. This Parliament and Executive are committed to changing the culture, but the culture is strong. We are told that £20 million was generated in Manchester, but that will not compensate women for the insult caused by this boxing match. It is impossible to separate the so-called sportsman

from his unrepented past violence. Who will pocket that £20 million? I do not expect much of the money to find its way to women's refuges or rape support organisations, although the approbation given to Mike Tyson—an unrepentant rapist—will surely increase the numbers seeking help from such organisations.

I do not imagine that the promoter of the fight has any conception of the depth of insult and despair that this affair has caused to the majority of Scots—men and women. The promoter said that it was good for all the worthy women's groups that the issue had been raised. By the way, he also said that he believed that Mike Tyson had been wrongly convicted. As Margaret Curran said, such opinions lead us down the road of assuming that women are to blame for rape after all.

I do not imagine that the Scottish Football Association realises that, by insisting that this is merely a commercial decision and that sport has nothing to do with the fact that the man is an unrepentant rapist, it might destroy its reputation. I am old enough to remember when the SFA made much the same kind of excuse about another sporting fixture: a football match in the Santiago stadium in Chile—Pinochet's torture chamber. That destroyed the reputation of Scotland in the eyes of the world. I want to say to the SFA that it has a moral responsibility for its decisions. Hampden will survive without this fight.

To the SFA, I say, "Do not destroy your reputation again. Do not host this fight." To people who are thinking of attending the fight, I say, "Think again." They must realise that they insult their mothers, wives, daughters and sisters by doing so and give encourage and support to the culture of violence and male abuse of power that mars this society.

11:04

Michael Matheson (Central Scotland) (SNP): It is important to recall Roseanna Cunningham's opening remarks on what this debate is not about. It is not about boxing, in which I do not have a marked interest, and it is not about whether Jack Straw has the power to make this decision. Furthermore, I resent the implication that our opposition to this boxing match is somehow based on the fact that Mike Tyson is a black American. Such a suggestion neglects the issue of violence against women.

Violence against women knows no international boundaries. The problem is not new to our society; our society has suffered from it for centuries. Although there is no magic solution for eradicating violence against women in our society, we should never relent in our commitment to tackling the problem and must always be prepared to use

every avenue to do so, even judicial review.

If we are honest, the message that we want to send out about the type of society in which we want to live is at the heart of this debate. There are currently various campaigns to change people's attitudes—particularly young people's attitudes—to violence against women; the decision to allow Mike Tyson into this country sends out the wrong message at the wrong time. By stopping Mike Tyson and others like him entering this country, we send out a strong message that his attitude problems towards women and the violence that he has perpetrated against them are unacceptable. Such a message would resonate throughout the country.

When Helen Liddell—whom I do not quote very often—launched the domestic violence helpline, she said that, over the past couple of decades, we had been able to change people's attitudes to drink-driving and now we had to do the same to people's attitudes to domestic violence and violence against women. We must continue to campaign on that principle and to ensure that we achieve the objective that she set back in 1998.

This Parliament might not have any powers over immigration and might not be able to change Jack Straw's decision, but it is responsible for dealing with domestic violence issues in Scotland and for introducing strategies to help people who have suffered from domestic violence to pick up the pieces. We must use every possible avenue to send out a strong message that domestic violence will not be tolerated and that Jack Straw's decision is wrong.

11:08

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I want to say what a pleasure it is to be in Glasgow and to thank Glasgow members for their cordial welcome. It is nice to be in a place where everyone knows my name, although here they call me "Jimmy" instead of "Jamie".

I compliment Margaret Curran, Shona Robison and Dorothy-Grace Elder on their sentiments. They gave fine speeches in a debate that is about abuse to women not just in Scotland, but in the UK and the rest of the world. It is a disgrace that Tyson got as far as he did in the US, but that is a problem for another country to sort out.

Today's debate has seen the Tories with their tails up, while our friends the nationalists are a little glum. Phil Gallie landed a few direct punches. It is easy to be smart-assed—and that is parliamentary language—about whether members were at Westminster question time. However, in fairness to Nicola Sturgeon, she and the other SNP members in the Education, Culture and Sport

Committee yesterday had the goodness to support Mary Mulligan's motion when their amendment fell. That was appreciated and shows a solidarity of spirit in this Parliament.

Mr Salmond: Will Jamie Stone give way?

Mr Stone: Aha! Mr Salmond. I have been waiting for this moment.

Mr Salmond: If the Tories have their tails up, might that be because the Liberal Democrats seem to be about to support a Tory amendment that makes no reference whatever to violence against women? Why are the Liberal Democrats going to support that Tory amendment?

Mr Stone: I have waited for this moment. The man has been belted by the depute rector, he has been belted by the head teacher of the neighbouring grammar school and now he is going for the first-year pupils. Mr Salmond knows exactly what we are saying about violence against women. The Tory amendment is—well, do we want to get party political about this? I could say that Mr Salmond is playing party politics with the constitution on an issue that is much greater than that.

It would be nice if a judicial review would work, but, as Mr Gallie said, that course of action has not worked previously and our legal advice is that it is unlikely to work this time. Ian Jenkins has made the point that a judicial review could cement in those people who support Tyson—that would be a dangerous route to go down.

Tommy Sheridan: It appears that Jamie Stone has already taken legal advice and that a judicial review has been considered as a course of action. Can he tell us who gave that advice, when it was given and whether it could be published?

Mr Stone: I am certain that Tommy Sheridan can get legal advice from the Executive, if he wants it. What I am saying has been common parlance among members of this Parliament.

I make no apologies for repeating what I said yesterday in the Education, Culture and Sport Committee. This is a big issue, which goes far beyond this Parliament. I hope that Tommy Sheridan and others will spearhead a campaign beyond the Parliament. The whole of Scotland should—I had better be careful about my language—raise two digits to Mr Tyson. I hope that every restaurant and pub door is slammed in his face. I hope that every cab avoids him. I hope that every old lady swings her handbag at the man and—yes, as I have parliamentary privilege—it would be no bad thing if he got an egg or two in the face. I have parliamentary privilege and I shall see my fellow members in court.

There is only one language that the guy understands. The only way to hit him hard is to

humiliate and ridicule him. I say to Tommy Sheridan that we did it with the poll tax—I apologise to Tory members—and we can do it again. If we can send out a message to all sectors in society to give Mike Tyson an un-Highland welcome and a thoroughly un-Scottish welcome, that would stop him in his tracks and make him think again. We should use every tool that is available to us. In deference to Nicola Sturgeon, and in closing, I hope that we will do that together. Let us send one message from members of all political colours.

The Deputy Presiding Officer: I say gently to Mr Stone that parliamentary privilege does not cover him against charges of incitement.

Mr Stone: You will forgive me if I leave the chamber now.

11:08

Lord James Douglas-Hamilton (Lothians) (Con): I am very pleased to say a few words in this debate. My father was Scotland's amateur middleweight boxing champion. Scotland's professional middleweight champion at that time, with whom he trained, was his friend Mr Tommy Milligan of Glasgow. Tommy Milligan nearly became the world champion, but came up against a Tyson-like figure called Mickey Walker. Although he fought heroically, Tommy was eventually overwhelmed.

I am glad to be in Glasgow as, when I was a young advocate, the city provided me with my bread-and-butter work in the High Court. On one occasion, I was the unlikely choice to act as the junior counsel for a member of the Workers Party of Scotland. Members of that party had been charged with robbing banks in Glasgow, with sawn-off shotguns, to swell party funds. My association with the Workers Party of Scotland began and ended with that case. That type of fundraising would not be compatible with our present code of conduct, but I can reassure Tommy Sheridan that that party was a great deal to the left of him.

Mr John McAllion (Dundee East) (Lab): While Lord James is reminiscing about his time with the Workers Party of Scotland, will he confirm that the client he represented was sent down for 25 years?

Lord James Douglas-Hamilton: John McAllion's point is very interesting. John's grandfather was in the Cameronians—an honour that I had—and connected with that regiment was the McGowan family. Walter McGowan was a world champion boxer who was smaller than Tyson, but a great deal more skilful.

It is my considered opinion that Mr Tyson is not as great as boxer as our Mr Lennox Lewis, who

has been totally underestimated and who is a very good ambassador for boxing. Lennox Lewis is a man who exercises self-control; he is an admirable example of the best of British sportsmanship. He is a genuine role model and would not dream of biting off his opponent's ear.

David McLetchie has dealt with the constitutional position, but I endorse the view that has been expressed that boxers should, like everybody else, obey the law. Boxing should, after all, be about self-control and it is for Jack Straw to prove that he has acted honourably, wisely and consistently.

Margaret Curran rightly advanced the theme of consistency. I understand that if Tyson had had a British passport, he would not have been allowed into the United States of America. It would surely be totally unacceptable if a poor man who was convicted of a serious crime was denied entry to Britain, but different rules were applied to a rich sportsman. There should be one strictly enforced law for all. If the law is to be changed, it should be changed for everybody. That is a theme that ran through the speeches of Ian Jenkins and Dorothy-Grace Elder.

We should remember that the matter is not about Tyson only—it is about the challenger, who would not wish to be denied the opportunity to further his career. We must also take into account the issue about those who have paid their debt to society by completion of the sentence for their crime. Should that conviction be held against the person for all time? That might deprive the person of a proportion of his livelihood. Whatever the answer to the problem, there must be consistency.

On the present charge against Tyson, there is a presumption of innocence until guilt is proven. As an ex-boxer, I would not regard a wee push from Tyson as a laughing matter, but we should not be too hasty and we should allow court proceedings—should they arise—to take their course.

Finally, the matter is reserved and is within the constitutional competence of the Home Secretary. We will not, however, sign any blank cheques for Jack Straw. It is for him to justify his controversial decision to all our countrymen and countrywomen—he owes us nothing less.

Mr Salmond: I am delighted with the tenor of Lord James's speech—I wish that it was reflected in the Tory amendment. Lord James is well known as a gentleman, but one of his colleagues alleged that no SNP MP had signed the early-day motion at Westminster. I now have an opportunity to correct that. Both the SNP MPs who were at Scotland Office questions signed that EDM and one week ago I placed on the members' board a letter to Jack Straw outlining our opposition to his decision. Now that Lord James—unlike Mr

Gallie—has the facts, and because he is a gentleman, will he apologise for the mistakes that his colleagues have made?

Lord James Douglas-Hamilton: I am grateful to Alex Salmond for clarifying his party's position. I understand that Mr Gallie checked on the internet this morning, which might not have caught up with the most recent events.

I make the point, however, that when there was a debate on this in the House of Commons last night, instead of sending a junior minister, Jack Straw should have had the courage to justify his own decision and to give his reasons for it. Ann Widdecombe, the shadow Secretary of State for Home Affairs, has made it clear that if the decision had been hers to make she would have refused Tyson's application. We respect her view, but the decision is the Home Secretary's and he is accountable to the House of Commons.

11:18

The Deputy Minister for Communities (Jackie Baillie): I have listened intently to the debate, not just today but over the past week, and I regret the content of some of the contributions from the SNP.

At last week's question time, Mr Salmond claimed that this was an affront to Scotland. As we have seen today, the SNP line has changed, but that change is superficial. This is not an affront to Scotland; it is an affront to all women and to all people who abhor violence. There is widespread concern about and opposition to the Home Secretary's decision to grant Mike Tyson an entry visa to Britain, in this chamber and beyond. The views of this Parliament, of women's groups and of many people in Scotland have been clearly expressed.

However, instead of debating the real issue of women being subjected to violence, the underlying agenda of the SNP's motion is a sterile constitutional debate. It is a debate not about violence against women, but one in which the SNP uses this emotive and distressing subject to secure some perceived constitutional advantage. That is politics at its worst.

If newspaper reports are to be believed, Gil Paterson is now actively seeking a woman who has been raped to come forward to front the SNP's campaign for a judicial review. He wants a high-profile woman, but to use a survivor of rape in that way is deplorable. I find his actions shameful and I suggest to him that this is not a game.

Mr Paterson: Will the minister give way?

Jackie Baillie: Let me say quite clearly—

Members: Give way.

Jackie Baillie: Let me say—

The Deputy Presiding Officer: I suggest that, having named Mr Paterson, you should allow him to respond, minister.

Mr Paterson: Perhaps I can correct the minister. I did not look for an individual at all; the letter I sent was looking for a group of people. I know how people who have been raped, or whose daughters have been raped, band together to cope with the trauma. It is just a shame that members of this Parliament are not all banding together and that the minister's party is using this debate to let Jack Straw off the hook.

Jackie Baillie: Mr Paterson is quite clearly quoted in the press and I have yet to see a rebuttal from the SNP.

This is not a constitutional issue; it is a moral issue. As we all know, immigration matters are the responsibility of the Westminster Parliament. It has already been acknowledged that this is a matter to be decided by the Home Secretary in accordance with the law.

I was particularly struck by Muriel Gray's article in *The Sunday Herald*, where she said:

"It's okay for English women who have been the victims of domestic violence to feel undermined by the acceptance of Tyson—but not in Scotland".

She is right. This is not about Scotland; this is about women in Britain. It is about our right—the right of all women—to live in peace without the fear of violence or abuse. That is the society that we should strive to create and that is the climate that the Scottish Executive is trying to create—using real actions, not words.

We have established the first ever national domestic abuse development fund with £8 million to address gaps in provision in local communities, so that women and children, wherever they are, can access services.

Ms White: Will the minister give way?

Jackie Baillie: No. We have created 123 more refuge spaces across Scotland, increasing capacity by a third. We are working with the Zero Tolerance Trust in our schools to change the attitudes of children and young people towards violence and to prevent it from happening in the first place. We are using the media—

Ms White: Will the minister give way?

Jackie Baillie: I have already said no.

The Deputy Presiding Officer: The minister has made it clear that she will not give way.

Jackie Baillie: We are using the media and advertising to get the message across that domestic abuse is unacceptable and will not be tolerated. We are reviewing the law to afford more protection to women. Soon, we will be launching a

national telephone helpline so that help is instantly available whenever someone needs it. Those are practical and worthwhile measures that start to tackle the cause and the effect of violence and abuse.

This Executive is determined to create a climate in which violence will not be tolerated and in which women and children can live their lives without fear of violence and abuse. This is no longer an issue that we can sweep under the carpet. There is a long way to go, but the practical measures that I have mentioned can create the basis of improved provision, protection and our ultimate goal of prevention.

That is not what the SNP has debated. What we have seen is political opportunism—checkpoint Alex checking every visa application and every safety certificate, two sets of border controls and demands for border guards and immigration controls on the M74. If Mr Salmond was so concerned, why did he not do something about this earlier? After all, he is still an elected Westminster MP, so why did he not represent Scotland's interests there?

Let me share with the chamber the total hypocrisy of the SNP's position. Fact No 1 is that two early-day motions were tabled on 18 January of this year, which both rightly opposed Mike Tyson's entry to Britain to fight in Manchester. A selection of MPs supported them, including Tony Benn, Ernie Ross, Ray Michie, Norman Godman, Audrey Wise, Jenny Jones, Maria Fyfe and many more. Were any SNP members among them? Just one. Let me give the SNP the benefit of the doubt; after all, it would have perceived the issue as very much an English one and not about women and violence.

However, fact No 2 is that on 16 May an early-day motion was tabled by Maria Fyfe, MP for Glasgow Maryhill. It, too, opposed Mike Tyson's entry to Britain, this time to fight in Glasgow. Some of the MPs who supported that motion were Jenny Jones, Jackie Ballard, Michael Connarty, Tony Worthington, Malcolm Savidge, Ernie Ross, John Maxton, Ian Davidson, Norman Godman—the list goes on. As of yesterday, not one SNP member was on the list—where were they all? I understand that Alasdair Morgan and John Swinney were dispatched on the last day to sign up and save the SNP's honour. As we have heard, Roseanna Cunningham was at the Justice and Home Affairs Committee, but where were the rest of the SNP members?

Shona Robison: Will Jackie Baillie give way?

Jackie Baillie: I am winding up. I have been told to wind up.

The Deputy Presiding Officer: The minister is winding up.

Jackie Baillie: Is this debate about the SNP's concerns for women or is it mere political opportunism? Despite claims from the SNP that the debate is about domestic violence, the SNP's trails in the press, its actions and its motion tell us something different.

If the SNP was so concerned, it would have, as it suggested in the motion, used every possible means of stopping Mike Tyson. Why did the SNP not press the case at Westminster, as many Labour and Liberal Democrat MPs did? Phil Gallie consistently asked why that was so. We did not get an answer. This is the first time that I have seen SNP members so quiet and ashen faced—surely they are not on the run from Phil Gallie.

Margaret Curran is absolutely right that morality—

Roseanna Cunningham: On a point of order. Is it in order for a member to accuse other members of being quiet when that member refuses point blank to take any interventions?

The Deputy Presiding Officer: Yes. She is so entitled.

I am trying to create time for the SNP winding-up speech, so I ask the minister to conclude, please.

Jackie Baillie: Morality does not stop at the Scottish border. This issue affects all people in Britain. We must tackle all forms of violence against people, especially against women and children. That is a job that this Parliament and this Executive will do.

11:28

Nicola Sturgeon (Glasgow) (SNP): In this debate, a lot of sense has been spoken, but also a lot of nonsense—I make no apology for directing that remark at the Executive. In summing up the debate, I will focus on the real issue before us today, which is about Michael Tyson and whether this Scottish Parliament is prepared to allow that man to come to fight here in Glasgow.

This morning there has been an attempt—through the Tory amendment and the Labour amendment to that amendment, as well as in some of the speeches—to divert attention from that central issue and to turn this into a debate about the SNP and the competency of this Parliament. I say to Margaret Curran, who made an excellent contribution, that if anyone has tried to hijack this debate for party political purposes it is Angus MacKay and Jackie Baillie, who this morning have spent more time indulging their obsessions about the SNP than talking about violence against women.

Ms Curran: Is Nicola Sturgeon's concern today the powers of the Scottish Parliament and what it

does, or violence against women? Which one is it?

Nicola Sturgeon: Margaret Curran's timing is perfect. In case there is anybody out there who does not know this, the SNP believes that this Parliament should have all the powers of an independent Parliament, and that decisions about who should or should not be allowed to come to Scotland should be taken not by Jack Straw in London, but by a Scottish Parliament here in Scotland. The SNP has always argued that, and it always will, in election campaigns and whenever and wherever else that is appropriate. However, today's debate is not about that issue.

I say to everyone in this chamber, especially to Labour and Liberal back benchers—to people such as Margaret Curran and Johann Lamont—

Johann Lamont: Will the member give way?

Nicola Sturgeon: Not just now.

I feel disgust at the prospect of a man who has been convicted of rape and other violent assaults, and who currently stands accused of violence against women—a man who has never faced up to his aggressive behaviour and has shown not one ounce of remorse—coming to Glasgow to be cheered, adored and glorified in our national stadium. In all sincerity, I urge those members who share my disgust not to be conned into thinking that this debate is about something that it is not about, or into siding with a party that cannot—even today—find it within itself to say that Michael Tyson should not be allowed to come to Glasgow to fight. I urge them not to be conned into voting for a combined amendment that does not even condemn Jack Straw's decision to allow Michael Tyson an entry visa.

Mr Stone: Everyone in this chamber appreciates the correctness of the sentiment that SNP members are expressing. However, has not the SNP chosen the wrong ammunition to fight this battle? Given who made the decision, is this not so much a case of checkpoint Alex as of checkpoint Charlie?

Nicola Sturgeon: The problem is that Jamie Stone and his coalition partners seem to have no ammunition to fight this case. That is the problem. I noticed—and I am sure that I was not the only member to do so—that, when David McLetchie was on his feet, many members on the Labour back benches were looking a bit shamefaced. So they should, because their leaders are asking them today to sign up to David McLetchie's comments. I ask them not to do that.

Johann Lamont: Earlier, Nicola Sturgeon said that the debate was about whether the Scottish Parliament would allow Mike Tyson to come to fight in Glasgow. Does she accept that it is not within the powers of this Parliament to decide

whether Mike Tyson should be allowed to come to fight in Glasgow? Does she agree that she is being dishonest and using this issue as an opportunity to debate the powers of the Parliament? She should focus on condemning the circus that we are about to have celebrating male violence—that is what this debate is about. Does she accept that she is attempting to hijack this debate?

Nicola Sturgeon: This is a debate about violence against women—our attitudes and responses to it as a society and the messages that we send to women and young people. Do Labour or Conservative members really believe that that is not within the competency of this Parliament? I think that I know the answer to that question and the answer that people outside this Parliament would give, in a society where one in five women will experience domestic violence at some point in their lives.

Domestic violence is a public health issue. Here in Glasgow the annual cost to the national health service of treating health problems related to domestic violence is £12 million. Is not that within the remit of this Parliament?

Trish Godman (West Renfrewshire) (Lab): Will the member give way?

Nicola Sturgeon: Not just now.

Violence against women is an education issue. Roseanna Cunningham quoted at length from the survey by the Zero Tolerance Trust. One in two boys and one in three girls surveyed thought that it was okay in some circumstances to hit a woman or to force her to have sex. That survey says that we are losing the fight against violence against women in the next generation. We must change those attitudes. We must do so through education and through the actions that we take as a Parliament. Is that not within the remit of this Parliament?

There is no doubt about this Parliament's competency. The people of Scotland want this Parliament to speak. Two thirds of the people of this country do not want Mike Tyson to come to Scotland, and they want this Parliament to send that clear message. The effect of amendments lodged by the Tories and by Labour is to stop this Parliament speaking on this issue. That is why the amendments are unacceptable.

David McLetchie: Will the member give way?

Nicola Sturgeon: Not just now.

We must do much more than speak; we have to take whatever action we can to prevent Mike Tyson from setting foot in this city. I congratulate people in Westminster. Maria Fyfe, for example, is prepared to stand up and say that Michael Tyson should not be allowed to come here and that Jack

Straw was wrong. We should follow the example of people such as Maria Fyfe.

Yesterday, the Education, Culture and Sport Committee resolved to put pressure on the SFA, and I was happy to support that motion. I see that Mary Mulligan, the convener of that committee, is nodding. I also think that we should put as much pressure as possible on Glasgow City Council to prevent the use of Hampden stadium.

We can do more. Judicial review is an avenue that should not be closed. As we have heard from Gil Paterson, judicial review is already being considered by women's groups around Scotland. Glasgow Rape Crisis said that women's organisations in Glasgow met on Tuesday and came out fully in favour of a judicial review. Angus MacKay said that he would not condemn a women's organisation that sought judicial review. If he accepts the principle of judicial review, does he agree that it would be fairer and more equitable for the Scottish Executive, acting in the public interest, to take that action, rather than leave it to cash-strapped local authorities or voluntary organisations? Let the Executive not hide behind the constitutional argument—at the moment, that is all that it is doing. The judicial review does not challenge Jack Straw's right to take such a decision; it challenges the basis on which this decision was taken.

Nora Radcliffe said that she thought that Jack Straw's decision was wrong. What she did not say was what we could do about it. Surely nobody is arguing that Jack Straw is above the law if there is an argument—and I think that there is a strong argument—that his decision was flawed on a number of grounds.

Phil Gallie: Will the member give way?

Nicola Sturgeon: Not just now, Phil.

There was an over-reliance on economic considerations. Jack Straw ignored relevant information and he ignored the views of this Parliament while being lobbied by the promoters of the fight. There was inconsistency. Dorothy-Grace Elder spoke about the hundreds and thousands of Asian families who cannot get access to this country for their relatives. On all of those grounds, I believe that Jack Straw's decision is open to challenge. It is for people in this Parliament to be prepared to stand up and make that challenge.

Tommy Sheridan: Will the member give way?

Nicola Sturgeon: I am winding up, Tommy.

This is a key test for this Parliament. We know that a majority of us are opposed to the visit of Michael Tyson. The question is not what we think, believe, or are prepared to say; the question—and I say this in all sincerity—is what we as a Parliament are prepared to do about it. We will be

judged on our actions, not on our words. I say to the Scottish Executive, and I say to those back benchers who agree with what the SNP is saying: do not close down any avenue to prevent Michael Tyson, a convicted rapist, from coming to Glasgow. As has been said by many people, allowing him here would be a disgrace not just for the city of Glasgow, but for the whole of Scotland. It is for us, the elected Scottish Parliament, to do everything that we can to stop it happening.

Heart Transplant Unit

The Deputy Presiding Officer (Mr George Reid): The previous debate overran slightly, so speeches in this debate will be trimmed a little. This item of business is a debate on motion S1M-888, in the name of Kay Ullrich, on the Scottish heart transplant unit, and an amendment to that motion.

11:39

Kay Ullrich (West of Scotland) (SNP): First, I am disappointed that the Executive has sought to delete a motion that seeks simply the Parliament's agreement that Scotland urgently needs a fully functioning, well maintained and fully staffed heart transplant unit. The Executive amendment is, quite frankly, nothing more than an inappropriate indulgence in party politics and an amendment for an amendment's sake.

The SNP has chosen to use its parliamentary time to debate the crisis at Scotland's heart transplant unit because we want answers to the many questions that have been raised since the problems at the unit first became public at the beginning of the month. Since then, there has been a great deal of speculation, fingers of blame have been pointed in all directions and conflicting statements have been made by the people involved, with the result that the whole issue is still shrouded in mystery.

Notwithstanding the announcements made this week, there are still many questions that need answers. Indeed, unfortunately, the announcement on the three cardiac surgeons identified by the unit raises even more questions. Today's debate therefore gives the minister the opportunity to answer the questions that have been raised.

Pauline McNeill (Glasgow Kelvin) (Lab): Will the member give way?

Kay Ullrich: No. The member should save her questions for the minister.

I hope that the minister will be able to show the way forward for the future of transplant surgery in Scotland.

We are not looking for scapegoats. I insist: this issue is far too important for party political posturing. Members from all parties are as anxious as I am to hear the minister's response to the debate. It is also of note that a petition containing more than 10,000 signatures will be presented to the Parliament in the next half hour by patients and staff from the unit. I therefore hope that the minister will take the opportunity to provide the answers that we all seek.

It is important that we do not forget the people at the centre of the crisis—the 26 seriously ill people from all over Scotland who are on the heart transplant waiting list and the more than 200 people who have received their heart transplant and now depend on the Glasgow unit for post-operative care and long-term monitoring.

The situation first came to public attention on 3 May. With every passing day since then, it becomes more obvious that the problem did not start with the resignation of the unit's sole transplant surgeon. To address the situation truly, it is necessary to examine the history of the transplant unit since it was set up in December 1991. At that time, the heart transplant unit had two consultant surgeons capable of performing transplants. That continued until 1995, when the unit was left with only one permanent consultant. It was at that stage that alarm bells should have started to ring. Given the stressful nature of being on call 24 hours a day, seven days a week, did not it occur to the trust that the situation was not sustainable?

However, we must realise that the buck did not stop with the trust or the health board. In April 1993, responsibility for the unit's funding was transferred from the health board and the unit became a centrally funded national facility under the direct control of the Scottish Office, now the Scottish Executive. Perhaps someone on the Tory benches could enlighten us as to what was done back in 1995. It is also pertinent to ask the minister what has happened to the funding for the second consultant surgeon? Did it continue despite only one surgeon being in place? Was it cut? Was it used for other purposes? If so, what purposes?

Perhaps the minister might also take the opportunity to address the statement she made in a parliamentary answer to a colleague's question on the availability of qualified lung transplant surgeons in Scotland a couple of weeks ago: that there are no such surgeons in the country. How does the minister reconcile that answer with the comments of Professor David Wheatley, founder of the heart transplant unit and professor of cardiac surgery at the University of Glasgow, who stated that four of the consultant cardiac surgeons currently employed within North Glasgow University Hospitals NHS Trust had relatively recent specialist training in heart and heart-lung transplantation.

Who is correct—the minister or Professor Wheatley? Do we or do we not have surgeons in Scotland who are capable of heart-lung transplantation? That, as the minister knows, is crucial for the future viability of the unit.

Thanks to the efforts of the fourth estate and the statements made over the past few days by Professor Wheatley, we now know that the

situation at the transplant unit worsened considerably last summer when, despite the protestations of the trust's management to the contrary, the sole surgeon at the unit was asking for another surgeon to be appointed. That was denied. The bitter irony is that a surgeon who had completed his training and who wanted to be appointed as a consultant at the Glasgow unit is now a consultant at the Freeman hospital in Newcastle and will probably find himself carrying out heart transplants on patients sent from Glasgow.

Was the Minister for Health and Community Care informed of the situation last summer? If she was, what action did she take then? If she was not informed, why not? The surgeon in question was told categorically that he had no chance of a permanent job in Glasgow. Who are we to believe—the trust, which says it has advertised in vain for 18 months, or a clearly committed surgeon?

We have to question the trust's statements on its actions when yesterday in the press we read that the three surgeons who will form the new transplant team after training at the Freeman

"got together last year when the transplant service's problems were becoming apparent and drafted a proposal to become involved".

They said that they

"have not been impressed by the way it has all been handled."

Will the minister tell us why, given the situation described by the three surgeons, the trust has apparently been having so much difficulty recruiting replacements? Will she accept that when, last summer, those three surgeons made their offer to become involved they were available and that if their offer had been taken up we would today have a fully functioning heart transplant unit in Scotland, rather than having to wait another year before transplant operations can resume at the Glasgow unit?

To come to what is already known and accepted as fact, since January this year heart transplant surgery in Scotland has been suspended. That is a fact we all now know but that was kept quiet for the past five months. Again I have to ask the minister, was she informed of the situation? If she was, what action did she take? If she was not, as the health minister directly responsible for that national unit, why not?

To give the minister the benefit of the doubt, I ask why, with a clear 18 months of growing crisis in Scotland's heart transplant unit, it took her until 8 May to issue an ultimatum instructing the trust to present an action plan in two days. In the circumstances, that decision seems woefully late and appears to have been little more than an

attempt to be seen to be doing something. That poses another question that the minister must answer today. It is now clear that even though the decision to suspend heart transplant surgery in Scotland was taken in Glasgow in January this year, GPs were not told—they still have to be told—staff have been left in the dark and, most disgracefully, the patients whose lives depend on the unit have had to rely on the newspapers for information.

Given Scotland's appalling record of coronary heart disease, we require a commitment from the minister today that, irrespective of the review of transplant services in England and Wales, heart transplant surgery will continue to be available in Scotland to Scottish patients.

I move,

That the Parliament agrees that Scotland urgently needs a fully functioning and well-maintained and staffed heart transplant unit.

The Deputy Presiding Officer (Patricia Ferguson): Before I call the minister, I emphasise that I will adhere to time limits very strictly as very little time for the debate remains.

11:48

The Minister for Health and Community Care (Susan Deacon): I am pleased to have the opportunity today to set out the facts about Scotland's heart transplant service, which is what the patients who depend on the service and staff at the unit want to hear. I am very concerned—I know this from first-hand experience—that the patients and staff in the unit have been caused a great deal of unnecessary worry by the rumour, speculation and misinformation that have surrounded debate on the future of the unit. Sadly, I fear that we have heard more of that today. For their sake, I want to put an end to that worry.

I make it clear that the unit has lost a transplant surgeon and one of its transplant co-ordinators, but that it has not closed and is not closing. There have never been any plans to end the service. I am bound to question the motives of those who have persisted in suggesting otherwise, despite repeated assurances.

I recognise that the decision by the transplant surgeon, Mr Naik, to take up another post is a loss to the service. I recognise his contribution and dedication to the service and the high regard in which he was held by patients, but to behave as if he alone was the service is to do an enormous injustice to all the other members of the team at the Glasgow unit.

It is understandable that debate on this issue has concentrated on the heart transplant operation, which is, of course, the central part of

the treatment, but it is not the only service that is performed by the unit. I will explain the different stages of a heart transplantation service, from the patient's point of view. First of all, they need to be assessed to find out whether they should go on the waiting list. Once they are on the waiting list, they need to be looked after until a suitable heart becomes available. Once they have had a heart transplant and have left hospital, they need to be followed up with regular care and check-ups—not for weeks or months, but for a lifetime.

Most of those stages and most of the unit's patients do not depend on a transplant surgeon. They need cardiologists and nurses—a whole team of staff. Nearly all of that team is still in place in Glasgow. The vast majority of the patients of the heart transplant unit will continue to receive the same service at the Scottish transplant unit in Glasgow. I regret that certain politicians have not seen fit to make that point clear.

Kay Ullrich: Will the minister tell us at what stage she became aware of the crisis in the heart transplant unit? Was it last summer, in January, or on 8 May when she issued her ultimatum?

Susan Deacon: If the SNP's health spokesperson would like to listen to the facts, perhaps her questions will be answered.

I will focus on what I think is most important: the people who depend on the service of the unit and the people who are awaiting transplantation. I will quantify that. Nine patients are undergoing assessment at the Scottish unit, where the assessment of patients will continue to be provided. There are about 150 patients who have already had their transplant. Follow-up care for those patients will continue to be provided at the Scottish unit. There are 25 patients who have been assessed and are awaiting transplants. Should a suitable organ become available—it is important to remember that organ availability is the limiting factor in this procedure—transplant for those patients will be undertaken at the Freeman hospital in Newcastle. Indeed, two such operations have taken place under those arrangements in the past two weeks.

Dorothy-Grace Elder (Glasgow) (SNP): Will the member give way?

Susan Deacon: Although I do not seek for a moment to minimise the real needs and genuine concerns of the 25 patients on the waiting list, I think that it is important that they be reassured that the quality of their care is not being, and will not be, compromised. I note that the North Glasgow University Hospitals NHS Trust has contacted all patients directly—whatever stage they are at—to explain the position to them.

Dorothy-Grace Elder: Will the member give way?

Susan Deacon: I will address some of the wider issues in the debate and some of the points that have been raised. There are two legitimate questions to be asked: first, why has the present situation arisen; secondly, what have we done and what are we doing about it? I will answer the second question first.

The heart transplant service is a designated national service. It is funded centrally and the service is commissioned at a national level, on behalf of the Scottish Executive, by the national services division of the Common Services Agency. As soon as the rumours about Mr Naik's departure started, the most pressing thing for the Executive, the NSD and the trust to do was to put in place arrangements to ensure that Scottish patients waiting for a heart transplant could still get one, if the right organ became available.

Kay Ullrich: Is the minister saying that she did not become aware of Mr Naik's departure until the rumours started hitting the press at the beginning of May? Can she explain why she was kept in the dark and heard about it only when it was made public at the beginning of May?

Susan Deacon: Not for the first time, Mrs Ullrich's account of the history of the matter is a strange patchwork of misinformation. I am setting out what has been done by the Executive and I will return to the point about why the situation arose. I suggest that Opposition members listen to some of those facts—they may learn something.

The transplant unit in Newcastle was contacted when it became clear that there was a need to do so. The unit agreed to merge the waiting lists for the Newcastle and Scotland patients. Newcastle also agreed to help with retrieval arrangements should a donor become available in Scotland. I stress that when any patient on that list is operated upon depends on only two things: the clinically assessed priority of the patient and the availability of a suitable donor organ. It is more than regrettable that politicians have sought to suggest otherwise.

Under the arrangements I have described, two Scottish patients have been given a new heart. That proves the importance of effective co-operation with our partners in other parts of the UK. Newcastle is also helping to support the assessment and follow-up work in Glasgow. Clinicians from Newcastle have met many of the patients in the unit. I want to put on record the huge debt of gratitude that we and the heart transplant patients in Scotland owe them. That is why I mention it specifically in my amendment.

Having put those interim arrangements in place, our next priority was to make long-term arrangements to establish a full transplantation service in Scotland. That is why I have asked the

North Glasgow Universities NHS Trust to produce an action plan outlining its proposals. I received that plan 10 days ago. This week, the North Glasgow Universities NHS Trust was able to announce the arrangements to be put in place.

The Deputy Presiding Officer: Please wind up now.

Dorothy-Grace Elder: Will the minister give way?

The Deputy Presiding Officer: The minister is winding up.

Susan Deacon: Three of the trust's cardiac surgeons have agreed to take part in the heart transplant programme. All three surgeons already have experience in heart transplantation, but will go to the Freeman hospital in Newcastle to update their existing skills. No compromise in quality is involved. They will be fully competent to undertake heart transplants and they will be released for training in a way that does not disrupt the cardiac surgical programme in Glasgow.

The trust estimates that it may take up to a year to complete that process. Clearly, if it can be done more quickly without compromising patient care, it will be. The important thing is to get it right, both now and in the future. I remind members that there is a national—indeed international—shortage of heart transplant surgeons. They cannot be recruited at the drop of a hat, which is one of the reasons why the present situation arose. The arrangements that are being put in place provide the best means of resuming the full service as soon as possible.

I will end by saying something about why the situation has arisen.

The Deputy Presiding Officer: Please wind up now.

Susan Deacon: It is certainly the case that the unit should not have been dependent on only one heart transplant surgeon. Various steps were taken to try to change that, but the situation did not exist because of lack of funding, as some have suggested. Sadly, not for the first time—and probably not the last—in the history of the NHS, recruitment problems, personalities, management issues and medical politics have all played their part.

Kay Ullrich: Will the minister give way?

Susan Deacon: I know that there are lessons to be learned and I have always made that view clear. I am pleased that those lessons are being learned and acted upon already. Under the new arrangements, the long-term future of the service will not only be secure, but will be strengthened.

The Deputy Presiding Officer: Please come to a close.

Susan Deacon: That should be the message from today's debate. I suggest that politicians across the chamber would do well to act in the best interests of the patients who depend on the service and of the staff who provide it—by sending out that message.

I move amendment S1M-888.1, to leave out from "agrees" to end and insert:

"welcomes the arrangements which are being put in place to secure the long-term future of the heart transplantation service in Scotland; notes the efforts being made to minimise the effect of change on patients; welcomes the commitment of staff at the North Glasgow University Hospitals NHS Trust to continue with high quality support, assessment and follow-up of transplant patients in the interim period; notes the effective co-operation with the Freeman Hospital in Newcastle and arrangements for transplant patients, and notes the importance of patients and the public being reassured that interim arrangements are in place and that steps are being taken for the long-term."

Michael Russell (South of Scotland) (SNP): On a point of order. The Presiding Officer should consider whether it is in order for a member—far less a minister—to commit herself to answering a specific question during her speech, presumably to put off interventions, and then not to answer that question. That shows contempt for the Parliament.

The Deputy Presiding Officer: That is not a point of order, Mr Russell.

I would be grateful if members would not indulge in banter across the chamber.

11:58

Mary Scanlon (Highlands and Islands) (Con): I am pleased to have an opportunity to debate the Scottish heart transplant unit and I commend Kay Ullrich for bringing forward this topic for debate today. Conservative members will support Kay Ullrich's motion because we want a fully functioning and well-maintained heart transplant unit; but we will also support the Executive's amendment, because it addresses some of the current problems in order to achieve future stability of the service.

There are underlying problems with the Scottish heart transplant unit that have to be addressed. I wish to raise three issues in the short time that is available today. The first concerns the management and the current problems. It seems strange that the whole unit depended on one man. I do not intend to mention any names today, but they are all fairly obvious from recent newspaper articles. We have professional clinicians talking about the lack of enthusiasm of others. We have heard of professionals being marginalised from decisions as they watched the unit grind to a halt. We have heard of a young surgeon who wanted to

stay but who was told there was no place for him, and we hear about there being no confidence in the trust to solve the unit's problems.

There are allegedly four surgeons who have been trained for heart transplant surgery—two in Australia and two at the Freeman hospital. We have to ask the management of the North Glasgow University Hospitals NHS Trust why they were not employed. Where was the clear line of management and where is the clear forward planning? Those issues have brought this debate to the chamber today. The minister promised last month that health service managers would have their salaries cut if their performance did not come up to standard. Will she consider cutting the salaries of the management of the North Glasgow University Hospitals NHS Trust for their complacency or incompetence?

Mr Duncan Hamilton (Highlands and Islands) (SNP): Does the member concede that since 1993 this matter has been a national responsibility and that if blame is to be attributed anywhere it is not to the trust, but to those at a national level who should have been monitoring the situation?

Mary Scanlon: That is my next point, but there is no doubt that job advertisements, manpower planning, human relations and personnel issues are the responsibility of the trust, not of the Executive—although I take Mr Hamilton's point.

My second point is about funding. The unit receives hypothecated funding. There is no gain for the North Glasgow University Hospitals NHS Trust in failing to fill these posts. With no financial gain, we can only assume that there was a lack of commitment and enthusiasm. Kay Ullrich made a point about accountability and transparency. Why have no transplants been carried out in Scotland's only heart transplant unit since January? Who is monitoring the unit? When our only unit does not carry out heart transplants for four months, surely alarm bells have to start ringing.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member give way?

Mary Scanlon: In a minute.

Although the amendment goes only so far, I commend it because it addresses many issues—although in future better monitoring must be in place.

Dr Richard Simpson (Ochil) (Lab) rose—

Cathie Craigie: The answer to the question: why have no transplants been carried out since January is that there were no suitable hearts for any of the people on the waiting list in Scotland.

Mary Scanlon: I did not hear a word that; I gave way to Richard Simpson.

Cathie Craigie: Sorry?

The Deputy Presiding Officer: Mary Scanlon was giving way to Dr Simpson.

Dr Simpson: Cathie made the point eloquently. The problem since January has been donor availability. That is why there have been no heart transplants. It is not a question of the service being suspended, as was suggested by Kay Ullrich.

Mary Scanlon: We must draw attention to the fact that this issue came to the public's attention only when hearts were being turned away. That may have been another problem, but that was when the issue was highlighted in the press.

My third and final point concerns how the present situation affects patients. We are talking about patients who are already seriously ill being told to travel even further, not only for their operation but for the first phase of post-operative care. One patient from Inverness, who has to travel to Glasgow, finds it difficult to make that long journey. His journey to Glasgow is probably equivalent to travelling from the central belt down to Newcastle. That constituent, who is on income support, has often been unable to afford the journey and the meals, and he certainly cannot afford the overnight stays.

Under the current arrangements in the national health service, there are no additional means of funding these patients. As has been mentioned today, it is the aftercare that keeps patients alive. My constituent has picked up colds and flu on the train and on the bus, which has meant additional stays in the heart transplant unit in Glasgow. Whatever we may think, patients are worried that there will be a lack of continuity and consistency. The additional travelling puts a severe strain on patients.

We need not only a commitment from the Executive; we need to ensure that the management is capable of ensuring that staff and resources are in place to serve heart transplant patients in Scotland and, in future, lung transplant patients.

12:05

Robert Brown (Glasgow) (LD): It is important to keep the background to the debate in perspective; what we are really debating is a miracle of modern science. Ten or 15 years ago, we would not have had this debate, because there was no Scottish heart transplant centre; indeed, heart transplants themselves were still front-page news. People simply died, not least in Glasgow, with its tragically high level of coronary heart disease. The change in a short time from a science fiction perspective of medicine to routine medicine is the first point that the chamber should take into account.

The second point is the issue of specialisation. In any line of work, particularly in medicine, specialisation is the key—not just the specialism, as was mentioned earlier, of one super-duper expert. It is far better to have a large number of experts, providing mutual support and back-up, developing techniques and striking sparks off each other. It is now recognised that a unit needs three or four consultants to provide a proper off-duty roster and to make the unit manageable. A team approach, involving physicians to take over the pre-operative assessment and the post-operative follow-up, provides a supportive environment for a transplanter. In fact, across the United Kingdom, the whole thing operates by way of co-operation between units.

Dr Simpson: I am grateful to the member for giving way on that important point. Is he aware that lung transplant patients already go south? Is he also aware that a pancreas-bowel transplant—a new operation, which is one of the first in the United Kingdom and in which a colleague of mine was involved—was recently carried out in England and that Scottish patients travel for that?

Robert Brown's point about the necessity of a weight of clinical material is extremely well made—it is only since the early 1990s that that has been available. The number of cases in Scotland has justified a unit; it is only barely justified at present.

Robert Brown: I am grateful to Richard Simpson for that information. It backs up the point I was trying to make, which is that this issue is really dealt with on a UK basis. That is why the Freeman hospital, in my home town of Newcastle, was able so readily to step into the breach left by the resignation of Mr Naik. Incidentally, comments suggesting that the current crisis stemmed in some way from his domestic problems are unacceptable.

It is clear from media comment by some of the leading figures in the saga that the trust had not developed a proper strategy for the future of the service. Perhaps that raises a question about whether the needs of tertiary hospital services, albeit those provided by the trust, should be assessed and monitored at a national level by the Scottish national health service executive.

Dorothy-Grace Elder: I thank Mr Brown for his courtesy in giving way.

As there is, unfortunately, no point in expecting an answer from the minister, I must ask him—as his party is a member of the coalition—whether he knows when the minister was first informed of this crisis.

Robert Brown: I fail to see why Dorothy-Grace Elder thinks I can answer that question. That is a matter for the minister. I am trying to contribute to

a serious debate; I do not want to be diverted by interruptions of that sort.

It is clear that, based on one or two consultants carrying out only about 25 transplants a year, the unit was not viable in the long term. The Royal College of Surgeons recommends that a unit has at least 50 transplants a year to enable surgeons to retain skill levels.

Personality issues might be involved, but hindsight is a great thing and I am not prepared to castigate the trust for not developing a strategy for the Scottish unit based on lessons that are only now beginning to emerge from the review of the service in England. Behind this debate, we can smell two agendas. The first is the important one of the future of the Scottish heart transplant unit in Glasgow. The second is the one that has been behind SNP members' speeches today: that any self-respecting nation must have a heart transplant unit of its own.

I strongly believe that the Glasgow unit should remain open and be fully staffed as soon as possible, but the issue is not one of national virility; it is one of best patient care. Transplantation is organised on a UK basis by a body called the United Kingdom Transplant Co-ordinators Association. It matches and allocates organs to patients, maintains waiting lists and the NHS organ-donor register. Significantly, the organisation carries out the same function for the Republic of Ireland. We were rightly warned in yesterday's papers that the window of opportunity to restore the transplant service in Glasgow might be short because of the national review of the required number of units. That time must be used to rebuild while Scottish patients are being treated with care and expertise in Newcastle, to whose Freeman hospital this chamber is extremely grateful.

Once again, we have a demonstration of what can be achieved by the Scottish Parliament working in partnership with the rest of the UK on an issue that concerns us all. I support the Executive amendment.

12:12

Ms Sandra White (Glasgow) (SNP): I want to put on the record that this situation does not affect only Glasgow, but the whole of Scotland. It is imperative that the heart unit remains in Scotland.

Kay Ullrich has asked some searching questions. I hope, for the benefit of those awaiting and receiving treatment in Glasgow or in Newcastle, that we can get the answers to those questions.

In a press release, the minister said:

"I am pleased that the recent cloud of uncertainty

surrounding the future of the service has now been lifted."

Yet in reply to my questions last Thursday, the minister said:

"There are issues about the past."—[*Official Report*, 18 May 2000; Vol 6, c 841.]

The minister cannot have it both ways. The minister's department is responsible for the funding of this unit. That means that she should know exactly what is going on. It is not good enough for her to come along here today and tell us that she realised the trouble that the unit was in only when the press made her aware of it. She should have known of the problems months, if not years, ago.

Why was the situation not picked up on sooner? Why was Mr Pillay, a surgeon who is now in Newcastle, told that there was no chance of a permanent job when he asked to stay in Glasgow? We are now told that a surgeon is being recruited. If the minister had had her finger on the pulse, she would have been able to tell that surgeon that he could have that job. The minister is shaking her head but that is not good enough. We need answers.

The trust says that the unit will be operational within a year. Neither I, the public nor the surgeons on the front page of the *Evening Times* believe that we can wait a year. Patients must be seen before the end of this year.

Will the minister give the Parliament, and the people of Glasgow and Scotland a pledge that this unit—

Janis Hughes (Glasgow Rutherglen) (Lab): Will Sandra White give way?

Ms White: I am sorry, I have only three minutes.

Will the minister give a pledge that this unit will be operational by the end of this year and ensure that the facility remains in Glasgow and in Scotland?

12:14

Pauline McNeill (Glasgow Kelvin) (Lab): Yesterday morning, I visited the heart transplant unit in Glasgow, just to make sure that it is still functioning. Five heart transplant patients were being attended to in ward 67, which houses the unit, and the charge nurse explained that he did his training in Freeman hospital before he returned to Glasgow. This is indeed a specialist field.

Dr Teresa McDonagh, transplant physician and heart failure specialist, is overseeing the out-patients department along with Dr Arule, who, having worked alongside Mr Naik, the transplant and cardiac surgeon, provides continuity. I say that because anyone listening to Sandra White would think that the unit had already closed and

had no future. It seems that nothing short of the minister performing the operations herself will do as far as she is concerned.

Ms White: Will the member give way?

Pauline McNeill: No, I am not taking any interventions.

There is no doubt that transplant patients in Scotland, some of whom are here today and have waited too long for this debate, which has now overrun, are worried about the continuity of this service. Although they deserve to hear what goes on in this Parliament, their concerns are not helped by the SNP's hype, which causes only alarm.

Dr Simpson: Will the member give way?

Pauline McNeill: For 30 seconds.

Dr Simpson: Does Pauline McNeill agree that Sandra White's suggestion in her intervention that this unit should be opened by December, no matter what the public safety issues are, is nothing short of abominable?

Ms White: On a point of order, Presiding Officer.

Pauline McNeill: This debate has exposed the SNP's ignorance—

The Deputy Presiding Officer: I have a point of order.

Pauline McNeill: They know nothing about the issues.

Ms White: On a point of order.

The Deputy Presiding Officer: I have a point of order.

Pauline McNeill: I am not giving way to Sandra White, so why is she speaking over me?

The Deputy Presiding Officer: We have a point of order. Will you address it to your microphone, Ms White?

Ms White: On a point of order, Presiding Officer. I did not make that suggestion in my intervention, as Richard Simpson claimed. I made it in my speech.

The Deputy Presiding Officer: That is not a point of order.

Pauline McNeill, your time will be adjusted accordingly.

Pauline McNeill: There is no doubt that many patients here today will miss the dedicated and hard-working Mr Naik, who has literally saved their lives. However, I hope that we all agree that this Parliament's first priority is to work together and ensure that our national heart transplant unit remains in Scotland, reconstructed, reshaped and better than before. Questions need to be asked

and the trust should be accountable; however, we should get some more facts on the table. Transplant patients who are now on the waiting list will be no worse off while they wait. Hearts are matched to people's suitability and how ill they are; it is not a matter of where people live or how long they have been waiting.

As Richard Simpson pointed out, the safest clinical option for patients is to travel to Newcastle, where the expertise lies at the moment. Mary Scanlon has raised valid concerns about travel that the Parliament should address, as patients who come from Inverness to Glasgow travel as far as patients who go from Glasgow to Newcastle. That said, the pre-operative and post-operative assessments are still carried out in Scotland by Scottish doctors, and members who show their ignorance in this debate should remember that the only surgical element is the transplant itself. Medical doctors should be involved before and after the operation.

There has been some misinformation about the three surgeons who, after delicate negotiations with the trust, have now agreed to come forward. Although all cardiac surgeons train for transplantation, there is a national shortage of surgeons. They do not grow on trees, as the SNP seems to think. The Parliament should give credit to the surgeons who have changed the direction of their careers because they altruistically believe that there should be a heart transplant unit in Scotland.

I am sorry that this debate has been too short and that my colleagues will not have a chance to get in. It is a shame that we have overrun.

The Deputy Presiding Officer: I apologise to those members who wanted to speak in this debate and whom it has not been possible for me to call.

12:18

Donald Gorrie (Central Scotland) (LD): As Robert Brown said, we need to consider this issue in the context of the UK and Ireland. In the UK, there must be an efficient system of heart and lung transplants and of the other specialties. The idea of drawing a line around Scotland is not realistic. However, it is clear that Glasgow is a suitable place to have a heart transplant unit. The area that I represent has a poor health record, especially in regard to heart disease. It would be sensible for any UK network to include a good unit in Glasgow, with several people working in it as a team, as Robert Brown said.

The first task is to set up a UK network. The second task is to re-establish fully the unit in Glasgow and to get it working flat out, making use of the talents of the people there. The third task is

to find out whether there has been any failure of planning and organisation in the relevant health authorities, and to determine how to deal with that better in the future. The role of the Minister for Health and Community Care, in dealing with local health bodies and ensuring that they deliver what is asked of them, is an important one. I hope that there will be a thorough review, so that we will learn from any mistakes that have been made.

As Pauline McNeill said, we must salute the qualities, talents and dedication of those who work in the unit in Glasgow, or who have offered to work there in future. All members will agree on that, and I hope that we can set aside the political rhetoric and rally round to re-establish a really good unit in Glasgow along the lines that are set out in the Executive's amendment. I agree fully with the words of that amendment, and that is not always the case.

12:21

Ben Wallace (North-East Scotland) (Con):

The Conservative party considered the SNP's motion and the Executive's amendment, and could disagree with little in either. The Conservatives pay tribute to those in Newcastle who have helped in this situation, and to the three surgeons who have offered to step in to keep the service going in Glasgow.

Conservative members do not doubt the Executive's commitment to maintaining heart transplant services in Scotland, nor do we feel that, in this case, a lack of substantial funding has been the problem. However, the fact remains that the problem has been allowed to develop, which means that, for at least a year, patients will have to experience the discomfort of having to travel to Newcastle.

I am no expert on the details of heart transplants, but I recognise that surgeons and their support teams work long hours and must always respond to situations according to the availability of organs. We would like the health trust to provide some answers, and seek reassurances from the Minister for Health and Community Care. Conservative members would like to know why, for example, a highly qualified young surgeon was told that there was no job for him when, all along, the trust was looking for a supporting post to that of Mr Naik, who has now left. We would also like to know why the lead surgeon had to work as a one-man band for such a long period, and why the minister was not involved sooner.

I seek assurance from the minister that she will give us guarantees about after-care for the patients who are now using the Glasgow unit. The Scottish Conservative party asks the minister

whether the fact that her highlighted priorities are heart disease and its treatment means that she will work to resist the UK's, or England's, review of heart transplant services, the guidelines on which could mean that Scotland's services would become unviable? Will the minister consider allowing local pay deal supplements, to attract needed specialists in struggling areas? Will she consider the way in which consultants' pay could be made more flexible, to attract younger doctors to specialist areas in which there is a shortage?

It would be folly indeed to make this a nationalist issue. The number of organ donors and the availability of organs are not issues of boundaries. Heart transplants are not carried out on a one-heart-fits-all basis, and donors are sought from throughout Europe. Organ availability dictates what counts as the best treatment. We should note that many sovereign countries of the size of Scotland do not attempt heart transplants at all, not because they are unable to carry out such surgery, but because—in the patients' interests—the service and the many consultants are better provided by a bigger country with more assets.

Dr Simpson: Is Ben Wallace aware that for a number of years Norway was sending most of its patients who needed heart operations to Glasgow? He is correct to say that a country of 5 million people cannot sustain facilities for many types of transplant, although I hope that we can sustain a heart transplant unit.

Ben Wallace: Dr Simpson's point proves that a bigger country that has better assets would provide better treatment. United Kingdom co-ordination of transplants would be better for the people of Scotland, England and Wales.

The Conservative Government set up the transplant unit in 1992 and we think now as we did then—it is better to fund consultants centrally. It would be a shame if the unit in Glasgow were to close because of bad management practices when Glasgow has such a pressing need for good, high-profile cardiac treatment.

The Conservatives support the motion and the amendment and urge that the real problem be tackled, which is to get Glasgow's heart unit back online as soon as possible. That will be in the best interests of patients.

12:25

Susan Deacon: It is sad that in many respects the debate has been characterised by the SNP's approach to health issues, rather than by the needs and interests of the people who are concerned. The Opposition's approach to the debate has, sadly, been simplistic and selective. They have used the language of slogans and scapegoats, rather than that of solutions and

substance. I firmly believe that the matter is too important to be dealt with in such a way.

I do not have time to give a detailed rebuttal of all the points that have been raised, although I would love to be able to do so. My main concern is to set out the facts for patients and for staff, especially in relation to future support. If SNP members were as interested in the issue as they claim that they are and if they really wanted to deal with the matter constructively, they would do what other members have done. They would enter into constructive dialogue with me, the trust and the others who are involved in the service instead of whipping up fear and anxiety in those who can least afford that.

The history of the issue is complex. The Scottish Executive, via its national services division, has actively pursued concerns and has attempted to rectify the unsatisfactory situation of the single-handed surgeon arrangement for more than 18 months. While the SNP might live in a world of quick fixes, the rest of us live in the real world.

Kay Ullrich *rose*—

Susan Deacon: We know that the issues are difficult to solve. I repeat the point that I made earlier. There is a complex cocktail of recruitment problems, personalities, management issues and medical politics, all of which have contributed to the situation.

It is crucial, as many speakers have said, that lessons are learned. Opportunities must be utilised and we must move forward. It is sad that certain SNP members have chosen to focus on the past—I am interested in the future. If, as they claim, SNP members are interested in patients, will they join me in giving a clear message? We are putting arrangements in place to secure the future of the unit, we have put patients' interests at the heart of our efforts and we are determined to ensure that Scots will have access to a high-quality service.

Mrs Ullrich, the SNP health spokesperson, said that the issue is too important for party politics. Why then, as recently as last Thursday in the chamber, did Sandra White claim that the unit would close, despite repeated reassurances to the contrary? Why did Mrs Ullrich claim two weeks ago in the press that Scots would go to the back of the queue, despite clear reassurances to the contrary and despite the fact that each case is dealt with on the basis of clinical need? Does she not know? Does she not care? Is she more interested in headlines than in health? Perhaps it is about time that we were told the answers to those questions in the chamber.

Dorothy-Grace Elder *rose*—

Kay Ullrich *rose*—

The Deputy Presiding Officer: Order. The

minister has indicated that she is not taking interventions.

Susan Deacon: I have set out clearly, fully and openly the facts of the issue as far as time has permitted. I repeat the point: effective interim arrangements are in place for patients and effective arrangements are being put in place for the longer term. Lessons are being learned for the future and those lessons are being acted on. This is a difficult situation, but it is one in which we are now looking to the future and moving forward. It is a situation to be managed, not another crisis to be manufactured on the SNP benches. It is an important service, providing vital support for seriously ill people. They deserve to be dealt with sensitively and responsibly, and I repeat my pledge to do just that.

12:29

Mr Duncan Hamilton (Highlands and Islands) (SNP): It is ironic that a minister as obsessed with dialogue as Susan Deacon is would not take an intervention during her speech. Perhaps she has misunderstood the point of parliamentary debate. If she thinks that it is about constructive dialogue, that is what the SNP has sought today and that is why we have lodged our motion.

Pauline McNeill made great play of the fact that the Executive was taking the matter seriously. If that is true, why has it taken the SNP to bring this debate to the chamber? What has been the Executive leadership on the issue, or has it been non-existent?

Pauline McNeill: Will Mr Hamilton accept an intervention?

Mr Hamilton: No, thank you. Pauline McNeill now appears willing to answer for the Executive, which strikes me as an interesting example of self-promotion.

The minister said that she wanted to talk about the role of patients in this case. The 10,000 patients who have signed a petition are disgusted with the minister's response so far and with the absence of answers, clarity, transparency and accountability. That is what they thought this Parliament was about. That is what they wanted from the minister, but it is what they have palpably failed to receive.

Let us go back through some of the basic facts. The minister is trying to turn this into a debate in which the SNP answers all the questions. I understood that we asked the questions and she gave the answers. That is why she is the Minister for Health and Community Care and we are the Opposition.

Throughout the debate, the minister has attempted to pass responsibility from the national

Government to the local trust. Since 1993, the responsibility for that issue has been with central Government. As Sandra White said, this is a national service. It is based in Glasgow, but it is a service for Scotland. That is why this issue is important today in Scotland's national Parliament. A national service needs national answers from our national minister. The problem is not to do with the mismanagement of the trust, and it is disingenuous of the minister to try to pass the blame or smear it across.

The minister told us that she was interested in giving us facts and clarity. In the interests of constructive dialogue, as I believe she wants to call it, let us have some answers to the questions that Kay Ullrich asked but which the minister never answered.

Let us run through the facts. There has been one consultant since 1995. The post has been advertised for 18 months. There have been no transplants since January. A surgeon who applied for that job but did not get it then went to Newcastle where, ironically, the same consultant will now perform operations on the same patients as he would have done in Scotland. Bizarrely, three surgeons came forward last year to offer the very same service that has now been offered, but the minister does not seem to know what responsibilities she has.

The minister talked about her ability to learn lessons. If that is true, when did she become aware of the depth of the problem? Was it when she first came into office a year ago? If it was then, why did it take until 8 May this year to get any decisive action? Why will she not give us answer about how the case proceeded? I will give way to the minister if she will answer these questions.

When did she know the position? When did she know that there was one consultant? When did she know that there was a structural weakness in the service that was being provided because one person was in that post with no backup? Does she not think that, as the Minister for Health and Community Care, she should be taking care of such a serious management issue? If the minister would like to answer those questions, I shall now give way.

I think that the fact that the minister has remained seated tells us her answer. Either she knew and chose not to act, which, frankly, is a disgrace, or she did not know and her department does not even bother to tell her about issues of this magnitude. In many ways, that would be more troubling. If we have reached the stage where the system does not work and the minister who is accountable to this Parliament is not told about the depth of the crisis, this is a sorry day.

The minister talked about the role that she has played in trying to reassure families. Her press release, which says that she is putting families first, states:

"The Scottish Executive has worked very hard to address the concerns of patients and families".

When we consider that 10,000 people submitted a petition to this Parliament outlining the fact that the Executive has not taken the responsibility and the leadership, that people have been disadvantaged in this regard and enormous worry has been caused, I suggest to the minister that there is a lot more to be done.

As the minister wants to talk about patients, I will quote from Anne Dundas of the transplant patients support group, who comments on the minister's breathless announcement in the press release. She said:

"This announcement is telling us nothing that we didn't already know.

It doesn't bring forward the day when they start doing transplants in Glasgow.

Glasgow has to get the operation running as soon as possible. We have the worst record on heart disease in the world and we cannot allow this unit to lose its work to any other city."

Dr Simpson *rose—*

Mr Hamilton: No, thank you.

That is the position that patients and families are taking and if the minister really wants to be seen as in touch with patients and the NHS that is the concession that she will have to make.

It was interesting that Dr Simpson rose there, because we have heard several different stories on the Executive's long-term commitment to the unit. The minister said that the unit was absolutely safe, that it was wrong of us to scaremonger about it and that there was no diminution of commitment towards the transplant service.

We then heard from the Liberal Democrats that the SNP was trying to use this service being sited in Scotland as some kind of national virility symbol. That is absolute nonsense. When members consider the state of Scottish health, and the position of Scotland's health service, they will see that Scotland needs this unit more than anywhere. The league table for deaths from circulatory problems per 100,000 of the population shows that Scotland is third—within the UK Scotland is top by a mile.

Given that health is a fully devolved area, is it not right that people in Scotland should expect from the Scottish Minister for Health and Community Care a clear commitment that there will be long-term provision of this service? We heard from the Labour back benches that in fact

that commitment was perhaps going to be less than the minister had intended. We heard that, apparently, this service can be done all over the United Kingdom and that that is more important than having it in Scotland.

Dr Simpson: I would be grateful if Duncan Hamilton would agree to correct one comment that he made in his speech, because it was seriously wrong. He suggested that Scottish patients would be disadvantaged by the events that have occurred. I cannot believe that he is trying to say that. For the sake of the patients who are in the balcony, I hope that he will correct that comment now. They are not disadvantaged; they are on a common list and they will receive excellent treatment at the unit in the Freeman hospital in Newcastle.

Mr Hamilton: It is a sad day in this Parliament, when 10,000 people tell the Parliament that they will be disadvantaged and the Parliament tells them that they are wrong. They are the people who know.

I say to Dr Simpson, let us be clear what we are talking about. We are talking about 25 people who will now travel to Newcastle for an operation that could have been done in Scotland. The reason that it has not been done in Scotland is that this Executive could not get its act together and accept the offer of the three surgeons last year. That is the problem that must be addressed and that is what the minister has palpably failed to tell us throughout this debate.

When it comes to taking responsibility, I am afraid that this Executive does not know how to start. This is a national responsibility and there are unanswered questions. The minister has not told us, at any point in this debate, when she knew, what she knew, and if she did not know, why she did not know. Those outstanding questions deserve a response. We want to hear a long-term commitment from this Government. We got half a commitment from the minister and no commitment from the back benches. Everybody in this chamber, patients watching and Scotland watching will be very unhappy about the minister's performance today. Patients deserve a lot better in Scotland and the minister has let them down.

12:38

Meeting suspended until 14:30.

14:30

On resuming—

Presiding Officer's Announcements

The Presiding Officer (Sir David Steel): Before we begin, I have three short announcements to make. First, Captain Connolly of the Salvation Army was, I am afraid, given the wrong start time this morning. Members will remember that we met at 10 o'clock last week; he turned up for 10 o'clock this morning. As the Parliamentary Bureau decided yesterday to have time for reflection next Thursday, I have decided that the fairest thing to do is to invite Captain Connolly to represent the Salvation Army next week. I hope that members agree.

Secondly, I want to report that I paid a private visit to the First Minister at his home this morning. He is alive and well. His convalescence is taking the normal but slow course after such a major operation. He asked me to say that he is missing you—well, some of you. I conveyed the best wishes of the Parliament to him. [*Applause.*]

Thirdly, yesterday afternoon, I had a private meeting with the Prince of Wales—at his request—at Holyrood. I briefed him on the first year of work of our Parliament.

Infectious Salmon Anaemia

The Presiding Officer (Sir David Steel): The first item of business this afternoon is a statement by Mr John Home Robertson on infectious salmon anaemia. There will be questions at the end of the statement, so there should be no interventions during it.

14:31

The Deputy Minister for Rural Affairs (Mr John Home Robertson): I made a statement to Parliament on 15 December last year about infectious salmon anaemia; I undertook to keep members informed on the matter.

Since then, the Government-industry joint working group has produced its report on the disease and, in particular, on how the industry should adjust management, husbandry and other practices in the light of the lessons learned. Copies of the report are available in the Scottish Parliament information centre.

On receipt of the document in February, I promised to publish the Executive's response within three months. I am fulfilling that undertaking now and take this opportunity to report on a number of ISA developments.

For the record, we have had 11 confirmed cases of ISA and 25 suspect cases. The last confirmed case was in May last year and the most recent suspect cases were last November.

It was in November last year also that I announced that the ISA virus had been isolated, for the first time, in a small number of wild sea trout and eels. Laboratory tests also suggested that the virus might be present in brown and rainbow trout and salmon parr in some freshwater systems, including the Tweed, although subsequent tests proved negative. Further wild fish surveillance was needed, and that work is under way both north and south of the border. The results will help to inform future judgments about the prevalence of the virus in the environment.

We are not out of the woods yet—further outbreaks could occur—but the outlook seems more encouraging. Of the 11 sites where immediate slaughter and clearance were required, 10 are now back in production after extensive cleansing and fallowing. Of the 25 suspect sites, only seven remain stocked with fish. Fifteen sites are back in production following clearance. The remaining three are empty and working their way through the mandatory fallowing period. The successful clearance of those confirmed and suspect sites means that another 36 farms near those sites that had been covered by

precautionary restrictions have now been freed from those restrictions.

Ever since the outbreak of the disease in Scotland, a working group of Government and industry representatives has been considering ways of improving the prevention and control of ISA. I have already referred to the report from the working group; I commend it to members with constituency or regional interests in fish farming. The preparation of that substantial report required a great deal of hard work from the industry representatives and from scientists and officials in my department at a time when all of them were heavily committed to the task of managing the actual disease outbreak. I thank all those involved.

The report has 74 recommendations aimed at risk reduction in key areas such as the movements of fish, dead and alive; the effluent from fish farming processes; and sharing of equipment between farms. A number of recommendations have already been acted upon, such as the refinement of diagnostic techniques and research into the efficacy of disinfectants against ISA. We are also seeking to improve the ways in which waste is managed.

I have placed a note in the Scottish Parliament information centre outlining the Executive's response to the report's recommendations. It is self-explanatory, but I would like to highlight three points. First, we had to make a choice between legislation and a voluntary code of practice for the enforcement of the new arrangements. I would have preferred to give the new rules the force of law, given the experience of poor practice in some parts of the industry. However, it would take time to enact new legislation, so I have been persuaded to give the industry a last chance to make a voluntary code of practice work. I am therefore accepting the proposal in the report for a code of practice. That can be delivered more quickly, particularly in the light of the constructive co-operation that characterised the preparation of the report. I assure members that I, and more particularly my department's fish health inspectorate, will be watching the situation carefully. If there are any signs of backsliding, I will not hesitate to take tough action and if necessary, we will be prepared to introduce legislation.

Secondly, I refer to fallowing. The report highlights the potential advantages of fallowing both for disease control and wider environmental protection. Many more companies are practising fallowing, but there are some, for example, those with single sites or continuous operations, which do not. I do not think that that is sustainable in the long term, so the time has come to consider appropriate statutory requirements for fallowing. Over the coming months, my officials will be

working up proposals, which will be discussed with industry representatives on the joint aquaculture health group.

The third point that I want to highlight is welfare. Many of the recommendations in the report on issues such as the handling of fish and the cleansing of sites will have a beneficial effect on fish welfare. That is to be welcomed, but I do not think that there are any grounds for complacency and I shall be asking the new aquaculture health group, which has been established from the joint working group, to come forward with proposals in due course. Concern about welfare in aquaculture is increasing in the European Union, and Scotland must play a full part in consideration of that subject, so that we can respond to any new requirements positively and promptly.

There are several other positive developments to report. When we discussed this matter last December, there was concern that the measures taken when there is a confirmed outbreak of ISA are potentially more damaging than the disease itself. In the light of that concern and the improvement in our scientific knowledge over the past two years, I indicated that an approach had been made to the European Commission for greater flexibility over the arrangements for clearing affected farms and to allow for the possibility of vaccination against ISA in the future.

I am pleased to say that amendments to the EC disease control directive have now been secured, which will allow fish to be removed in a manner and at a pace that reflect the local circumstances and the perceived risk factor. I believe that that will provide benefits to the affected farmer without compromising overall health in the area in question. It will be necessary to return to Brussels to obtain the Commission's approval for the revised arrangements. Domestic regulations will also need to be amended, but the necessary preparations on both fronts are already in hand. I expect to submit the appropriate Scottish statutory instrument to Parliament by the end of the summer.

Another positive development that I have to report is approval of the Executive's £9 million restart package for those affected directly by the disease. It has taken longer to gain approval than I would have wished, but I am delighted to say that Commissioner Fischler has approved the case in principle, and the formal decision letter will be issued shortly. Meanwhile, Highlands and Islands Enterprise has been working on applications, and as soon as we receive the final notification, we will be able to make funds available to successful applicants.

After two years' experience of ISA, we have been reviewing our arrangements for disseminating information about the disease.

There is scope for making more use of modern technology. Details of confirmed outbreaks will continue to be announced by press release, but I am keen to ensure that other information about the disease is placed on the Executive's website. We intend to do that, and we hope that it will be helpful for all concerned, although we all hope that soon there will be nothing to report about ISA.

I acknowledge the serious difficulties that the fish farming industry has faced since the first outbreak of ISA in Scotland two years ago. I pay tribute to the industry for its positive response and its constructive engagement in the joint working group. From my discussions with the industry, I am in no doubt that there is an unqualified recognition that, if Scottish aquaculture is to remain a sustainable industry, it must understand and respond to growing public and consumer demands. I am confident that the industry will respond to that challenge. The Executive fully appreciates the importance and value of the fish farming industry to Scotland's coastal and island communities, and we want it to succeed.

Richard Lochhead (North-East Scotland) (SNP): I thank the minister for his statement. The industry is worth £500 million to the Scottish economy and sustains 6,500 jobs in our rural and more remote communities, so it is imperative that we get this crisis behind us as soon as possible. I welcome the joint report from the industry and the Government and its recommendations and, crucially, the amendments to the EU directive that have been announced, which will permit the phased withdrawal of fish and will allow vaccination.

However, does the minister recognise that fish farm owners and employees have been tearing their hair out over the past year because of the Executive's approach to the crisis, which has been characterised by belated about-turns and dithering? Does he accept that he should have pursued the policy that is before us today a year ago, when he was first appointed as the minister for fisheries in the Scottish Parliament, instead of waiting for jobs to disappear and millions of healthy fish to be slaughtered?

Given that a last-minute addition to the EU's announcement is that any special schemes have to be approved by the EU, will the minister ensure that a fast-track procedure will be implemented as soon as possible so that there is no further delay? Will he at last inject some urgency into the handling of this crisis?

Mr Home Robertson: I think that I can thank Mr Lochhead for his general welcome for my statement, although his question went downhill after that.

I completely reject Mr Lochhead's accusation of

dithering. We could not have acted more urgently on this serious problem, which affects an industry that is very important to our coastal and island communities. We went straight to the European Union to seek the flexibility that was required and moved as quickly as we could on compensation.

Mr Lochhead talked about fast-tracking dealings with the EU. I appeal to him to get real on this. If it were possible to move more quickly in our dealings with the EU, we would do so. Certainly, there has been no backsliding or delaying on our part. I have been doing everything possible, week by week, month by month, to drive the process forward. We set up the joint working group, in which my officials, scientists and people from the industry have been working closely. That is the package which we are taking forward.

Mr Jamie McGrigor (Highlands and Islands) (Con): I welcome the minister's statement, and, in particular, what he said about the disposal of fish farm waste, fallowing and a code of practice. However, given that salmon farmers are required to match at least 50 per cent of the grants for which they apply and that the compulsory slaughter of healthy fish without compensation continues to undermine investor confidence, how does the minister suggest that the small independent salmon farmer who is already struggling because of the loss of his stock can convince his bank manager to advance him any funds?

Furthermore, as the industry has suffered £37 million of losses and has been rendered uninsurable by Executive control measures, how does the minister justify £9 million of aid, which requires match funding by the salmon farmer, as a substitute for a meaningful compensation scheme, which would be eligible for support from the EU? Why has the Executive not already applied to the EU for funds that are available for support of the policy of eradicating the disease? Lastly, given that the European convention on human rights is enshrined in Scots law under the Scotland Act 1998, how does the minister justify the policy of compulsory slaughter of healthy fish without compensation, which seems to deny the right of citizens to the peaceful enjoyment of their possessions?

Mr Home Robertson: I am afraid that Mr McGrigor must have written that question before he heard the statement. I have just been talking about the fact that we are adopting a more flexible approach, taking on board the information about the disease that is now at our disposal. The more flexible approach to the control of the disease should make it possible for the industry to get the insurance to which Mr McGrigor refers. That will be helpful and has been welcomed by the industry.

We acknowledge that some farmers have been put in serious difficulties because of the control measures that have been applied so far. That is why we have provided £9 million to help with a restart programme. That is an extremely unusual measure. Mr McGrigor was talking about a compensation scheme. I am not aware that Conservative Governments ever ran such compensation schemes in the past, and it is not terribly credible for him to talk about such an approach now.

Tavish Scott (Shetland) (LD): I welcome today's statement, particularly the measures announced on the EC controls and the £9 million that is to be invested in the future of the industry. I also welcome the measures that the rural affairs department took in regard to Skerries salmon farm. I pay tribute to the officials who were involved in that.

I would like the minister to clarify some of the remarks that he made in his statement, particularly regarding the "last chance" and "any signs of backsliding". Does he recognise that the industry's joint working group and measures such as the code of practice introduced by the Shetland Salmon Farmers Association, which was launched at Fishing 2000 in Glasgow earlier this year, are exactly what the industry needs? There are signs that the industry is working with pollution bodies, such as the Scottish Environment Protection Agency, to deal with the concerns that have been raised.

Does the minister recognise that there are concerns about a statutory approach to fallowing? Small independent producers do not have the option to move to other sites because they operate on only one site and might have particular difficulties because of the nature of the geography in sea areas. Will he assure me that he will consider that problem?

Mr Home Robertson: Yes. I acknowledge the enormous importance of the aquaculture industry in the Shetland islands. We expect to hear a lot from Tavish Scott and his colleagues on that subject. It is precisely because of the importance of the industry to some of the remotest areas of Scotland that we are determined to try to resolve the situation.

I am grateful to Tavish Scott for acknowledging the line taken by my officials on the circumstances that arose in the Skerries. That illustrates the fact that we are prepared to take account of the different circumstances, including geographical ones, which are relevant to each case.

Mr Scott is obviously uneasy about the fact that I have referred to this as the last chance. I acknowledge that many people in the industry have worked extremely hard to get these things

right. However, it must be recognised that there have been problems in the past, including several examples of bad practice, which cannot be tolerated and that are not in the interests of the industry or areas such as the Shetlands. That is why I am sending out the message that, although I hope that the voluntary code of practice will work, if there is any sign that it is not working, we will not hesitate to take matters further.

I take Mr Scott's point about the difficulties that might arise for some smaller operators if there are statutory following requirements. We will have to consider that as we develop that point. If the member has specific points that he would like to raise, perhaps we could deal with them in correspondence.

Maureen Macmillan (Highlands and Islands) (Lab): I, too, welcome the minister's statement. I welcome the fact that vaccination will now be permitted, but I know that no vaccination is available as yet. I wonder how long it will take to develop such a vaccine. In the meantime, what future support will there be for the industry? Will the restart scheme cover new outbreaks of infectious salmon anaemia? There might be a gap in provision, which should be addressed.

Does the minister see any prospect of the EC compensating for ISA in the same way that it compensates for animal diseases, such as foot-and-mouth disease?

Mr Home Robertson: Maureen Macmillan raises several questions, some of which are characteristically difficult. That is something which she does rather effectively.

Maureen Macmillan is right about vaccines. I understand that vaccines for ISA are not available at present, and that that virus is particularly difficult to deal with because it mutates continuously. However, a vaccine has been used in Canada with limited success. This change in European law, which hitherto has banned the use of vaccines, will provide an incentive for pharmaceutical companies to take forward work on the development of a vaccine. I understand that such work is already under way, but obviously I cannot say how long that will take. I hope that the more flexible approach to controls will make it possible for fish farmers to insure against the risk in the future, and that the application of the controls will have a less draconian effect because of the considerations that I have been talking about.

Meanwhile, we have put forward the scheme, with funding of £9 million and to be monitored by Highlands and Islands Enterprise, to help farms affected by the controls to restart. We had originally intended to run the restart programme over three years, but because it has taken so long to obtain approval from the European Union—

there has been a delay of a year already—we intend to speed things up a bit. I hope to make £5 million available in the current financial year, and £4 million in the subsequent financial year, which will speed up the availability of that money for the farms that have been hit by the existing regulations.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Jamie McGrigor raised the plight of the owners of the salmon farming companies. I wish to raise the concerns of the work forces and former work forces. First, will the payments from the £9 million restructuring package be made on condition that the work forces of the recipients of the payments will continue to remain employed and, if the answer is yes, over what period?

My second point concerns the 170 or more people in the most remote parts of the Highlands and Islands who already have lost their jobs and those, it is feared, who are to follow. I know that the minister is aware of those concerns. Does not he accept that given that landowners are paid, in some cases, six-figure sums not to plant trees, and that the New Millennium Experience Company Ltd can write its own cheques for £29 million, it would not be unreasonable for a Labour Administration to grant some form of compensation to people in remote parts of the Highlands and Islands who have lost their jobs through no fault of their own in the interests of public health, as the minister mentioned? Should not they also receive compensation?

Mr Home Robertson: No Government has provided compensation for the consequences of natural phenomena. If Fergus Ewing and the SNP reflected on that point for a minute or two, they would understand that a precedent of that nature would mean blank cheques all over the place, which would not make much sense.

However, we acknowledge that this is an important industry, particularly in some of the remotest areas of Scotland. Fergus Ewing is right about employment. My concern as the minister is every bit as much for the employees on fish farms as it is for the proprietors. That is one of the reasons why the restart scheme is being operated by HIE, which knows a lot about employment and its promotion in remote areas. I have no doubt that it will take account of factors such as employment in the disbursement of the money.

Rhoda Grant (Highlands and Islands) (Lab): How will the voluntary code of conduct be monitored, to ensure that it is being adhered to? Obviously, a small number of people will make difficulties for the whole industry, so how will they be dealt with?

Mr Home Robertson: Again, that is a difficult

question, because it is not possible for our inspectors to be on every fish farm around the coast of Scotland every day of the week. Clearly, good practice in the industry depends heavily on professionalism, good training and good practice of the work force and management of the farms, but my officials, and scientists from the Marine Laboratory in Aberdeen, will be keeping a close eye on the situation.

I hope that there will be a degree of self-policing in the industry, because if anybody is aware that there is bad practice or a problem on an adjacent site, it could affect the whole area. This is an industry that we all want to see succeed, but bad practice could cause collective failure. We are all in this together, and it is important that the highest standards are observed everywhere.

Euan Robson (Roxburgh and Berwickshire) (LD): Can the minister give any preliminary indications, from the wild fish surveillance that he mentioned, of the prevalence of the virus in the environment? Can he confirm that tests on the specimens in the Tweed have proved negative?

Mr Home Robertson: That is what I said in my statement. The scientific testing is complicated—apparently it is not straightforward to isolate the virus. What is possible is to identify antibodies to the virus, which is an indication that the virus is almost certainly present. We received disturbing information that consequences of the virus had been identified in certain wild fish, including one salmon parr on the River Tweed. That is alarming, because it rather debunks the theory that all ISA is connected with fish farming. The Tweed is a long way from the nearest salmon farm. That information might point to the fact that the disease might exist among wild fish generally in the sea. However, much more needs to be understood on the subject; our scientists are getting on with the job.

Mr Duncan Hamilton (Highlands and Islands) (SNP): Is the minister aware of the view of at least part of the industry that vaccination should be extended to all farmed salmon and not simply to those in the so-called buffer zones? If so, can he outline the Executive's response to that?

On the £9 million being put through Highlands and Islands Enterprise, will the minister tell us the value of the applications for assistance received to date? Will he confirm whether it is more than £9 million? If it is more than £9 million, will he explain the rationale that will be used for the disbursement of that money? In other words, who will win and who will lose?

Mr Home Robertson: It is hypothetical at this stage, because there is no vaccine yet. I imagine that it would be up to the industry to decide the appropriate use of the vaccine: whether to use it

as a general, precautionary vaccine on all fish everywhere, or whether to target it in particular areas. That will require veterinary and scientific advice. However, at this stage we do not have a vaccine. At our initiative, the European Union is taking the decision that, whereas in the past vaccines were banned, it is now possible to use them; we can take that forward.

I do not know the answer to Duncan Hamilton's question about the applications that have been lodged with Highlands and Islands Enterprise, because ministers in the Executive are not directly involved in the disbursement of that money. The idea is that we make those funds available to HIE to apply in the way that it feels is most appropriate in the light of the economic circumstances in the areas concerned. *[Interruption.]*

The Presiding Officer: That noise indicates the end of the statement and nearly the end of Mr Jamie McGrigor, too. *[Laughter.]*

National Parks (Scotland) Bill: Stage 1

The Presiding Officer (Sir David Steel): The next item of business is motion S1M-770, in the name of Sarah Boyack, on the general principles of the National Parks (Scotland) Bill. Many more members wish to speak on this than we have time for, so I appeal to the opening speakers to stay well within their time if at all possible. With that heavy hint, I call Nicol Stephen to speak to and move the motion.

14:57

The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen): Thank you, Presiding Officer. I am delighted to have the opportunity to open today's debate on the general principles of the National Parks (Scotland) Bill.

There has been a long wait for national parks in Scotland. The first ever national park, Yellowstone national park in America, was established by a Scot, John Muir, in 1872. It is ironic that, despite our outstanding natural and cultural heritage, which is visited and enjoyed by millions of people, we should have had to wait until the establishment of our new Parliament to set up national parks in Scotland.

It is appropriate that we are having this debate today—the European day of parks. National parks elsewhere in Europe—and around the world—take many forms. We have looked at and learned from experience elsewhere. National parks in Scotland will share elements with other national parks.

We are looking to create what is right for Scotland. The bill represents the efforts and ambitions of a large number of people who have long campaigned for national parks in Scotland. I thank all those who have worked hard to ensure that we reached the stage that we have reached.

I thank the Rural Affairs Committee, under the convenership of Alex Johnstone, and the Transport and the Environment Committee, under the convenership of Andy Kerr, for the exceptional effort that they have put in during the past few weeks to produce their reports. I also thank the Subordinate Legislation Committee and the Finance Committee.

I want to thank all those who responded to the various consultations on national parks and who gave evidence during stage 1—they have played an essential part of the process. Consultation is an important element of the way in which we develop legislation in the new Scottish Parliament.

In preparing its advice, Scottish Natural Heritage

undertook extensive consultation. The bill is based on that advice. In January and February 2000, the Scottish Executive consulted on the draft bill. As with any public consultation, a number of different and opposing views were heard. Many of the constructive suggestions have been adopted but—inevitably—it has been impossible to take on board all the recommendations and proposals. No piece of legislation will please everyone. However, during consultation, we detected a widespread welcome for the bill and for the establishment of national parks in Scotland. I am pleased that the Rural Affairs Committee has recommended that the general principles of the bill be approved by the Parliament.

A number of important principles underpin the bill. National parks have a national and a local dimension. We must not overlook either of those. Flexibility is key. We must allow for the distinctiveness of a park—whether it is Loch Lomond or the Cairngorms—and we must allow scope for park authorities to decide things for themselves.

Sustainability is fundamental and has many aspects. It is about people as well as natural resources. A thriving rural economy is compatible with sustaining and enhancing natural and cultural heritage.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Highland Council has some concerns about what is being proposed. The minister mentioned people and sustainability. Does he share my belief that it is important to ensure that ordinary working people have a viable future in national parks and that the parks are not pickled in aspic or become some sort of museum piece? We must ensure that the bill is written in a way that ensures that local economies continue to thrive.

Nicol Stephen: I share the general concern and I assure Mr Stone that we will return to that issue at stage 2. I know that getting that balance right is key to the success of national parks.

I will deal with the issues raised by the report on general principles by the Rural Affairs Committee. Consistent with the principle of flexibility, the bill is enabling. It sets a framework for all parks and ensures that all national parks have a common philosophy and purpose. It sets out a process that must be gone through before a park can be set up by a designation order—an affirmative order, which must be approved by Parliament. Parks can vary, but only within that framework.

The bill sets out, in sections 2 to 6, the process that must be followed before a designation order is made. The intention behind that extensive process is to allow for the views of all interested parties to be reflected in the eventual designation order.

There will be sufficient safeguards in the system to ensure that no park can be set up without those views being taken into account. There is, as always, a balance to be struck. All interested parties must be consulted and their views will be taken into account. We have no interest in a process about which those affected are not confident.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Does the minister accept that, for national parks to succeed, it is essential that they enjoy the backing and support of the communities that live and work inside the parks? As Alasdair Morrison will recognise—when he is listening—the only definitive way in which to determine whether that is the case is to hold a local referendum of people who will be in the proposed designated national park areas. That is how to answer the question that the minister has identified as absolutely essential.

Nicol Stephen: Although I agree with Fergus Ewing's first point about the support and involvement of people in the area, I do not think that a referendum is the correct way ahead.

We are examining the Rural Affairs Committee's suggestions on the consultation process that is required to create an individual national park. Appropriate consultation is vital.

Mr Murray Tosh (South of Scotland) (Con): Will the minister give way?

Nicol Stephen: I want to make some progress.

The Rural Affairs Committee also raised the question of marine national parks. Scotland has a rich and varied coast, and during the consultation various organisations such as the World Wide Fund for Nature were concerned to ensure that the bill would allow for the possibility of marine national parks. We had always been able to envisage coastal national parks; that is what SNH had in mind when it flagged up the possibility of marine parks in its advice to Government. Such parks would be land based, but would encompass part of the surrounding sea.

Richard Lochhead (North-East Scotland) (SNP): Will the minister give way?

Nicol Stephen: I will explain the point a little more and then give way to the member.

The idea of wholly marine parks emerged relatively late on. As we did not want to exclude such parks, we amended the bill following the consultation to make it clear that such national parks were possible. However, we have had no proposals for a wholly marine park. As marine parks might require a different approach, the bill contains provision for them to be set up with some modifications to the legislation. For example, those modifications will allow for the fact that the park

would not fall into local authority areas, which would clearly affect the membership arrangements. Modifications would obviously be made only with the Parliament's approval. The Rural Affairs Committee has expressed concern that the power of modification is wide. The Executive accepts that and we have undertaken to consider restricting such a power to the limited parts of the bill that would need to be changed to deal with marine parks.

I will give way to Richard Lochhead.

Richard Lochhead: The minister has actually answered the question that I was going to put.

The Presiding Officer: In that case, you do not need to put it. [*Laughter.*]

Nicol Stephen: Thank you.

The membership of national park authorities will be crucial to their success. The Rural Affairs Committee makes it clear that local representation on park authorities should be guaranteed. We entirely accept that principle and have made it clear on several occasions that we recognise that people who live and work within the park have an essential role in its running.

However, the issue is about how best to achieve that aim. There have been many different suggestions. As I mentioned, the bill is designed to allow for some flexibility and provides for detailed matters of membership to be specified in the designation order. We are investigating how the bill might provide the reassurances that people seek on local membership without unduly restricting that necessary flexibility. For example, the right solution for Loch Lomond might be slightly different from the right solution for the Cairngorms.

Let me just make a few further points on membership. These are national parks; they will need a diversity of expertise and experience and a mix of local community and national knowledge and expertise. Furthermore, in the interests of effectiveness, we have set a maximum size of 20 members for each national park authority. However, the management of a national park is not just about those 20 members. We expect involvement of local communities and interest groups in many other ways and have framed the bill as widely as possible.

This is an enabling bill. It provides a framework within which different parks can be set up, but that reflects the distinctiveness of different areas.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the minister give way?

Nicol Stephen: Although I am just about to close, I will give way.

Mr Rumbles: I notice that the minister is moving

away from the point about representation on park boards. As he recognised, 64 per cent of the respondents were dissatisfied with the Executive's arrangements, which he said were going to be flexible. The Rural Affairs Committee asks specifically that local community interests should be guaranteed representation, but the minister's speech has not acknowledged that. Will he confirm that that would be acceptable to the Executive?

Nicol Stephen: Earlier, I drew attention to the Rural Affairs Committee, making clear its view that local representation on park authorities should be guaranteed. In my next sentence, I said that the Executive entirely accepts that principle.

This is an enabling bill, which provides the framework to make progress on national parks. It provides for partnership working and for the involvement of local communities through local membership. Most important, it provides a sound basis on which—at long last—we can provide national parks for Scotland. It is an historic bill and deserves widespread support not only in this Parliament, but throughout Scotland.

I move,

That the Parliament agrees to the general principles of the National Parks (Scotland) Bill.

The Presiding Officer: I am grateful to the minister for taking my hint about using less than the allotted time.

15:10

Linda Fabiani (Central Scotland) (SNP): Today we are debating the bill that will enable national parks for Scotland. The Scottish National party believes that the aims of the bill should apply to the whole of Scotland.

This Parliament, representing Scotland here in Glasgow today, should be enhancing and conserving the natural and cultural heritage of our country. We should be promoting the sustainable use of our natural resources—Scotland has special qualities, which should be understood and enjoyed—and we should be promoting economic and social development throughout the country.

It is our belief that each national park should be established through legislation that is unique to each area. However, what has been presented by the Executive and well discussed by committees is enabling legislation. The SNP will be constructive in its attempts to ensure that the bill delivers the best possible framework for the secondary legislation that will follow, which will be specific to each area that is affected.

National parks are national assets, and we all have obligations towards the preservation of our environment. We must also look after the interests

of the local communities that are affected. I take this opportunity to welcome David Green, the convener of Highland Council, who is here with friends. The Parliament should think about repaying the compliment by holding a debate on a later stage of the bill in Badenoch and Strathspey or Loch Lomond and the Trossachs.

SNP members have some concerns about the bill, which have been raised in the appropriate committees. I shall outline those concerns now, and my colleagues will expand on them. The main thrust of our concern is on matters of consultation, representation and funding.

At an early stage, once the enabling legislation is in place, proposals will be brought forward for parks to be established in specific areas. We have concerns about the process at that stage. On the receipt of a national park proposal, the reporter, who will be chosen by the Executive, must send a copy of the proposal to every local authority that will be affected, and must, under the bill,

"determine the period for which the copy proposal and requirement are to be made available for public inspection".

The stated method of publicising the proposal is

"as the reporter thinks fit".

Those powers remain with the Scottish ministers if a reporter is not appointed; as the bill stands, the length of that consultation could be merely a week.

I do not for a minute doubt the minister's integrity in this matter, but the legislation will stand in our statute book for years to come. We must ensure that an adequate consultation period is established for the future. The framework must be solid. I am pleased that the Minister for Transport and the Environment conceded that point in committee and I look forward to her specifying today the minimum period that will be required for community consultation on each national park proposal.

On the designation orders, the bill requires that the secondary legislation must be given at least six weeks of consultation before its submission to Parliament. Three parliamentary committees and other respondents to the consultation exercise expressed concern about proper scrutiny of the designation orders. The minister should take those concerns on board. She should consider the recommendations that have been made and reconsider the current proposals so that they allow for proper scrutiny and transparency.

Following consultation, a national park authority will be set up. "Set up" is indeed the correct term. Schedule 1 to the bill clearly lays down the rules for membership of the authorities. Half the members will be appointed by the Scottish ministers and half will be appointed on the nomination of local authorities. There is no

provision to ensure that members of the communities that will be directly affected by the national parks are appointed or nominated to sit on the national park authorities, which will, essentially, govern the area.

We will have more quangos. The Scottish Government will take on the role of the Secretary of State for Scotland prior to devolution—the role of making appointments. It has been argued that the local authority nominations will provide for local representation, but the Convention of Scottish Local Authorities has conceded that the local authority appointees are likely all to be local authority councillors. What about the community councils? What about those who live and work in national parks? There is no guarantee that they will be represented. Instead, local interests will be relegated to membership of advisory groups and committees of the park authorities. *[Interruption.]* There must be something about Alex Johnstone's seat.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): There is something about the Conservative party, you mean—it is in a state of collapse. *[Laughter.]*

Linda Fabiani: I will move on.

The number of advisory groups and committees to be established will be determined by the park authorities. The number of advisory groups and committees could, therefore, be limited, which would also cut local people's ability to voice directly their opinions on the governance of their communities. Surely that cannot be acceptable. The bill makes assumptions about community membership and involvement but does not specifically support it. The minister said in committee that we might be able to add some "local flavour"—as she put it—to the national park and designation orders through consultation with local people. That is not enough—the minister must think again. Flexibility is fine, but the rights of local communities should be enshrined in legislation.

I know that my colleagues will speak about those issues in greater depth, so I will move on to funding. We cannot, I admit, know the precise cost of each park and I know that we must rely on projections. It seems to me, however, that the complete picture has not been fully scrutinised—neither have all reasonable questions been answered. The Executive has pledged to pay the entire cost of the parks. Will the funding come from the funding for other rural and environmental plans, or will the local authorities in the areas suffer cuts so that the parks can be funded? What about the additional costs that local authorities might incur—for example, for their roads infrastructure and higher-quality development requirements? Do the figures that we have been

shown include the funding that might be necessary for national park authorities to buy land immediately they are established? Those questions must all be answered. The main question, however, is whether there really will be new money.

The matter of planning and development is also relevant to local authorities. The bill must be clear about which body is responsible for planning functions. Will it be the local authority or the national park authority? Those who live in the park areas and whose livelihoods will be affected have expressed valid concerns. We must get this right and I urge the minister again to take on board the concerns that have been raised and the recommendations that have been made by committees in that regard. It is of the utmost importance that the economic well-being of those who live and work in the parks is protected.

Planning and economic issues might result in disputes. It is intrinsic to the bill that conservation will prevail, under what is commonly referred to as the Sandford principle. We should ensure from the start that in cases of conflict a clear policy is put in place and that a recognised system of conflict resolution can be followed. There must be a measured and reasonable process that can be gone through during conflicts to avoid hostility between local people, local authorities, park authorities and the Parliament.

I am also concerned that, on matters of environment and conservation, we might be in danger of focusing all our efforts on national parks. In "Making it work together: A programme for government", the Executive promised to introduce a whole new system of nature conservation in Scotland. We must ensure that such aims remain for our country as a whole.

My final point concerns marine national parks. Scottish Natural Heritage had to come clean and admit that it did not start by considering a purely marine park. The minister told the Transport and the Environment Committee:

"Our legislation will be targeted at a terrestrial concept, and at terrestrial law, which might not be appropriate for marine parks."—*[Official Report, Transport and the Environment Committee, 8 September 1999; c 21.]*

I believe that there is genuine recognition, including from the minister today, that not enough consultation has been carried out on the concept of marine national parks, especially where there is no terrestrial element.

The Rural Affairs Committee considered this matter in great detail, and I know that members of that committee will make contributions to today's debate. I ask the Executive to examine marine national parks in much greater detail before Parliament is asked to consider the bill at stage 2.

There are many questions to be answered before the bill reaches its next stage. I urge the Executive to consider members' concerns fully, to answer the questions that are asked today and to allow this enabling legislation to be the best that it can be.

15:20

Alex Johnstone (North-East Scotland) (Con):

I apologise, Presiding Officer, for any damage that may have been done to the equipment when I knocked my microphone off my lectern.

As convener of the Rural Affairs Committee, I believe that it is entirely appropriate that, although I am speaking from the Conservative front bench, I should begin by saying a few short words about the hard work that has been done during the preparation of the stage 1 report on the National Parks (Scotland) Bill by the clerks to the committee and by committee members themselves. I share concerns about the short time scale within which we had to prepare the report, but I begin by commending the members and staff of all committees that have contributed to the report. The elected members of this Parliament should not be afraid of hard work, and no one on the Rural Affairs Committee failed to rise to the challenge. I pay tribute to members of the clerking teams for the Rural Affairs Committee and for other committees for the effort that they put into meeting that time scale, which can be described only as above and beyond the call of duty.

I draw the attention of members to page 2, paragraph 7 of the report, which states:

"The Committee wishes to express dissatisfaction with the extremely tight timescale set for the consideration of stage 1 of the bill. This report contains a number of questions to be answered by the Executive, which may have an impact on the timetable for completion of the Bill."

The first sentence indicates the concern of members of the Rural Affairs Committee that we felt at times that we had been limited in the extent to which evidence could be gathered for preparation of the stage 1 report. The second sentence indicates that the committee still has concerns about the time scale set out for stage 2. It is appropriate that I should take this opportunity to indicate that the committee will, once again, devote its time and energy to meeting the required time scale for the second stage. However, I must point out that, if at any stage during the further consideration of the bill our time scale proves to be too short, I will be prepared to request that the Parliamentary Bureau consider granting additional time to allow for a full and detailed consideration of amendments.

As a Conservative, I am delighted to extend a cautious welcome to the bill.

Mr Rumbles: Always cautious.

Alex Johnstone: I am always cautious. The bill represents an opportunity to restore Scotland's natural heritage to a prominent place in Scottish society. Section 1(3) sets out the aims of the national parks and includes, in paragraph (d), the aim

"to promote economic and social development of the area."

We commend the inclusion of that aim among the main aims, but qualify that commendation by expressing minor concerns about section 8(6), which prioritises paragraph (a) of section 1(3) over the other paragraphs in section 1(3). We firmly believe that the economic and social development mentioned in paragraph (d) and the enhancement of cultural heritage mentioned in paragraph (a) have a great deal in common. However, the concept of zoning introduced by the Transport and the Environment Committee offers an appropriate vehicle for the adoption of differing emphases on those aims according to the requirements of an area.

Another concern that was raised by the Rural Affairs Committee and is shared by the Conservative group is about the way in which the bill has been introduced as an overarching piece of legislation so that individual parks will be set up through subordinate legislation. As a result, with regard to individual designation orders, the power of the Parliament may be limited to annulment of the order. We urge the minister to consider how that concern might be addressed. Some members believe—Linda Fabiani has expressed this eloquently—that the Parliament should have a means whereby it could contribute to the individual designation of national parks.

Conservative members also share the concerns that have been expressed over representation on park authorities. Given the aim that is set out in section 1(3)(d), which I have praised so highly, it is in my view essential that we ensure that membership of the national park authority adequately represents those who live and work within the area of the national park. While I believe that schedule 1 makes a valiant effort to ensure broad representation, it must be noted that, as became obvious during the evidence-gathering sessions conducted by the Rural Affairs Committee, the demand for places in the national park authority, which we have already heard will not exceed 20, might be such that local authorities will be unwilling to give up any of their 50 per cent allocation in order to ensure genuine local representation.

As for the other 50 per cent of the places, I already have a long list of representative interests that I feel should be included among those considered by the Scottish ministers—I am sure

that Sarah Boyack has a substantial list as well. I dare say that, in these days of consensual politics, her list and mine might even overlap. Unfortunately, that still gives no guarantee that local people who live and work in the park area will be represented on the park authority. I urge the minister to consider that and to clarify this matter.

It may have come as a surprise to those who have read the Rural Affairs Committee report quite how much of it—almost three pages—is devoted to marine national parks, especially as section 29 of the bill extends to only three lines. That reflects the concern that marine parks, which were not mentioned in the draft bill, may have been an afterthought and may not have been subject to proper and appropriate consultation.

Although, for sound reasons, the Conservatives support the inclusion of section 29, I believe that, in light of the report, further clarification is needed on those questions that are raised but not answered by the inclusion of the section. I urge the minister to consider section 29 again in the light of comments in the report.

Conservative members also have concerns over issues raised by planning and the cost of maintaining the park. My colleagues will expand on the views of the party on those issues. However, with the qualifications that I have set out and that my colleagues will set out, the Conservatives accept the general principles of the bill.

15:28

Lewis Macdonald (Aberdeen Central) (Lab):

In the 1940s, Tom Johnston, the Glasgow socialist who was Secretary of State for Scotland in our previous coalition Government, commissioned a report from Lord Cooper that led to the establishment of the North of Scotland Hydro-Electric Board.

At that time, national parks were often seen not as a support for social and economic development of rural areas, but as an alternative. For example, Lord Cooper's report said:

"If it is desired to preserve the natural features of the Highlands unchanged in all times coming for the benefit of those holidaymakers who wished to contemplate them in their natural state . . . then the logical outcome . . . would be to convert the greater part of the area into a national park—and sterilise it in perpetuity."

Tom Johnston rightly rejected that option in favour of creating jobs and bringing power to the glens. However, because of the well-founded suspicion in rural Scotland that many people from elsewhere saw the countryside either as a playground or as an unspoiled wilderness, rather than as a place where people lived and worked, Scotland has had to wait an extra 50 years for the benefits of

national parks.

We have come a long way since 1948, and I believe that the proposals in the bill provide the opportunity to draw on the experience of others in creating national parks that are suitable for the particular needs of rural Scotland. We need national parks that protect both our natural heritage and our cultural heritage—with the potential, for example, to give a proper place to the use of the Gaelic language—and that promote actively the social and economic development of the communities of people who live and work in the areas.

Fergus Ewing: Does the member agree that the definition of the Sandford principle set out in section 8 of the bill is opaque and virtually meaningless? Given that, if there is a conflict between economic development and the needs of the environment, the latter will take precedence, how does the member feel that the Labour national parks model will meet the needs of people who live and work in national parks?

Lewis Macdonald: That is a important question, which the Rural Affairs Committee—of which I am a member—considered very carefully. We came to the view that both section 1 and section 8 of the bill provide a proper balance between conservation and social and economic development. I believe that the bill, far from being opaque, makes it clear that there is a subtle balance to maintain. The principle of giving greater weight to conservation, outlined in section 8, does not overturn the bill's fundamental principle of providing a balance between the four aims of national parks that are set out in section 1(3).

As members will know, the Rural Affairs Committee is in the middle of its first full inquiry, into the impact of changing employment patterns on the local economies of rural areas. I believe that the creation of national parks, rather than bringing perpetual economic stagnation, as was once feared, will provide new opportunities in the areas concerned—opportunities to diversify tourism on the basis of our natural assets and opportunities for the whole range of food-producing industries. The Rural Affairs Committee report cites the submission from Scottish Quality Salmon, which welcomed the proposal for marine national parks because of the marketing advantage that the label "national park produce" would bring. That opportunity is not confined to the fishing and fish farming sectors, but can be taken advantage of by our farmers and crofters. The flourishing agriculture in the national and regional parks of France demonstrates the opportunities that exist.

As has been mentioned, all the committees that considered the bill have made recommendations, which I know ministers will consider. Several of

those recommendations relate to the balance between conservation and development and to the balance between national and local interests. As Nicol Stephen said, it is important that we get those balances right.

However, the overwhelming message from stage 1 of the bill—as from the pre-legislative consultation—is that we should welcome this historic step. In my view, it will not be long before rural communities are not asking what they have to fear from national park status, but lobbying for the opportunity to join in.

15:32

Mr Keith Raffan (Mid Scotland and Fife) (LD):

I agree with what the Deputy Minister for Enterprise and Lifelong Learning said in his opening remarks. At long last—50 years late—Scotland is to get national parks. The prize irony is that although a Scotsman, John Muir, invented the concept of national parks, Scotland is one of the last countries to designate one—in such illustrious company as Albania and Iraq, the other two countries that are yet to do so.

I agree with the convener of the Rural Affairs Committee that a tight timetable has been imposed. I would have liked the committees to be able to make a bigger contribution at the pre-legislative stage; we want to ensure that we get this right.

There are many definitions of national park. Nobody could disagree with one that seeks the designation of our finest landscapes so as to conserve and enhance our natural and cultural heritage. That is how we ought to proceed. However, I have some reservations about the bill. I say that as a member for the region that contains virtually the whole of one proposed national park, Loch Lomond and the Trossachs, and part of another, the Cairngorms.

We should encourage national park plans in which conservation prevails. The plan should contain proposals for sustainable economic development that are compatible with conservation and with the economic and social development of local communities. Recreation should be identified as a purpose of national parks. I agree with the Transport and the Environment Committee's report: if we are to designate national parks using a definition that lets conservation prevail, it is important—as Alex Johnstone said—to introduce zoning to achieve a balance between conservation and economic development.

I am concerned about the planning powers of the national park authority. I feel that the authority should have primacy as the planning authority and that the national park plan should have the weight

and status of a development plan. I do not want any splitting of planning responsibilities.

It is important that the national park authority work closely with the relevant local authorities. I agree with Scottish Natural Heritage:

“The great potential for national parks to integrate the work of existing bodies may not be realised”

unless one establishes the primacy of the national park authority in terms of planning powers. There is no point in having a weak national park authority.

The representation on national park authorities has already been mentioned. It may come as no surprise to the minister to learn that I believe that the Association of Community Councils in the Loch Lomond and the Trossachs national park area takes the right approach. It believes that membership of the authority should be in three equal parts. The first would be nominated by local authorities. The second would be representative of communities. I know that the minister has expressed concerns about direct elections: she feels that they may not lead to a wide enough spread from across communities on the national park authority. However, that worry could be overcome. If community councils were grouped together as mini-constituencies, and people were elected from each one, there would be a membership spread right across the national park area. The third part of the national park authority would, of course, comprise the direct nominations of the minister.

I have some sympathy with Linda Fabiani's views on funding. I hope that money will not be diverted from other parts of the departmental budget. As a member of the Finance Committee—which, at the moment, is overwhelmed by definitions of additionality—I hope that the national parks will be allowed to retain money that they raise through commercial activity, and that it will not be deducted from their core funding. There should be true additionality.

I also have sympathy with the points that have been made about designation orders. The consultation period should be extended to 12 weeks. All of us who serve on committees—I serve on two, as do many members—know how overwhelmed the committees are. If a designation order is laid and the committee is already embarked on a programme of inquiries and discussing other legislation, it may not have time to fit in enough meetings to examine and take evidence on each order. It would be much more realistic—I hope the minister will listen to this—to have a 12-week period; otherwise, some of us will lodge an amendment for there to be an affirmative procedure, which allows designation orders to be amended.

15:38

Jackie Baillie (Dumbarton) (Lab): It gives me great pleasure to speak—not as a minister, I hasten to add, but as someone with a special constituency interest—in support of the National Parks (Scotland) Bill that has been proposed by the Executive and to commend the minister for introducing it so early in the life of the Scottish Parliament.

Many members will know that my constituency includes a substantial portion of the first proposed national park—Loch Lomond and the Trossachs. I would like to take this opportunity to pay tribute to my Westminster colleague, John McFall, and to the Friends of Loch Lomond, some of whom are here today. They have campaigned tirelessly over many years for national park status for the area.

Without a doubt, the area is one of outstanding natural beauty. It is enjoyed by many people across Scotland and, indeed, the world. The Friends of Loch Lomond recognised that, and they sought to conserve and protect the environment for future generations to enjoy. For me, this bill and this debate are a tribute to their vision and commitment.

Designation as a national park will allow for the protection and management of the area, balancing local interests with the wider public concern of protecting what is clearly a significant national asset. It is essential that we safeguard our natural heritage for future generations. However, that is not the sole aim. The social and economic well-being of park areas is also important. I am clear about the need to harness the economic development potential offered by designation as a national park, but recognise that any development must be truly sustainable. We must balance the need to protect the environment with the need to create employment opportunities. We must ensure that that is done sensitively to ensure that we do not compromise the long-term sustainability of the natural qualities of the area.

We recognise that tourism continues to be important to the economy—£2.6 billion a year, supporting 178,000 jobs. The potential to create tourism-related employment in the context of the national park is evident. Already, local agencies are working together to maximise those opportunities. One such example is the Lomond shores project at Balloch, which is a world-class visitor attraction at the gateway of the future national park.

I shall deal briefly with the planning function. Having spent a short period of my life in Windermere, I am aware of the need for the park authority to have responsibility for planning and development control functions in the area. I welcome the fact that the bill allows for national

parks in Scotland to be planning authorities. By doing that, we will avoid some of the mistakes that have been made in England. Is it also the intention to enable the park authority to regulate water traffic, in particular high-speed power craft? That would be a significant advantage in Loch Lomond and would assist in maintaining a sensitive balance between recreational opportunities and environmental protection.

The bill provides us with a unique opportunity to conserve our natural heritage through integrated planning and management of areas of outstanding beauty. It is long overdue and much welcomed. I commend the bill to the chamber. When the minister introduces subordinate legislation to designate Loch Lomond and the Trossachs as the first ever national park in Scotland, my colleague Sylvia Jackson and I will celebrate, as will people in our respective constituencies.

15:42

Irene McGugan (North-East Scotland) (SNP): We have had extensive discussion of section 28; we now move on to talk about section 29—marine national parks.

Scottish Natural Heritage admitted that marine national parks were not initially examined. Indeed, in her evidence to the Transport and the Environment Committee last year, the Minister for Transport and the Environment accepted that the bill would be targeted at a terrestrial concept. Section 29 is, therefore, something of an afterthought that has been tacked on in response to public consultation on the draft bill and, I suggest, without proper thought to the issues around marine parks.

Not surprisingly, a number of reservations about section 29 were expressed to the Rural Affairs Committee. In particular, the Scottish Fishermen's Federation felt that insufficient information had been provided to allow an informed debate on marine national parks at this stage. The federation felt that it was difficult adequately to address fundamental issues such as the purpose of marine national parks, the areas in which it is appropriate to establish marine national parks and whether there is a need for them in Scotland. Evidence overseas suggests that marine parks are usually established to protect areas of outstanding marine species diversity, a good example being the barrier reef. Further clarification is required to allay the concerns of fishermen about a further tier of regulation on top of the complexities of existing marine legislation.

Many organisations envisage marine national parks with a strong terrestrial connection. Some concern was expressed that the phrase “wholly or mainly” might preclude the flexibility of applying

section 29 to areas that are mainly land, but have a component of sea. While the SNP believes that the concept of marine national parks is important and that some coastal communities might wish eventually to explore it, at this stage public debate has focused on terrestrial parks and it is vital that there is equitable application of any benefits of national park designation.

We strongly recommend further consultation with the likely users and competent authorities and much more detailed consideration of the network of existing legislation and the complexities of designating and managing a marine national park so that appropriate amendments that more adequately include marine interests can be lodged at stage 2.

The Rural Affairs Committee also considered local representation in some detail. That was appropriate since in the responses to the first consultation that was the area that was most commented on. Sixty-four per cent of respondents called either for direct elections or for more local representation. Serious problems have been encountered in national parks elsewhere as a consequence of failure to involve local people. A sense of local ownership must be created and nurtured and local communities in designated national park areas must be given the opportunity to play a major role in planning and managing their park at strategic and local levels.

The SNP advocates a firmer commitment to including community representatives on park authorities rather than leaving that to chance through local authority nomination or appointment by ministers. In evidence to committees there was overwhelming agreement that local interests must be adequately represented on national park authorities. The means by which that is to be achieved is open to further discussion and amendment, but community involvement must be guaranteed and we urge the Minister for Transport and the Environment to give that serious consideration.

15:46

John Scott (Ayr) (Con): I begin by declaring an interest as a farmer and landowner. I am very much in favour of the creation of national parks. As demand for access to scenic and popular areas expands, it is sensible to manage it to protect and cherish those most valuable parts of Scotland. I believe that national parks will provide an opportunity for conservation, tourism, farming and recreational development to co-exist and that they will engender pride in the areas concerned at local and national levels. However, I have some reservations on representation and planning.

As an illustration I will describe circumstances

that affect me, and many others, in Ayrshire. For eight years we have fought tooth and nail against Scottish Power, to stop the Scotland-Northern Ireland interconnector passing through South Ayrshire—land through which Scottish Natural Heritage said the line should go underground in parts because of its beauty. The project will put 200 80 ft towers through Ayrshire's most attractive parts.

Last month, SNH announced it wished to create two sites of special scientific interest in Ayrshire, to protect hen harriers. The point of the example is that having had no input into those processes and having had the amenity and capital value of their farms reduced it would be easy for affected landowners to feel resentment towards Government planners and SNH. Similarly, the lives of those who are about to be included in national park authorities are about to change, whether they want it or not. For the parks to work, it is vital that affected farmers and landowners are represented on the park authority's governing body, as the committees have suggested. I suggest that up to 25 per cent of the **Error! Not a valid link.**ark authority should be made up of farmers and landowners.

Of equal importance is that local authorities should retain the full range of planning functions because they are answerable to the electorate.

Lewis Macdonald: Are farmers and landowners the only local interest that should be directly represented? If not, how much of the representation should be given to other interested parties?

John Scott: I was coming to that. The point is that in the Cairngorms national park, for example, 97 or 98 per cent of the land will be contributed by landowners for that function.

It is of equal importance that local authorities should retain the full range of planning functions for the simple reason that they are answerable to the electorate. Ultimate planning authority should not rest with the national park authorities, because, fundamentally, such bodies are less democratically accountable.

It is important that local communities are represented through direct election to park bodies. That must be in addition to farming and local management interests.

Alasdair Morgan: If John Scott would give 25 per cent to farmers and landowners, how much would he give to farm workers and people who work on the land? Assuming there are more of them than there are farmers and landowners, they will get at least 25 per cent. What percentage will be given to local communities? Has he added up all the percentages?

John Scott: Alasdair Morgan may be right: I have not added up all the percentages, but he would not dispute that it is in the interests of farm workers for the farm to be prosperous.

The parks can work well only if local communities and landowners want to make them work. They will not work if policy is imposed from the top down through ministerial appointments, with no democratic accountability—quangos. Nor will they work if there is inadequate funding, so special provision must be made. A good agri-environment scheme should be implemented with new money, which should not be taken from other areas of Scotland—we must not rob Peter to pay Paul.

Finally, as this is a long-term project, the concept must be developed gradually and at a pace that takes everybody with it. I am not sure that that is happening at the moment. The dash to get the bill through risks compromising these ideas and the good work of the committees, which I commend. A more relaxed approach would create better legislation.

15:50

Dr Sylvia Jackson (Stirling) (Lab): I thank the opening speakers for what has generally been a positive and constructive debate that has highlighted various issues. It is some time since I moved the first members' business motion, which invited the Parliament to agree that the first national park should be at Loch Lomond and the Trossachs. Much has happened since then.

I would like to highlight some of the issues that have been raised today from the perspective of the constituency of Stirling—which, like Jackie Baillie's constituency, will make up a considerable part of the Loch Lomond and the Trossachs park area—and that of groups such as the interim committee and the Friends of Loch Lomond.

Keith Raffan rightly suggested that recreation should be included as a purpose of national parks. The definition of cultural heritage has also been raised. Lewis Macdonald raised perhaps the most important issue about aims when he talked about the balance between sustainable development and the integrative and mutually supportive nature of the four aims.

However, we must also realise the importance of the Sandford principle. The Transport and the Environment Committee has proposed some useful ideas about the zoning of national parks. There may be areas in which the Sandford principle should be of prime importance.

I will address the composition of the national park authority, which has been raised more and more in the later speeches. Much has been said,

particularly by SNP members, about how the 50:50 model will not permit the appropriate representation of people who live and work in the area. The Convention of Scottish Local Authorities tried to overcome that problem by suggesting that the 50 per cent that would be nominated or appointed by the minister could contain up to 20 per cent from local representation.

The alternative model proposed by the Association of Community Councils has many good points. Not many people have mentioned that model, in which a third of the members of the authority would be community representatives. Using that model, an electoral college would be one way in which representatives from community councils could be elected. I know that one of the committees has been taking further evidence on that from Frank Bracewell, a constituent of mine who is here today.

Whichever model is finally chosen, it is clear that we need to have council representatives because they provide important services in the area. We must also have community representation, so that there is ownership and involvement. It is also important to have members who have specialist national knowledge, so that any national park has a national reputation. All three elements of representation are vital.

There is an additional point about the role of advisory committees, the way in which they will relate to the national park authority and how they will be composed. There is a lot of scope there, particularly in Loch Lomond and the Trossachs, where the interim committee has reporting groups that have done valuable work. They could continue in an advisory role.

The other big issue is planning. As Keith Raffan said, development control as well as local plan level control is important. It is vital that we have strong national park authorities. It is also vital that national park authorities talk to local authorities, particularly if they are taking part in examining new structure plans. It will not be a big bang—national parks overnight. We should be working towards them now and, to a certain extent, the interim committee in Loch Lomond and the Trossachs has been doing that.

Finally, I want to mention another important point that has been raised by many constituents and groups—byelaws. They relate in particular to speedboats, pleasure boats, navigation on water bodies and—as members will have read in the papers—jet skis and safety. It is clear that we need comprehensive and self-contained byelaw powers for the national park authority and should not rely on the transfer of existing powers that may well prove inadequate.

Finally, can I say—

The Deputy Presiding Officer (Mr George Reid): That is your second “finally”. Please wind up your speech.

Dr Jackson: I just want to take up the point made by Lewis Macdonald and others that it is important, in the enabling bill, to allow flexibility and not to restrict national park authorities such that they cannot develop strong planning powers and individuality.

15:57

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I would like to begin by declaring a potential interest; with my wife, I have owned a matrimonial home in Drymen for the past 16 years.

Mrs Margaret Ewing (Moray) (SNP): Seventeen years. [*Laughter.*]

Fergus Ewing: Time flies as one enjoys oneself.

We all recognise that for national parks to succeed, they must have the support of those in local communities who live and work in the area, who must be able to earn a livelihood. We should all be concerned to find the right legislation as the precursor to successful national parks in Scotland.

I would like to address some specific concerns of my constituents about the proposed Cairngorms national park. They are concerned that the proposals are flawed and do not answer several important questions. I think that every community council in Badenoch and Strathspey responded to the consultation paper and I understand that every community council said the same thing: unless they are guaranteed representation, they will not feel part of, or have ownership of, the national park.

I was delighted to hear Sylvia Jackson address that point and recognise that there is a third way—characteristically for a Labour member. Having said that, I hope that when she replies, Sarah Boyack will give more detail than Nicol Stephen did when he opened. He did not say in what way the views of the consultees will be reflected in the Executive's response.

The proposal that 50 per cent of national park board members should be appointees of the minister will not find favour in Cairngorm. If one went on a whistle-stop tour of the history of political patronage of the Labour party, one would find that it is indubitably the case that it is littered with examples of appointments that were chosen for political affiliation. One thinks of Ken Collins of the Scottish Environment Protection Agency, Lord Gordon—friend of Labour—of the Scottish Tourist Board, and Colin Rennie of the North of Scotland Water Authority. What guarantee does anybody

have that Labour will not appoint its cronies and supporters to national park boards? None whatsoever. I would be happy to accept an assurance from the minister now that she will not appoint a Labour sympathiser or ex-Labour politician to the board.

The Minister for Transport and the Environment (Sarah Boyack): We have made an absolute commitment that the best people for the job will be appointed. We will use the Nolan principles. I will come back to this point in my speech, because it is an issue that every member has raised.

The Deputy Presiding Officer: Mr Ewing, your remarks should be relevant to the subject that is under debate.

Fergus Ewing: Indeed, Presiding Officer. There are yes and no answers, and a variety in between.

My constituents are concerned about the Sandford principle. This bill does not give any idea of how conflicts will be defined. There is no hint whatsoever. I ask the minister, if the Royal Society for the Protection of Birds objected to a proposed development, would that create conflict? If the board supported the development, there would be a considerable loss of support in the Badenoch and Strathspey area, as the sad and unnecessarily protracted example of the funicular railway demonstrates.

Many of my constituents feel that the balance between the rights of the local people and existing quangos such as SNH is skewed in favour of the latter, and should be addressed. I am concerned that if the minister decides that SNH, the RSPB, the World Wide Fund for Nature, the John Muir Trust, and the Ramblers Association have, as of right, a position on the board—and I say this in all seriousness and sincerity—that would be the cause of loss of support in the Cairngorm area.

The fundamental question that my constituents ask is, “How will national parks affect me?” They do not know the answer to that, because the minister has not told them in all her proposals, in the lengthy consultation period, or in the glossy bumf. We do not know the answer to that question, because she has not defined the Sandford principle.

In conclusion, I support Mr Raffan's proposal that recreation should be specifically recognised. That would let people see that there is a benefit to be derived from national parks, as well as its promoting the local tourism industry. I suggest that the rights of the disabled should be enshrined in the bill at the outset, so that they are recognised from the beginning and not tacked on later. I hope that the minister will address the fear that the national park set-up in Scotland might just become another quango. If she does not, I fear that they

will not succeed, as we wish they should.

16:02

Tavish Scott (Shetland) (LD): In October this year I will have been married for 10 years, but I will not be asking Fergus Ewing to remind me of that fact.

I broadly welcome this bill and the remarks that all members, particularly those on the front benches of all parties, have made, which were constructive. Alex Johnstone acknowledged the difficulties of the time scale for committees, but there has been broad agreement in committees on the proposed measures. That is welcome. No doubt there will be a great deal of haggling at stage 2, but there has been much agreement.

There has, however, been concern about the difference between primary and secondary legislation and whether it is right to designate using secondary legislation. A balance must be struck. If there are two areas to be designated, filling up a considerable proportion of the parliamentary year designating areas that have already been through a large exercise would not be the right balance to strike with regard to the legislative programme of this Parliament. The points that were made about consultation and the mechanisms that are to be used for that are important.

John Scott said that he wants a more relaxed approach, but the Conservatives will be the first to criticise the Executive if it fails to implement the measures in the time that it set out. Perhaps the Conservatives would not be the first to complain: the SNP would be the first.

Linda Fabiani was right about the need for adequate consultation. Other members have rightly mentioned that as well. The Rural Affairs Committee made an important point, to which I hope the minister will return in due course, about investigating the mechanisms involving the affirmative instrument and whether it can be subject to amendment.

Like other colleagues, I wish to raise the issue of marine national parks. Nicol Stephen mentioned it in his opening remarks and dealt with it to a large extent. However, concerns about the issue have been expressed by a large number of bodies. Ian Jardine of Scottish Natural Heritage, in evidence to the Transport and the Environment Committee, said that marine national parks were something of an afterthought. They were not in the original proposals and have not been considered in the round. It is therefore incumbent on the Executive to introduce some proposals to tighten up the relevant section and to ensure that it accommodates the concerns that exist.

I suspect that many people who use the sea for recreational and work purposes are unaware that we are proposing to create national parks. As there have been no suggestions about which areas should be so designated, it is not surprising that people have not woken up to that possibility. I take the example of Fair Isle in my constituency, which could be a national park. There is a great desire in that community, which is an active and committed community, to set up designations that give them much more control of their local waters. However, when we consider the level of fishing regulations and the measures that apply to inshore and pelagic white fish activity, the whole purpose has to be carefully teased out and clarified.

As Lewis Macdonald rightly illustrated, marine national parks could be an advantage for selling produce—shellfish and so on. He mentioned the quality mark for salmon. That links to John Scott's point. Just as for national park areas on land, there could be advantages for farmers and crofters in the affected areas, in the sale of produce linked to the designation. There is marketing potential there.

I will pick up Sylvia Jackson's point about the Sandford principle, because it is important and has been slightly glossed over so far. Surely the pre-eminent concern of most in the chamber would be the social and economic needs of the people who live and work in the relevant communities. A balance must be achieved. I suspect that that is why there was a slight difference between the two committees that considered the bill. The Transport and the Environment Committee recommended that further attention be given to that issue at stage 2, while I understand the Rural Affairs Committee was generally satisfied with the proposals as they are constituted. It is all about balance, which is why the Transport and the Environment Committee considered zoning as a mechanism to deal with that point. It can achieve that balance. It can be used as a mechanism by planners and in relation to national park plans. It can ensure that local people are not disadvantaged, which is what concerns Fergus Ewing.

I endorse the proposals and hope that Parliament does so this afternoon.

16:07

Janis Hughes (Glasgow Rutherglen) (Lab): I thank the clerks to both committees, who helped us to prepare the bill for Parliament. As has been mentioned, we had strict deadlines to work to and it would not have been possible to get to this stage without their hard work. The detailed scrutiny of the bill carried out by both committees demonstrates the willingness on the part of the Parliament to bring Scotland into line with the rest

of the world with regard to national parks.

Whether Scotland should have its own national parks is not a particularly contentious question, but certain aspects of what should be in the bill may be. One of the main controversies of the bill has been over the stated aims of national parks. It is on that controversy that I shall focus today. It has been mentioned by a couple of other members and alluded to by Tavish Scott.

One of the main arguments for the Transport and the Environment Committee has been whether the Sandford principle—that when there is irreconcilable conflict between conservation and recreation, conservation must prevail—should be adopted in legislation. That has been further confused by the inclusion in the bill of the aim of promoting economic and social development. That aim, peculiar to national parks in Scotland, is important, but as has been said, it is imperative that a balance is struck between the promotion of economic development and environmental protection.

The Transport and the Environment Committee has concluded that the bill should include a reference to the Sandford principle in section 1, which would then apply to all aims. We believe that it is only correct that everything that is done in a national park should be done in a manner that is consistent with meeting the stated aim of conserving and enhancing the natural and cultural heritage of the area. Surely the main reason for having national parks is to protect our most beautiful areas. It is vital that Scotland guards her finest landscapes and her environmental resources. Indeed, Scottish Environment LINK has said that Scotland could be accused of shirking its international responsibilities. Scottish landscapes are not replicated anywhere else in the world. The same is true of the biodiversity and habitats to be found in Scotland.

I do not disagree with the aim of promoting economic and social development in any national park. It is positive for Scotland to aim for economic prosperity in a national park area. Unlike some other members, I do not think that the two aims are incompatible. I believe that an area of protected, unbridled natural beauty would greatly enhance the tourism industry and improve the Scottish economy. Perhaps zoning would be a way around some of the problems that we have discussed today. I hope that we will consider that further.

This bill is long overdue and will finally give Scotland a nature network to be proud of. It is the culmination of decades of hard work and campaigning by many environmental groups and environmentally minded people. I hope that the bill will be amended to ensure that protection of the environment is guaranteed. After all, we have a

duty to future generations. The Haida Indians say that we do not inherit the land from our ancestors, but borrow it from our children. This bill is a step towards ensuring that we hand over the land in the best possible condition.

16:11

Mr Brian Monteith (Mid Scotland and Fife)

(Con): I am pleased to speak in this debate as a member for Mid Scotland and Fife. The minister mentioned that there had been a long wait since the creation of the first national park. I agree, but that wait was caused by lack of consensus about what kind of national park to have and, indeed, whether national parks were necessary. It is not surprising that there has been no consensus. People who live in the national parks in England and Wales have doubts about the management of those parks.

When John Muir created the first national park, his aim was to protect the wilderness. However, a national park around Loch Lomond will contain not only wilderness but communities that need to survive economically and socially. Local economies must be allowed to develop. Only through economic development can rural economies thrive.

We should have reservations about the use of subordinate legislation to create additional national parks. There has been a large amount of consultation so far and I am concerned that the use of subordinate legislation might restrict the amount of consultation and parliamentary scrutiny that would be involved in the creation of new national parks. We must be careful that recreation and amenity benefits are not at odds with local social and economic needs. If local communities are to survive, it is essential that they are allowed to make a major contribution to the development of their areas.

People often raise the issue of the perceived lack of resources with me. They say that the bill appears to earmark resources for administration, park rangers and so on. When committing resources from the public sector, we must bear in mind such humdrum but important matters as lay-bys, viewing points, car parks and toilets. Although the private sector—publicans, hoteliers and other representatives of tourist resorts—undoubtedly will invest in and provide attractions for people, if the public sector does not match such investment with public facilities, local people will see only congestion and erosion. That would be the antithesis of the aim of setting up the national parks. I went to Lake Windermere once for peace and quiet, and had my holiday completely ruined by the constant noise and interference from water traffic. This bill needs further development if we are to avoid such problems.

National parks must not become Brigadoon or Disneyland, where heather and tartan are set in aspic; they must ensure the commitment and vitality of their local communities. As a member for Mid Scotland and Fife, I will be expecting such issues to be resolved in the further stages of the bill.

16:15

Dr Elaine Murray (Dumfries) (Lab): I too welcome the bill, which has been 55 years in arriving and fulfils one of Labour's manifesto commitments at the Scottish parliamentary elections. It has been a very interesting experience being a reporter at stage 1 of this bill, and I want to thank the conveners of the Transport and the Environment Committee and the Subordinate Legislation Committee for allowing me to sit in on their discussions and evidence sessions. Despite the very tight time scale that the Rural Affairs Committee report mentions, the committees have worked extremely hard to fulfil their obligations to consult on this issue at stage 1.

Like Janis Hughes, I want to thank the clerks and also the Scottish Parliament information centre, which has complained to me that it is always forgotten in the thanks, for all their hard work in assisting the committees to meet their deadlines and obligations.

The formulation of this legislation was the subject of extensive consultation by SNH and the Executive and I was pleased to note that some of the issues that were brought to the Executive's attention during the consultation resulted in changes in the bill as introduced. Such issues included the necessity to consult community councils; the need for the minister to consider including representatives of particular interests on the national park authority, although perhaps not to the extent suggested by John Scott; the possibility of establishing more than one advisory group; and the ability of the minister to modify the act in the case of marine parks.

Although the committees involved in stage 1 have generally recognised that this is a good bill whose time has come at last, some suggestions have been made that I hope that Sarah Boyack and her colleagues will consider, as they might make this good bill even better.

The bill deals with primary enabling legislation and the detail appropriate to each proposed national park will be set out in the designation orders. As those orders need to be responsive to local circumstances, the primary legislation cannot be over-prescriptive. Designation orders must be created through an inclusive and consultative process that enables the whole community, including the community of interests, to have

maximum ownership of the national park and that minimises conflict between the different stakeholders. However, the diversity of possible national parks presents challenges about consulting on the designation orders and the ability to amend them.

Although I welcome the specific inclusion of consultation with community councils in the bill as introduced, it was clear from the evidence taken by the Rural Affairs Committee that the Convention of Scottish Local Authorities does not expect to appoint anyone other than local councillors as its representatives. COSLA seems to think that ministerial appointments would take care of the representation of community groups; however, the minister must also recognise national and, where appropriate, sectoral interests. The sums do not add up. Although I was pleased to hear that the minister is prepared to consider whether the direct allocation of some places on the national park authority might be desirable, it would be inappropriate to dictate in the primary legislation how that representation would be selected.

The Rural Affairs Committee was also concerned by the fact that there is currently no possibility of amending the designation orders, which would, for example, set the boundaries of the national parks. As the bill stands, such aspects would be subject only to affirmative action. I appreciate that the ministers may not want to set a precedent whereby every piece of subordinate legislation would be debated in Parliament, which would bog us down immeasurably. However, because of the diverse nature of national parks, from the totally terrestrial to the entirely marine, there is merit in considering some form of super-affirmative procedure, as has been suggested by the Subordinate Legislation Committee.

I was going to say a little about marine parks, but much has already been said about that issue. Some suggestions for possible locations for Scottish marine national parks would help to illustrate the way in which the concept might operate in principle, and might allay some of the fears that fishermen's interests have expressed to the Rural Affairs Committee.

I am happy to support the principles of this bill and look forward to consideration of it at stage 2.

16:20

Mr Kenny MacAskill (Lothians) (SNP): I support the comments of my colleague Linda Fabiani, who regretted the method by which this legislation is proceeding. It is within the prerogative of the Executive to proceed by way of enabling legislation. The difficulty here—and I shall outline two specific problems—is that we are

dealing with matters in the abstract. At present, there appear to be only two areas in the frame for the creation of national parks, both of which are accepted as being distinct and diverse, and the issues that have been highlighted by individual members will have to be revisited on another occasion, perhaps with a democratic deficit.

It is right and appropriate, in certain instances, for the Executive to proceed by way of enabling legislation. However, in this particular instance, when we are talking about the creation of only two national parks and all members accept that we are not talking about a multiplicity of national parks, it might have been better to consider primary legislation for each location—given that they are distinct and diverse—instead of proceeding by subordinate legislation. Other members, including Alex Johnstone, Keith Raffan and Dr Elaine Murray, have commented on that.

Mr Raffan: If Kenny MacAskill is going to quote me, he should quote me correctly. I did not say that I was against subordinate legislation: I recognise the purpose of subordinate legislation. What I am talking about is the way in which the designation orders are laid, and I am asking for a sufficient consultation period during which they can be amended.

Mr MacAskill: I do not want to misquote Mr Raffan, who has had the opportunity to set the record straight. I will continue to explain why I think that the way in which subordinate legislation allows scrutiny is inadequate.

The first problem concerns marine parks, and has been touched on by Linda Fabiani and Irene McGugan. Rightly or wrongly, the issue of marine parks has been regarded as an add-on. The difficulty is that we do not know how such parks would operate or what the mechanism for creating them would be. In questioning during the Transport and the Environment Committee, the civil servants were unable to explain the interaction of that mechanism with EU directives and regulations, with retained and devolved powers, and with whatever else.

In the creation of marine national parks, whether terrestrially related or wholly marine, I have some sympathy for the environmental interests that would have to be consulted and satisfied. I have received representations from organisations such as the Scottish Wildlife Trust and the World Wide Fund for Nature, and I appreciate where they are coming from.

If section 29 is totally worthless and cannot be implemented, it would be wrong to keep it in the bill. Either it can be implemented, and marine national parks are worth while, or it should be jettisoned. We should not live a lie and go down the road of trying to delude people that marine

national parks can be implemented, offering warm words and fine support for them when it may not be possible to introduce them.

Dr Murray: Does Kenny MacAskill agree that the removal of section 29 would not prevent the creation of marine national parks, but would simply prevent the minister from modifying the bill to enable the legislation to take account of the specifics of marine national parks?

Mr MacAskill: I do not disagree with that. However, I want the information to be beefed up. At present, I am dissatisfied with the way in which we would introduce marine national parks. That process must be thought through. If there is a problem, it would be better to address it now rather than to introduce the legislation only to find out that section 29 is inoperable and have to go back to the beginning two, three, four or five years down the line.

The second problem, which was touched on by Keith Raffan, is the potential democratic deficit. The nature of our electoral system is to have checks and balances. We have an Executive that can be checked by the Parliament, and a Parliament that can be checked by the judiciary. The difficulty with subordinate legislation is that it creates problems for parliamentary scrutiny. There is a role for subordinate legislation—I am convener of the Subordinate Legislation Committee—but I have no wish to foist on the Parliament numerous debates on amnesic shellfish poisoning orders or whatever else. Clearly, such issues are not the subjects of dispute between parties. They are matters on which there is broad consensus in the chamber and it would be wrong to waste chamber time on examination of such matters.

Some matters will be pivotal and there will be difficulties when individual areas and party political groupings take different positions. In such cases it would be wrong to use a system in which the only options for members or party groups are acceptance or rejection. When we are doing something as fundamental as creating a national park, we must ensure that there is a procedure regarding subordinate legislation that will allow open, full and frank debate. If, for example, people in Dr Sylvia Jackson's constituency accepted that there should be a national park, but that a specific area should not be included in it, it would not be fair to say to members that they had either to accept or reject the whole park.

There will be strange and unusual circumstances in which issues are clearly matters for debate, in which there is no consensus and there is a need for amendments to designation orders. I seek an assurance from the minister that a mechanism will be created that will allow for full debate and amendment procedures, and that such

debate and changes will take place in the chamber with more options than to either accept or reject the legislation.

The Deputy Presiding Officer: If Andy Kerr can keep his speech short, that will allow some time for Rhoda Grant to speak.

16:26

Mr Andy Kerr (East Kilbride) (Lab): I am breathless after the previous speaker, but I will try to do that.

The Transport and the Environment Committee spent valuable time discussing the bill with a number of organisations. I was pleased that all the organisations support the concept of national parks, but some share the concerns that some members have brought up today about certain aspects of the bill.

There is a clear legislative need for the bill. As members know, there is pressure on our natural heritage and the voluntary arrangements that we have do not work. They go only so far in relation to how we handle the issue of national parks. I also welcome the increased focus on our national heritage that the bill brings. I visited a school to talk about saving the rainforests and the discussion turned to Scottish issues and the fact that we do not have national parks, despite, as members have said, the fact that the inventor of national parks came from Scotland. We are effectively filling a gap with the legislation.

I am in favour of beefing up the inclusion of the Sandford principle in the proposed legislation. The principle of zoning can take care of any contradictions that might occur, and if national parks are properly zoned, the Sandford principle will be a powerful tool in the appropriate areas.

The legislative approach of the bill will work. I share some of the concerns that have been expressed by members, but I do not accept that the doom and gloom that Kenny MacAskill suggested will come about. We need a beefed-up process—perhaps it would be useful to extend the consultation period to 12 weeks. The minister might consider those suggestions to be valuable.

There is caution about the level of democratic scrutiny that is enshrined in the bill and caution about secondary legislation and how it will be scrutinised. There is also, in particular, caution about the role of the committees, and I would argue that ministers should listen to those concerns.

Members have also mentioned planning powers. We must ensure that development control and local planning are not split. We must also ensure that national park plans are meaningful and that national bodies such as the Ministry of Defence

must take cognisance of those plans. I would like the minister to deal with that.

Many members have mentioned power boats and marine craft, especially in relation to the Loch Lomond and the Trossachs park. There is a strong case for giving powers to create byelaws to national parks authorities.

We are moving forward and I am in favour keeping the clause, that is, section 29. I do not agree with the doom and gloom expressed by Kenny MacAskill and others. The Scottish Coastal Forum said in its submission of evidence on the bill that it wanted the section retained, because that would mean that marine parks were still in the game and that we would be able to develop them.

I welcome the bill. I holiday frequently in the Cairngorm area and I look forward to entering a national park there with my family one day.

16:28

Rhoda Grant (Highlands and Islands) (Lab): I will try to keep my remarks short. Many of the important issues have been discussed, so I will concentrate on two topics: Gaelic and marine national parks.

There is a continuing debate as to whether Gaelic is the culture of the whole of Scotland or just of the Highlands and Islands. I would contend that our native language should be part of the culture of the whole of Scotland, although I recognise that that heritage has been lost in many areas. Interestingly, Airdrie now has Gaelic road signs, because of a recent visit of the Royal National Mod. I believe that Gaelic should be part of the cultural heritage of the national parks. It would give us a strong cultural identity—something that Ireland has recognised and used to its advantage, with tourism benefits.

I listened to the evidence given to the Rural Affairs Committee on marine national parks, but I still believe that there is a strong case for marine national parks to be included in the legislation. In New Zealand, marine national parks have been used to conserve fish stocks. The younger fish mature in the park, forcing the more mature fish out of the boundaries. That has benefits for local fishermen, creating a bountiful catch on the boundaries of the park.

Marine national parks could also protect species. In the Moray firth, we have a colony of dolphins that are under pressure because of activity in the area. No real studies have been conducted into what is causing the problems for those dolphins, apart from some research by a voluntary group working in the area. A marine national park could undertake those studies, discover what is damaging the dolphins and draw

up a plan for their protection that takes into account the social and economic factors in the area. Dolphins are a tourist attraction and the area would lose a great deal from the local economy and the natural environment if the dolphins were to go. They could be protected by a marine national park, working on sympathetic development and issuing guidelines to those who use those waters. It is in no one's interests to lose them.

I have sympathy with the Scottish Fishermen's Federation when facing the unknown. However, I ask the minister to proceed with the legislation to allow wholly marine national parks on the basis that fishing interests would be widely consulted and would be represented on the park board should such a park be instigated. We must ensure that local interests are represented, giving people ownership of the park and thereby the motivation to make those parks a success.

Legislation shaped today must reflect the needs of tomorrow and those needs must include the preservation of our cultural heritage. I urge the minister to include both marine national parks and Gaelic in the legislation.

The Deputy Presiding Officer: We move, exactly on time, to the winding-up speeches. I call Mike Rumbles to speak for the Liberal Democrats. You have four minutes, Mr Rumbles.

16:31

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I am delighted to sum up on behalf of the Liberal Democrats in support of the motion calling on the Parliament to approve the general principles of the National Parks (Scotland) Bill.

As we have heard, this is an enabling bill, which brings forward the development of Scotland's first national parks. It represents a positive policy on the environment and fulfils a manifesto commitment of both the Scottish Liberal Democrats and the Labour party. It relates to growing concerns about how Scotland's natural heritage assets are cared for and to a greater realisation that the economy of many rural areas is now founded on the qualities that attract visitors.

For too long, Scotland has been making a living out of the best of its natural heritage—especially through tourism—without investing sufficiently in the care and sustainable development of that precious resource. A new basis is clearly required to allow for the positive protection and development of those areas. The bill sets out a coherent framework for the integrated management of our outstanding natural areas. However, as the report from the Rural Affairs Committee shows, the committee has a number of reservations about the detail of the bill. We have

heard about some of them, especially from the convener, Alex Johnstone.

I would like to take this opportunity to outline what the Liberal Democrats believe to be the main points of contention. For us, the principle of anchoring local support from the people who live and work in the parks is fundamental to the success of the entire project. There has been general agreement about that. It is entirely right that the principle of direct representation of local community interests should be guaranteed and distinct from local authority or ministerial nomination.

During the consultation process, of the 343 responses to the Executive's proposals, 55 per cent were concerned about appointments to the boards. That was the biggest single issue mentioned in the consultation process. Of the 190 respondents who raised the issue, 64 per cent were dissatisfied with the Executive's proposals. That included some 20 per cent who called for direct elections to the boards. Wow! A touch of democracy.

The Executive's reaction to that is somewhat less than appropriate. A commitment to include community councils, as consultees, when ministers consider appointments to the boards is a little underwhelming. Setting up new quangos only compounds the problems of the democratic deficit and is hardly the best way forward. The Liberal Democrats want direct elections to the boards by local people. If that is not acceptable to the Executive, a commitment should be given to accept the unanimous finding of the Rural Affairs Committee

"that the principle of direct representation of local community interests should be guaranteed, and distinct from both the local authority nominees and those directly appointed by Ministers."

I look forward to the minister making a commitment to do that.

Moving on from that most important point, I will register what I believe is the almost indecent haste with which the bill is being dealt with—I certainly would not call it detailed scrutiny. This is the first legislation that the Rural Affairs Committee has worked on.

Mr Raffan: The committee is lucky.

Mr Rumbles: Yes, we are.

Not enough time has been given, to allow for a thorough examination of the proposals. I ask Sarah Boyack to note paragraph 7 of the Rural Affairs Committee report, which Alex Johnstone highlighted. It states:

"The Committee wishes to express dissatisfaction with the extremely tight timescale set for the consideration of stage 1 of the bill. This report contains a number of

questions to be answered by the Executive, which may have an impact on the timetable for completion of the Bill."

Those questions include a number of points about marine national parks, which I will not go into, but which have been mentioned today. There has not been enough time to explore those issues properly. In addition, clarification is needed on the length and purpose of the period between publication of the statement on a park proposal and the laying of the draft designation order.

There is a need for more answers from the Executive. The Liberal Democrats welcome the general principles of the bill, but the Executive must lodge amendments at stage 2 to address the major issues identified in the Rural Affairs Committee report.

The most important point for the Executive to take on board is the need to guarantee the principle of direct representation of local community interests, distinct—and I emphasise the distinctiveness—from local authority nominees and those appointed by ministers. I urge the minister to lodge specific amendments at stage 2 to address that issue.

16:36

Mr Murray Tosh (South of Scotland) (Con): I repeat the welcome that Alex Johnstone gave, in opening for the Conservative party, for the principles and broad thrust of the National Parks (Scotland) Bill.

I make that positive statement at the outset, because I will be critical in a number of respects. My first criticism is that the bill was a matter for the Transport and the Environment Committee. Secondly, it deserved much more time in all the committees that dealt with the legislation. It is my contention that the Executive has mishandled the introduction and processing of the bill.

Nowhere is that more clearly demonstrated than in the fact that three committees of this Parliament have composed detailed, substantial and—although I modestly claim a small part in it—remarkably intelligent and constructive reports. Those three committees made a series of substantive points, which they thought were material, at stage 1, to improving the bill.

Nicol Stephen, who opened the debate, has no specific brief in this area, so perhaps he should not be criticised. However, his speech was remarkably light in dealing with the specifics of the committee reports. It is a great pity that as member after member, from every party in the chamber, has made specific points and asked specific questions, only once—when she was insulted by Fergus Ewing—has Sarah Boyack deigned to give us an answer to those questions.

What was the point of three detailed reports coming to a stage 1 debate, when we might get some answers in the concluding speech? The Executive's case should have been set out.

Mr Rumbles: Will Mr Tosh give way?

Mr Tosh: No. We agreed on this when we talked earlier.

The Executive's response should have been available to the Parliament at the outset of the debate, so that we could debate what the Executive will do.

Many members have made a point about local representation on the national park bodies. We are told that there will be representation for local communities. How? Will it be through the Executive's nominees or through the councils' nominees? Will local communities be represented only by councils? We deserve to hear the answer to those questions in the minister's concluding speech.

Kenny MacAskill and Dr Murray asked about the Subordinate Legislation Committee's proposal for a super-affirmative procedure, which would give Parliament the right to influence subsequent designation orders. I thought that Nicol Stephen might have responded to that proposal in his opening speech. I hope that the minister will do so in her concluding speech, but it should have been made clear at the outset. We should have known what we were debating this afternoon.

Members have made a series of detailed and specific points about planning and byelaw matters. Jackie Baillie asked about byelaws. Why did we not hear about that issue in the opening speech, because it featured heavily in the discussions of the Transport and the Environment Committee?

The Transport and the Environment Committee also devoted a great deal of time to planning matters. Will the national park plan be given equal status with the local plan when it comes to structure plan determination and the handling of major planning applications? What is the Executive's response to that? Again, we should have known that at the start of the debate. Will the minister now give a response, as we have not had one so far this afternoon? Does she accept the recommendation of the Transport and the Environment Committee that whoever has the planning powers, be it local authorities or the national authority, development control and local planning should be exercised by the same authority? That was central to much of the evidence that the committee took, and it is an important part of the recommendations that it made.

Does the minister accept the principle of zoning?

Sarah Boyack: I have done so repeatedly in

committee.

Mr Tosh: I am sorry, but I have not seen a considered Executive response to the report of the committee of which I am a member, or to the lead committee's report, or to the report of the Subordinate Legislation Committee. When he spoke at the beginning of the debate, Nicol Stephen did not answer many of our questions, and I think that he should have. Let us hear the answer to the question about zoning. Will we have the Sandford principle for prime conservation areas and accept that other parts of the plan authority areas should be subject to different zoning? Those are important questions.

If I may return to the issue of local representation, Sylvia Jackson referred to Mr Bracewell's proposal. Is that something that the Executive will contemplate?

The Deputy Presiding Officer (Patricia Ferguson): Will the member wind up, please?

Mr Tosh: How will the Executive build in local community representation? I am glad that Nicol Stephen is smiling—presumably he knows the answers to all those questions. It is a pity that at the beginning of the debate he did not share the information with anyone else.

Mr Rumbles: Is the member sure that he will not take an intervention?

Mr Tosh: By all means—I could do with a glass of water.

Mr Rumbles: Is not the purpose of the minister's summing up at the end of the debate to provide the answers to the questions to which Murray Tosh refers?

The Deputy Presiding Officer: The member must close.

Mr Tosh: The purpose of having a minister open the debate is for them to respond to what the committees have said. If not, what is the point of the committees producing recommendations? The purpose of having the minister close the debate is to allow them to respond to the points that were made in that debate and to take the argument forward. We have been debating the Executive's policy without knowing what it is in relation to a huge range of highly significant issues. I suggest that when the Executive timetables debates in future, when it arranges the timetable for bills, when it allocates work to committees and when it sets deadlines, it ensures that it gives itself adequate time and opportunity to respond to committees' recommendations before the stage 1 debate.

Lewis Macdonald: Will the member give way?

Mr Tosh: I must conclude. [MEMBERS: "Give way."] All the questions that I and other members

have posed have been asked in the most constructive way possible. We welcome national parks and we want them to succeed.

The Deputy Presiding Officer: Mr Tosh, you must come to a close.

Mr Tosh: A huge number of important issues have been raised in Parliament by outside bodies, and I welcome the fact that we will now at last hear what we should have heard at the beginning of the afternoon. Let us hope that we like the answers and that we can agree to vote for the bill when we get the opportunity to do so.

16:43

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Many points have been raised that have been similar to one another, which gives some weight to Mr Tosh's remarks. Perhaps, if some of the obvious points had been conceded at the beginning—as I am sure they will be at the end—members could have looked into other parts of the bill.

One question was raised only by Kenny MacAskill: why are we having this enabling legislation? The whole purpose of enabling legislation is to deal with a situation in which many similar bills are coming down the track and there is no point in discussing each one separately. How many national parks bills will come down the track? Two? Three? It strikes me that we could discuss each one of them in the chamber. After all, every railway built in Scotland was the subject of its own bill in Parliament.

The element of flexibility that this enabling legislation has introduced means—as other members have mentioned—that everything that is brought before us will be the subject of a statutory instrument. Even if we introduce some super-affirmative procedure into the statutory instrument procedure, that will not allow us to lodge amendments and debate them. It will allow us only to suggest amendments to the Executive—which it might graciously accept, or not, as the case may be.

One of the other main issues of contention concerned how much local representation there should be on the national park bodies. I agree with the many members who said that, unless there is some democracy in those bodies, and unless local people are on the committees, the bodies will not succeed. They can proceed only with the consent of the people on the ground. Although these are national areas, we have to take the local people along with us. The minister said:

"We entirely accept that principle".

However, we need to have some indication of how that principle will be put into practice. What will be

written into the bill on the subject of local membership? It is not good enough to leave that question up to councils—especially in areas such as the Cairngorms, where there is a central, relatively uninhabited area that is surrounded by a whole host of councils, each of which could send a councillor who had nothing whatever to do with the area. We need an answer to how we will get round that difficulty.

I shall now talk about consultation and the lack of time for the various committees to consider the legislation. We do not have a second chamber in this Parliament. If we make a mistake, that mistake will be there for a very long time. That is why we run a terrible risk if we proceed too quickly. I do not know what the Government's rush is. Perhaps it is to please Mike Rumbles and to get his commitment on the statute book before the summer recess. We have heard that we have waited for 40 years; we could surely wait until after the summer if that would mean the difference between getting it right and getting it wrong.

Mr Rumbles: I know that Mr Morgan is trying to credit me with all of this, but one of my main points was that we were indeed rushing the bill. If he checks the committee report, he will see that I felt that there was no need to rush.

Alasdair Morgan: I am glad that we agree on that at least.

A point was raised concerning something that was incorporated in the bill late on—the idea of wholly marine national parks. As was pointed out, such parks could have been designated even without section 29. When the various interests came to the Rural Affairs Committee, the people against marine national parks could not tell us where any of them would be, and the people in favour of marine national parks could not tell us where any of them would be. As nobody knows where we will put a marine national park—if we ever get one—why the urgency of inserting this particular section in the bill at this time? As was pointed out, because of the late insertion of the section, there has been virtually no consultation. The Government needs to revisit that point, otherwise, we are creating dangers for the future. The bill already gives ministers vast powers; the section gives them even vaster powers to change things.

Another important point raised concerned the objectives in section 1. As I understand it, the Sandford principle has nothing especially to do with the environment; it simply says that, in the event of a clash between different objectives on a list, the one at the top should take precedence. The Sandford principle does not apply in all cases—it did not apply to the SNP manifesto at the general election. [*Laughter.*] That is an in-joke.

The Transport and the Environment Committee wanted the Sandford principle to be incorporated in section 1. The balance in the bill is certainly better—the idea of zoning has attractions—but we must get it right. If there are clashes between objectives, particularly those of economic development—providing jobs for the people who live in the park—and protection of the environment, it has the potential to make a mess of the whole idea of national parks and to sour their reputation for the future, which is not what we want to do.

Linda Fabiani and Keith Raffan brought up funding. We do not want the national parks to become yet another burden on local authorities, which have increasing burdens and decreasing incomes to deal with them. We also want national parks to have the ability to keep any revenue that they gain.

We give the bill a cautious welcome. We feel that it could have been approached in a better way. The devil in legislation is usually in the detail. The devil here is not in the detail, of which there is precious little; the devil will be in the statutory instruments that follow. That puts a lot on the shoulders of the minister who will now reply.

16:51

The Minister for Transport and the Environment (Sarah Boyack): I add my thanks to the committees, which have contributed a great deal to the debate. I thank the Transport and the Environment Committee, the Subordinate Legislation Committee and, in particular, the Rural Affairs Committee for its considered review of the bill and for the number of recommendations that it made. Nicol Stephen kicked off by thanking the wide range of people who were involved in the consultation on the bill, many of whom gave evidence to two committees. I reiterate that thanks and thank also those who have campaigned for national parks in Scotland for a long time, many of whom are in the gallery today.

I want to pick up on many of the points raised this afternoon. First, let me clarify that we are discussing the general principles of the National Parks (Scotland) Bill. I heard the comments made by Murray Tosh in his impassioned speech. Many of the detailed issues that members have raised today are correct and will be debated at stage 2. I will touch on some of those points in my summing up.

Mr Tosh rose—

Sarah Boyack: I will not take an intervention from Mr Tosh. He made his points extremely eloquently, and I will address them in my speech.

Tavish Scott began by emphasising the

agreement that there is around the chamber, but there was a focus on the areas of disagreement, so those listening to the debate will not have focused on the extent to which there is a huge amount of consensus on the bill. It is important to say that at the outset.

Several points were made about national parks. I detected reluctance on the part of some members who asked about the extent to which we need national parks. There are already pressures on the areas that have been identified. We discussed that when Sylvia Jackson raised the issue of national parks nearly a year ago.

The key purpose of national parks is to ensure integrated management. The aims set out in the bill enable us to focus on the key priorities that national parks should address. Lewis Macdonald spoke eloquently on that issue. Many members spoke about the need for balance. Janis Hughes and Keith Raffan, in particular, focused on the need to get the balance right. We need to get the balance right, not just in the bill, but in the national park plan, in the boards that are put together to run the national parks and in the consultation exercises. The bill is not a one-off statement of principles; we need to imbue all the work of the national parks with those principles.

One issue that has been raised by every single member in the debate is the involvement of communities. That issue came up extremely strongly in the consultation exercise. We have already amended the bill to reflect the importance of local communities, which several members recognised.

There are particular issues in relation to the preparation of a national park plan where it will be critical to involve communities in the process. Some important questions about that have been raised today. We have said that we need to involve communities in the process of drawing up the policies and management strategies that the national parks will implement. We have suggested "planning for real" techniques as a practical way to involve local communities.

As I said in committee, we see zoning as an important way of reflecting diversity; there is a need for sensitive management plans across each national park area. The guidance that we will prepare as Scottish ministers will give focus to those matters, to address effectively issues such as Gaelic, and to ensure that zoning is picked up in every national park area. We have discussed that in committee; when we debate the bill at stage 2, it will be important to get that right.

To return to the fundamental point that almost every member who spoke today has raised, at stage 2 we need to look in more detail at ways of strengthening the involvement of local

communities in the national park boards, and I make a commitment to do that. In today's debate, I counted four variations, I think, on how we could do that. The principle is clear; working out the detail, as several members have said, is critical. I reiterate my commitment that we will come back to the matter at stage 2 and debate it in detail.

Mr Tosh: Will the minister give way?

Sarah Boyack: I will give way briefly.

Mr Tosh: Will the minister clarify whether the principle of zoning will be written into the legislation as well as the guidance? [*Interruption.*]

The Deputy Presiding Officer: Before the minister responds to that question, I ask members to be quieter. It is becoming very noisy in the chamber.

Sarah Boyack: It is my view that the guidance is the appropriate place to request national park authorities to examine zoning in the context of the national park plan and to identify how they think it will be appropriately applied to each national park plan.

The issue of marine national parks was raised by several members. That demonstrates the worth and power of our pre-legislative process. When Scottish Natural Heritage carried out the consultation on national parks, before this Parliament was established, that issue was not raised in the same way as it was when we looked at national parks in the Parliament. It is very important that we get section 29 right. Kenny MacAskill said that if it was totally worthless, we should get rid of it. Our challenge is to make sure that the bill addresses the concerns of the World Wide Fund for Nature and the Scottish fishing industry.

I read the debate that took place in the Rural Affairs Committee with great interest. We need to do further work on that area. In particular, I make a commitment to tighten up the insertions to section 29—a point raised by Tavish Scott—through amendments at stage 2. I accept that point but emphasise that the purpose of pre-legislative consultation is to enable issues that have not been raised through initial consultation or incorporated in the draft bill to be addressed. The principle of the bill is important and should be adopted; we will discuss the detail at stage 2.

Sylvia Jackson and Jackie Baillie made impassioned speeches on byelaws. I again make a commitment that the points raised will be addressed at stage 2, when we will discuss the exact nature of the byelaws and appropriate powers.

Several comments were made about the process of setting up new parks; we will focus on the comments by the Subordinate Legislation

Committee. In the Transport and the Environment Committee, Linda Fabiani referred to the time for consultation; I gave a commitment to insert in the bill extra time for consultation to ensure that people have a proper opportunity to look at the designation orders, so that they are given full consideration and the process is transparent.

Mr Raffan: Will the minister be more specific on that concession on consultation on the designation orders? She referred to extra time. Does she mean 12 weeks rather than six?

Sarah Boyack: I said six weeks, in response to a question from Linda Fabiani at the committee. This is an issue for which 12 weeks might be more appropriate, given the nature of some community organisations, which might meet quarterly rather than monthly. I know that this is a critical issue, and that those groups would meet to keep to any deadline, but we need to return to the matter at stage 2.

The process of setting up national parks is critical. It is vital, as Andy Kerr said, that we reassure people about fairness and transparency.

I will speak briefly about finance, which was raised by several members. The points that were made have been addressed in discussions in the Rural Affairs Committee and the Transport and the Environment Committee. On several occasions, I have made it clear that national parks will receive their core funding directly from the Scottish Executive—the bill will provide for that. National parks can, of course, seek additional funds from other sources, such as the national lottery, for particular projects. They will also be able to raise and retain revenue through various marketing activities. We look to international experience of how that can be done.

Mr Jamie McGrigor (Highlands and Islands) (Con): Will the minister give way?

Sarah Boyack: I have to wind up.

In discussions on the budget in the Transport and the Environment Committee, we have been clear about the extent to which resources are available. Discussions are already taking place in the potential national park areas.

We have focused on the areas on which we disagree. That is entirely appropriate, because it is critical that we get right the detail in the National Parks (Scotland) Bill. We have waited a long time for national parks. The communities in the national park areas need to know that their comments and contributions are fully reflected in the final bill. Today we have focused on the principles and we have had a very good debate. It is important that at stage 2 we address all the detailed points that have been made by the committees. I think that there will be an extremely constructive debate at

stage 2. We might not achieve complete consensus, but the process of scrutinising the bill and the subsequent subordinate legislation will allow us to ensure that we get the principles right for the whole of Scotland and the detail right for individual national parks.

This is a huge step forward for us. We are joining the nations around the world that have national parks. The debate and the amendments that we will make to the legislation emphasise the fact that local people need to feel part of the process. At stage 2, we will debate the detail of how we do that.

This has been an excellent debate. We have moved a significant step closer to establishing national parks in Scotland. I commend the bill to Parliament.

National Parks (Scotland) Bill: Financial Resolution

The Deputy Presiding Officer (Patricia Ferguson): The next item of business is consideration of motion S1M-716, in the name of Mr Jack McConnell, on a financial resolution on the National Parks (Scotland) Bill.

Motion moved,

That the Parliament for the purposes of any Act of the Scottish Parliament resulting from the National Parks (Scotland) Bill, agrees to—

(a) the expenditure out of the Scottish Consolidated Fund of the expenses of the Scottish Ministers in consequence of the Act, and

(b) payments by National Park authorities to the Scottish Ministers.—[Mr McConnell.]

Business Motion

The Minister for Parliament (Mr Tom McCabe): I seek permission to move a motion without notice.

The Deputy Presiding Officer (Patricia Ferguson): I have decided to give that permission.

Mr McCabe: I move,

That motion S1M-906 be taken without notice.

The Deputy Presiding Officer: The question is, that motion S1M-906 be taken without notice. Are we all agreed?

Members: Yes.

Motion agreed to.

Mr McCabe: Motion S1M-906, which extends tomorrow's debate on race relations from 45 to 60 minutes, is a result of discussions with other parties.

I move,

That the Parliament agrees that, as a revision to the business programme agreed on 18 May 2000, the Executive Debate on Race Relations – UK Legislation scheduled for Thursday 25 May should be extended to conclude at 10.30 am.

The Deputy Presiding Officer: No member has indicated that they wish to speak, so I will put the question. The question is, that motion S1M-906, in the name of Mr Tom McCabe, be agreed to.

Motion agreed to.

Decision Time

17:03

The Deputy Presiding Officer (Patricia Ferguson): There are seven questions to be put as a result of today's business. The first question is, that amendment S1M-890.1.1, in the name of Angus MacKay, which seeks to amend amendment S1M-890.1 in the name of David McLetchie, on Mike Tyson, be agreed to. Are we agreed?

Members No.

The Deputy Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
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)
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)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
MacKay, Angus (Edinburgh South) (Lab)
MacLean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAllion, Mr John (Dundee East) (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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North-East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (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)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of

the division is: For 78, Against 1, Abstentions 34.

Amendment to the amendment agreed to.

The Deputy Presiding Officer: The second question is, that amendment S1M-890.1, in the name of David McLetchie, as amended, which seeks to amend motion S1M-890, in the name of Roseanna Cunningham, on Mike Tyson, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 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)
 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)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)

Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 77, Against 35, Abstentions 0.

Amendment, as amended, agreed to.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): On a point of order. I believe that I might be the one member who voted against the amendment in the first vote. I tried to correct that.

The Deputy Presiding Officer: That has now been registered in the *Official Report*.

Tommy Sheridan (Glasgow) (SSP): On a point of order. Presiding Officer, you will find that Mr Jenkins is wrong and that the vote against the amendment that was registered was mine.

The Deputy Presiding Officer: I am sure that Mr Jenkins will thank you for that clarification, Mr Sheridan.

The third question is, that motion S1M-890, in the name of Roseanna Cunningham, on Mike Tyson, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 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)
 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)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (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)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 79, Against 34, Abstentions 1.

Motion, as amended, agreed to.

Resolved,

That the Parliament regrets the determination of the SNP to promote an agenda designed to wreck rather than address the issues for which the Parliament is responsible; recognises and supports the current constitutional settlement, which was endorsed by a referendum of the Scottish people and which leaves immigration policy in the hands of the Home Secretary, and accordingly notes that the Home Secretary is the proper person to take the decision on whether Mike Tyson should be allowed into this country and, whilst recognising the widespread concerns, in this Parliament and elsewhere, about the proposed visit, believes that this Parliament should use its time to discuss and to take decisions on matters within its competence and so help to build a Scotland true to the values of fairness, equality and justice, and supports the work of the Scottish Executive in tackling domestic abuse and supporting its victims, in particular in developing effective intervention and service provision to prevent male violence against women and their children.

The Deputy Presiding Officer: The fourth question is, that amendment S1M-888.1, in the name of Susan Deacon, which seeks to amend motion S1M-888, in the name of Kay Ullrich, on the Scottish heart transplant unit, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 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)
 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)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Crawford, Bruce (Mid Scotland and Fife) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (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)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)

Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 77, Against 2, Abstentions 33.

Amendment agreed to.

The Deputy Presiding Officer: The fifth question is, that motion S1M-888, in the name of Kay Ullrich, as amended, be agreed to.

Motion, as amended, agreed to.

Resolved,

That the Parliament welcomes the arrangements which are being put in place to secure the long-term future of heart transplantation service in Scotland; notes the efforts being made to minimise the effect of change on patients; welcomes the commitment of staff at the North Glasgow University Hospitals NHS Trust to continue with high quality support, assessment and follow-up of transplant patients in the interim period; notes the effective co-operation with the Freeman Hospital in Newcastle and arrangements for transplant patients, and notes the importance of patients and the public being reassured that interim arrangements are in place and that steps are being taken for the long-term.

The Deputy Presiding Officer: The sixth question is, that motion S1M-770, in the name of Sarah Boyack, on the National Parks (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the National Parks (Scotland) Bill.

The Deputy Presiding Officer: The seventh question is, that motion S1M-716, in the name of Mr Jack McConnell, on the National Parks (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament for the purposes of any Act of the Scottish Parliament resulting from the National Parks (Scotland) Bill, agrees to—

(a) the expenditure out of the Scottish Consolidated Fund of the expenses of the Scottish Ministers in consequence of the Act, and

(b) payments by National Park authorities to the Scottish Ministers.

The Deputy Presiding Officer: That concludes decision time. Members who are leaving before the members' business debate should please do so quickly and quietly.

Construction Industry (Employment)

The Deputy Presiding Officer (Patricia Ferguson): The final item of business today is a members' business debate on motion S1M-724, in the name of Johann Lamont, on jobs and training in the construction industry. The debate will be concluded after 30 minutes without any question being put. Those members who wish to speak in the debate should press their request-to-speak button as soon as possible.

Motion debated,

That the Parliament notes the increasing opportunities for construction work in Pollok, Glasgow and in Scotland as a whole; believes that the construction industry, working along with the construction unions and Construction Industry Training Board, should provide real training and apprenticeships for young men and women, work to improve safety and regulation in the construction industry and ensure, in conjunction with the Executive, local authorities, Social Inclusion Partnerships and other agencies, that those most excluded in society by poverty and disadvantage are provided with the opportunities to benefit from the jobs created by the boom in the construction industry, and further believes that the Executive should do everything within its power to support these aims.

17:11

Johann Lamont (Glasgow Pollok) (Lab): In my former life as a teacher, I never spoke to a noisy room, so I hope that everyone will be nice and quiet for me.

I am pleased to have the opportunity to introduce this debate on an important issue for my constituents and for people across Scotland. I would like to make it clear at the outset that I am not an expert in this area, and I am grateful for the information that was provided for me by a range of organisations in the construction industry, including the Construction Industry Training Board, Glasgow City Council building services department and the unions that are involved in this field.

I start by highlighting a situation with the construction industry that I believe creates a problem. Our awareness of the industry is often highlighted only when it intrudes in our everyday lives—when it creates traffic problems or when inconvenient scaffolding is put up. We tend to celebrate the designers of buildings, and the buildings themselves, but often we fail to celebrate the builders. We must recognise the importance of the process of construction to the economy, as well as the product of that construction work. Construction is a hugely important industry in Scotland, employing about 130,000 people and undertaking about £5,000 million of work a year.

We hear a lot about the virtual economy and e-commerce, but it is important that we recognise that many of our fellow citizens are involved in an economy that deals with real materials in real places. At times they battle in difficult circumstances, and many of them are put at risk because of a lack of regulation and safety. Sadly, there remains a significant number of fatalities in the industry; it is crucial that that is addressed. The Health and Safety Executive, according to its figures, was notified of 66 fatalities in the industry between April 1998 and March 1999. The unions have a crucial role to play in protecting the work force and I welcome the important steps forward that the Government has taken in recognising trade unions and their right to carry out that important job.

The motion acknowledges the likely growth in the industry, with its potential to create a lot of job opportunities. It is estimated that, in this part of the world, through the private-public partnership education initiative, the proposed investment in housing in Glasgow and the development of the Clyde village, there may be an investment of £2 billion over the coming six to 10 years. That represents a huge opportunity for the physical regeneration of significant areas of Glasgow. It also represents a huge opportunity for the economic regeneration of some of our most deprived communities.

It has been suggested that, sadly, there may be a significant skills shortage in this city. There is evidence of workers being brought in from places such as Liverpool and Newcastle. The Mackenzie Partnership report from May 2000 quotes the Construction Industry Training Board construction labour forecast in Scotland for 1999-2003. It reckons that there will be a need for an additional 32,000 workers in that period, 17,000 of whom will be skilled tradespersons. It notes that only some 1,400 apprentices are currently registered annually, although that does not take account of the new initiatives that I have identified.

It is crucial that we address the skills gap, to ensure that people in our communities benefit. After all, if workers from local communities get work, they will spend the money in their communities and offer greater hope for regeneration. The importance of targeting training cannot be underestimated in ensuring that that job dividend comes to our communities.

Perhaps too much is said in current political circles about learning from the private sector. Perhaps there is an overwillingness to imply that the private sector model is always the best. We can learn a lot from the work that is being driven forward by the public sector. Glasgow City Council building services department offers an excellent model for innovation and partnership, as it

recognises its social role as well as its economic role. Since the early 1980s, it has offered a sustained commitment to apprenticeships. It emphasises encouraging young women into the construction industry; currently 85 per cent of those employed in the industry are men. It offers work experience to school students, has developed partnerships and funding opportunities in a range of areas and has shown a willingness to meet the needs of the young and the long-term unemployed. Moreover, it has provided an accredited training facility to the private sector.

I wish particularly to highlight the important work being done by the council in tackling the issue of pre-vocational training. It is recognised that some of our citizens need extra support and encouragement. Through the pre-vocational training process, in partnership with the council's education service, that support is now being offered. I call on the minister to study that initiative and to work with those involved to see how we might get matched funding, which would allow the initiative to be expanded. That is perhaps an opportunity for active intervention by the Executive.

I wish above all to emphasise how important it is that all involved—the unions, the local authorities, social inclusion partnerships, enterprise bodies, the Executive and the private sector—grasp the importance of the construction industry's social responsibilities and work in partnership to maximise its benefits. I hope that, in the coming period, when contracts are being developed, a willingness to address the social dimension will be given proper credit and will help to define what is best value when those contracts are granted.

There is a huge opportunity ahead of us. With real joined-up thinking across sectors, departments, agencies and unions, we can ensure that high-quality training and real jobs in a safe construction industry will benefit all in our communities.

17:17

Mr Kenneth Gibson (Glasgow) (SNP): I congratulate Johann Lamont on bringing this, her second members' business debate, to the chamber. It is important that she touched so much on the reality of what is happening in the construction industry and how important it is that we do not always get diverted into talking about e-commerce and the knowledge economy. I appreciate that that is important, but what is also important is that work is developed that people can see and can touch with their own hands in daily life.

The Deloitte & Touche "Scottish Chambers Business Survey" for the first quarter of 2000

showed that the construction industry in Scotland is in good health, with some 85.7 per cent of companies in that sector working to full capacity. However, 60 per cent also reported difficulties in recruiting staff, particularly skilled manual workers. An obvious reason is that, as Johann Lamont has just highlighted, the number of apprentices who have completed training in construction-related trades is low. In the public and private sectors combined, no more than 543 people completed training in construction-related trades in Glasgow in the past four years, including only 26 bricklayers, 16 slaters and nine plasterers, the vast majority of whom, one assumes, are already in employment.

Given the Executive's hope to create 1,400 jobs for tradespeople from the 3,000 jobs expected to come about following the housing stock transfer, the schools programme that Johann Lamont alluded to and the Clyde village project, my concern is that any investment will be either delayed or carried out by jobbing tradespeople from outwith Glasgow. Indeed, in his winding-up speech in the regeneration debate last week, the Deputy Minister for Local Government stated that

"we are in a city whose social development resulted from economic migration—people came here to build much of our infrastructure."—[*Official Report*, 17 May 2000; Vol 6, c 752.]

That is true. I am a descendant of such people, as are many people here. Given Glasgow's high levels of unemployment, we need these jobs to go to Glaswegians, particularly in constituencies such as Pollok, where the claimant count is three times higher than the Scottish average—the highest in Scotland—where health is the fourth worst out of 641 constituencies in the UK and where half the children live in poverty.

Training programmes must be stepped up now if we are to ensure that we have a skilled work force to cope with the increased investment in construction from the public and private sectors. I am pleased that Johann Lamont talked about that in her speech. We must support the partnership approach that Johann talked about. Equally, we must ensure that the safety of the work force is paramount as we undertake a programme of development at breakneck speed.

The public sector does a first-class job. I—and a number of other members, I expect—have visited the training programmes in Glasgow and have been impressed by the work that is being done. Glasgow has a tremendous opportunity, but we have to ensure that the construction jobs are made available to Glaswegians. Training must be a priority to ensure that the high levels of unemployment, particularly in our peripheral estates, become a thing of the past in the not-too-distant future.

17:22

Robert Brown (Glasgow) (LD): I congratulate Johann Lamont on bringing this important matter before the Parliament. The Social Inclusion, Housing and Voluntary Sector Committee happened upon the issue while considering the housing stock transfer. We received a lot of evidence telling us that there was a skills shortage problem and, at the same time, an economic opportunity that has to be grasped.

Like others, I have no expertise in this area, although I once worked on a distillery warehouse construction site when I was a student—I do not know whether that counts as relevant experience. The issue of planning is important. The stock transfer alone has the potential to create something like 3,000 additional jobs in construction. Assuming that a large portion of that number will be skilled tradespeople not labourers, it will take three or four years to train them. It will be a while before the stock transfer gets off the ground, but we can clearly see that there is a time lag problem.

It is important that we get together the various interest groups, such as the council, the Scottish Executive and the colleges. Johann Lamont did not mention the colleges much, but I will mention that South Lanarkshire College has a specialism in construction and has had to lay off staff in the past year as a result of a lack of demand for their services. That is a ludicrous situation and we must deal with it.

We have to get a programme in place, monitor it and identify recruits from the areas in need. As work will be done on the houses in those areas, it seems reasonable that local people should benefit most. The construction industry is noted for the ebbs and flows of its business—at times there is an excess of work; at other times people are laid off. We have to create a situation in which the flow of work is steadier. When the big boost caused by the stock transfer ebbs away, there should be something to replace it.

My final point concerns the issue of safety. As all members are aware, the construction industry employs a significant number of non-employees, by which I mean technically self-employed people who are not protected to the same extent by employment legislation and, for example, do not get paid if there is no work for them. We must encourage ways of maintaining employment conditions—the unionisation of the work force is important in that respect. As for the industry's safety record, members have rightly touched not just on the number of fatalities but on the number of injuries. Although, in my former life, I progressed accident claims of that kind, I would be delighted if better safety standards in these industries resulted in a much safer environment for

people to work in.

We have to get this major economic opportunity for Glasgow right; it will happen only once in this generation and we will have only ourselves to blame if we miss it. Let us put all hands on deck and make it work.

17:25

Mr David Davidson (North-East Scotland)

(Con): I congratulate Johann Lamont on securing this debate, and I agree with many of her comments, particularly on training and safety issues. Scottish construction has always been a tremendously important sector of our industry, with major companies that have lasted for generations. At the moment, 130,000 people work for 43,000 firms, so there is a large network that requires support.

Although construction hardly ever rates a mention, and the industries that feed the sector are rarely considered, between them they provide many jobs in Scotland. From 1990 to 1996, the gross domestic product of Scottish construction rose by 10 per cent; however, because of technology, the numbers directly employed in the sector have fallen by 10 per cent. Imports from the rest of the UK total £1 billion and our exports total £550 million, which presents a huge opportunity for Scottish industry. However, it will need support and encouragement from the Executive to invest.

If we are to boost the number of sustainable jobs in construction, we will need to engage in essential work on the infrastructure to give the Scottish economy the proper basis for growth. I am pleased that, in the north-east of Scotland, it was announced today that Transco will build a pipeline which will provide 400 jobs, most of which will be local. We need more and more of those projects.

We must encourage road improvements and the construction of new strategic routes. Members will have heard me talking about the Aberdeen bypass before now. However, we must also consider new railway links and the reconstruction of lines that have fallen into disrepair. Furthermore, if we are to continue to expand, we must improve harbour facilities. Such infrastructure work will provide employment, some of which will be very long term.

Reducing unemployment will release public funds, and various members have mentioned the need for the public and private sectors to be involved in partnerships. If we can create employment through the construction industry, we might be able to release funds to assist the public sector in participating more fully in such projects. As a result, I urge the Executive to assist people to get into major projects such as the Transco pipeline.

Today, craft working and working in building are not seen as sexy, and are not encouraged enough in schools or by society in general. However, the industry becomes more technical day by day and, as has already been mentioned, a huge skills gap is developing. The further education colleges that Robert Brown talked about should be encouraged to participate in filling that gap. In their drive to put bottoms on seats, to gain the funding that they need, they have failed to grasp the opportunity.

Some of the blame for that skills gap must fall on the Executive, unless the minister can give us some good news in his summing-up speech. For example, there is only one wood machinist course in Glasgow, and only one in Edinburgh. That is just not enough to support the industry and the opportunity that exists. Such courses are expensive to set up, and the funding comes, in the main, from the local enterprise company, but experience shows that the LECs tend to support IT rather than some of the basic skills that we need in building.

It is important that we also address the issue of housing, which has been mentioned. If we are to move on and support the industry and those who work in it, there must be full training and we must ensure the development of safety aspects in the industry. Scotland needs a modern infrastructure and housing fit for the new century.

17:30

Mike Watson (Glasgow Cathcart) (Lab): Johann Lamont has done the Parliament, Scotland and Glasgow a service in highlighting the issues in this debate, and I am glad to have the opportunity to speak. I will be brief.

Johann Lamont mentioned the construction industry's contribution to the economy, its significance in providing jobs, the safety issues that are involved and the role of the unions, all of which are important. I want to highlight one of the issues that is mentioned in the motion—training—as it is extremely important to ensure that the construction industry provides the skills base for our young people in Scotland.

Robert Brown referred to the Social Inclusion, Housing and Voluntary Sector Committee, which received evidence from the Union of Construction, Allied Trades and Technicians. Alan Ritchie attended one of our meetings and highlighted some of the concerns that are pertinent to the proposed housing stock transfer—not least in relation to the skills base of craftsmen and women in the work force. He cited an example that stuck in my mind.

A Scottish Homes direct labour organisation employed, on average, 100 apprentices a year. Following the sell-off to Mowlem Construction,

however, no apprentices have been taken on by that company. That is a serious issue. The role that is allocated to direct labour organisations by Glasgow City Council—which guarantees 70 apprenticeships a year for boys and girls—is something that we want to protect, as are the unique training facilities at Queenslie.

The role of direct labour organisations in urban regeneration is important as well. As part of the new housing partnership, the Castlemilk Economic Development Agency is working to ensure that local labour clauses are inserted in the contracts of the contractors—currently Miller Homes. We have heard that those sorts of relationships cannot be formalised, but they can. One of those clauses states:

“It is an implicit condition of this contract that apprenticeships are offered to young people residing in the G45 postcode. The contractor is to select the applicants in association with Castlemilk Economic Development Agency and is to fully indenture them for the requisite period governed by Scottish Building Apprenticeship Scheme Rules and Regulations.”

That is a clear example of Castlemilk Economic Development Agency working to secure employment and training for local young people. That action is not unique to the construction industry, and shows what can be done if the will exists.

In areas such as Castlemilk and Pollok, it is extremely important that the jobs go to local people. My example is taken from Glasgow, but the problem is Scotland-wide. Wherever the new housing partnerships and other construction projects are under way, I hope that companies are at least encouraged, if not forced, to ensure that, as far as possible, the jobs are allocated locally.

There is a caveat, however. If the skills base is not there, the jobs cannot be allocated locally. Robert Brown was right to highlight the fact that, if the housing stock transfer in Glasgow goes ahead, it will require many jobs over a number of years. The apprenticeships must begin now, to prepare for that and other construction projects in Glasgow.

17:33

Allan Wilson (Cunninghame North) (Lab): I will be brief. I thank Johann Lamont for lodging the motion. I identify myself with her comments on the failure of the private sector to invest in our young people.

Economic boom and bust traditionally manifests itself first in the construction industry. The period of bust that occurred a few years ago saw construction firms reducing or dispensing with not only apprenticeships, but time-served tradesmen.

There has been an absence of a proper

apprenticeship scheme for a number of years and the result is that we have an aging skilled work force. Skills that should have been passed down to properly trained apprentices are passing into obscurity as tradesmen retire. I was interested to hear Kenny Gibson's example about the 16 slaters in Glasgow. That is the best example I have heard—16 trained slaters in Glasgow would constitute almost half the total in apprenticeships in Scotland. If an apprenticeship lasts four years, only between seven and nine people will qualify to replace retiring tradesmen in Scotland in any given year.

In Scotland, few national construction companies have apprenticeship policies and, left to their own devices, they would have no intention of introducing them. Management agents are now involved in most major new construction projects, including, I understand, the Parliament building. I have asked the Presiding Officer how many apprentices are employed or are likely to be employed on that project. I will be interested to hear the answer, because there would normally be few, if any, on projects on which management agents are being used.

Another vestige of the boom-and-bust period is the 714 certification that Robert Brown referred to. Many tradesmen of my acquaintance have to pay 26 per cent or more of their earnings, which is deducted at source, to pay their backlog of unpaid tax. Their situation is critical and demands Government intervention, or our ability to compete worldwide for major construction projects will diminish. Opportunities for productive and rewarding employment for a generation of young people will diminish as a consequence of that. I am concerned about that and I know that it concerns Johann Lamont and everybody else here.

I am also concerned about the disparity between the amounts spent by local enterprise companies on 18-plus apprenticeship training, which David Davidson referred to. I support the call in the motion that the Executive do everything in its power to address that.

17:36

The Deputy Minister for Highlands and Islands and Gaelic (Mr Alasdair Morrison): I thank members for their speeches and join them in congratulating Johann Lamont on securing the debate and raising a number of issues relating to employment and training opportunities in the construction industry, especially in Glasgow.

The construction industry is undoubtedly doing well. Scottish construction industry output grew by 2.6 per cent in 1999, which is very good news after a number of lean years. However, that

growth was broadly the same as the growth in the Scottish economy as a whole last year. The figures do not suggest a boom, but steady and welcome growth.

Recent business survey evidence from the Scottish chambers of commerce is also encouraging, but it too does not point to a construction boom. In fact, a boom is not necessarily what we want. Longer-term prosperity and job security in the industry will be better served by a measured approach to investment.

Having sounded that note of caution, I can say that the transfer of Glasgow's council housing into community ownership has major significance for the city. Robert Brown highlighted the fact that the transfer offers empowerment to local communities throughout Glasgow. The transfer will offer investment of £1.6 billion—one tenth of the Scottish Parliament's entire annual budget—in the city's housing within 10 years. It therefore offers the prospect of new opportunities for employment and training in the city.

It is estimated that more than 3,000 new jobs will be created by the investment: about 1,700 of them in the construction industry and another 1,400 with associated suppliers. The challenge to us all is to ensure that the people of Glasgow—in Pollok and elsewhere—benefit from the creation of good quality jobs in the construction industry. That point was made ably by many colleagues.

We know that disadvantaged young people and long-term unemployed adults in Glasgow have great difficulty getting into the new jobs that are being created by a number of sectors in Glasgow. I noted carefully what Johann Lamont said about the city council and the important issue of pre-vocational training. As members will recall, the Beattie committee report that was published in September 1999 made a number of recommendations about the expansion of pre-vocational training. The setting up of an action group was announced earlier this month and there should be an action plan on that issue shortly.

The Scottish Executive funds and supports Scottish Enterprise and other public agencies to tackle these problems through a range of programmes, including Glasgow works, skillseekers, training for work and the Glasgow employment zone. I have highlighted those initiatives, but we all accept that more needs to be done.

Glasgow City Council and Scottish Enterprise Glasgow are now working closely together to ensure that the opportunities arising from the housing transfer make a difference to Glasgow's employment problems. Glasgow City Council is committed to the provision of 1,000 construction-based accredited training places in the current

financial year. Johann Lamont was right to highlight the council's pioneering work in that important area.

Planning is already under way through Glasgow City Council, Scottish Enterprise Glasgow, the Scottish colleges of further education, the new deal programme, the European social fund, the Construction Industry Training Board and private sector construction companies to co-ordinate training programmes with the proposed housing improvement works programme to identify skill requirements and to align training activity and funding with any identified skills shortages. Those points were highlighted by Kenny Gibson, among others.

The Executive has given an additional £300 million to the modern apprenticeship programme. In 2000-01, the Wise Group will provide work and training opportunities to 750 long-term unemployed Glasgow residents. A majority of those people will work on housing-related activities such as energy conservation, safety and security and landscaping.

Members have singled out the training needs of young men and women. The Executive places great importance on increasing the level of skills and qualifications among young people. This year the youth training budget will be £87.5 million. We place particular emphasis on increasing the number of young people in modern apprenticeships, which support young people training at craft and technician level.

The construction industry currently has nearly 4,000 modern apprentices in training, with 1,800 entrants in the current year. I am also pleased to note that Scottish Enterprise Glasgow is now having greater success in recruiting young people from Johann Lamont's constituency, from Easterhouse and from other deprived areas into the wider skillseekers programme and into modern apprenticeships. I have no doubt that, with the council and other partners, it will seek to increase the number of opportunities for those young people among the projected new jobs.

Finally, I come to the important issue of safety, on which members were right to dwell. The Executive supports the construction industry's initiatives to work towards improved safety and regulatory standards. I am pleased to say that our construction industry in Scotland has been active in that area for some time. That is encouraging.

The Scottish Construction Operatives Register Executive—shortened to SCORE—was launched by the Scottish industry in 1995 to maintain a register of construction operatives who have achieved agreed standards of training. Those standards include tuition in practical safety awareness and are intended to encourage

operatives to think about possible risks in the construction environment. Sadly, we know that it is a dangerous and hazardous environment.

The standards of training in safety and other areas required by SCORE are significantly higher than those specified by the construction skills certification scheme, which is intended to be UK-wide but now finds favour mainly south of the border. In an important development, the construction skills certification scheme has recently been extended to include a short computer-based multiple-choice test of knowledge of health and safety issues. It can be carried out at many centres throughout the United Kingdom and is designed to show up areas of weakness in operatives' knowledge of the relevant safety regulations to help identify training needs. SCORE complements that scheme with a more pragmatic approach.

The construction industry in Scotland clearly understands the need to improve regulation and safety issues. The industry deserves our support and encouragement in its efforts to deal with the problem and in applying a sound practical approach. The construction industry is well placed to take advantage of the new opportunities in Glasgow, and the Executive will work with all the agencies in Glasgow to ensure maximum benefit to the city's residents.

Meeting closed at 17:43.

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