

MEETING OF THE PARLIAMENT

(ABERDEEN)

Tuesday 28 May 2002

Session 1

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28 May 2002

Scottish Parliament

Tuesday 28 May 2002

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

Time for Reflection

The Presiding Officer (Sir David Steel): Good morning. It is entirely appropriate that, here at the University of Aberdeen, we welcome the chaplain to the university, the Rev Easter Smart, to lead our time for reflection.

Rev Easter Smart (Chaplain to the University of Aberdeen): I welcome you all to Aberdeen.

In Tolkien's masterpiece, "The Fellowship of the Ring", the character Frodo tries to make a hasty getaway by boat in order to pursue his mission to Mordor alone. His trusty friend Sam chases him, falls into the water and nearly drowns.

"Oh, Mr Frodo, that's hard!" said Sam shivering. "That's hard, trying to go without me and all. If I hadn't guessed right, where would you be now?"

'Safely on my way.'

'Safely!' said Sam. 'All alone and without me to help you? I couldn't have borne it, it'd have been the death of me.'...

'But I am going to Mordor.'

'I know that well enough, Mr Frodo. Of course you are. And I'm coming with you.'

'Now, Sam,' said Frodo, 'don't hinder me! ... I must go at once. It's the only way.'

'Of course it is,' answered Sam. 'But not alone. I'm coming too, or neither of us isn't going.' ...

Frodo actually laughed. A sudden warmth and gladness touched his heart."

I would like to talk to you about trust. Those of you who have trusted people in your lives know that trust is more precious than riches. Trust between people does not require that they always agree or expect each other to get it right all the time. Trust is simply knowing that they are there for you, like Sam, and that they are not going to leave you, because they want to help you to get where you need to go.

It is a great thing to be trustworthy. Luke's Gospel says:

"Whoever can be trusted with little can also be trusted with much, and whoever is dishonest with little will also be dishonest with much."

Someone compared trust to holding water in your cupped hand. If your fingers open and the water seeps out, it is hard to get it back again. The same is true of trust—once it has been lost, it is hard to

regain.

Faith in God is about choosing to trust in the companionship of God. Like Frodo, many people would prefer to go it alone, rather than to put trust in God. The ancient Hebrews chose to trust in God. We are told in Exodus:

"the people ... put their trust in him."

They believed that God brought them through many hardships and helped to lead them where they needed to go.

Here in Aberdeen, Bishop Elphinstone, through his trust in God, and with the support of the church and the help of his king, built this university 500 years ago.

Our Queen and you, the members of the Scottish Parliament, have been entrusted with the great job of leading this nation. However, you also have the assurance that you are not alone, for you are supported and prayed for by the nation's people. You can trust that God will guide and help you, too.

Today, we pray for places where there is still deprivation and conflict. We can also give our thanks to God that we do not face the present or journey into the future alone. We can trust in the good will of trustworthy people and in the constant love and companionship of our God to guide us.

Amen.

Modernising Government Fund

The Presiding Officer (Sir David Steel): The main debate this morning is on motion S1M-3150, in the name of Andy Kerr, on the modernising government fund, and one amendment to that motion. I ask members who want to take part in the debate to press their request-to-speak buttons.

09:35

The Minister for Finance and Public Services (Mr Andy Kerr): It is a great honour to speak in this fine chamber. I have often visited Aberdeen: as a young holidaymaker, with my parents; as a parent, with my kids; as convener of one of the Parliament's committees; and as a minister. It is always a great pleasure to come to Aberdeen and Aberdeenshire.

It is also a great honour to discuss the modernising government fund, which is a challenge fund. The Executive is closely tied to the philosophy of modernising public services. It is not a question of modernising services for the sake of it; it is about modernising services for the users who rely on them so much.

The fund works in a number of ways. First, it provides additional funds for which public sector bodies can compete to accelerate the progress of modernisation within their environments. Secondly, it represents a challenge to the public sector to redesign, to innovate, to change current working practices, to be innovative in the delivery of local services and, where appropriate, to take a risk, ensuring that the risk is underwritten by the Executive.

I want to focus on some of the areas in which the fund has delivered and on some of the projects that have allowed ordinary citizens to gain better access to our services. I want to ensure that we progress with the fund in a way that meets the needs of the Scottish people.

Phil Gallie (South of Scotland) (Con): In relation to change in the fire service, does the minister have concerns about rumblings about industrial activity and a possible strike? Does he accept that it was under the last Labour Government that we had a fire service strike and will he ensure that we do not have a fire service strike in the immediate future?

Mr Kerr: The member did not take long to get us to Mordor. Those are matters for the local authorities, which are involved in discussions with the relevant trade union members. I am sure that the discussions will reach a satisfactory resolution.

The First Minister—then Minister for Education, Europe and External Affairs—launched the modernising government fund in December 2000,

and set out the purpose of the fund. The fund was designed around the delivery of front-line services, for example, the first-stop shops in North Lanarkshire, which I have visited. They handled more than 39,000 inquiries in the first quarter of 2002.

The fund has also been used to help health service and social work departments to work together to support our elderly community in an integrated way. The single shared assessment process ensures that people do not spend their time filling in forms or being asked questions. The fund has meant that we work as a unit, as happens in the case of Forth Valley NHS Board and Stirling Council, where the service is designed from the perspective of the elderly person, not from the perspective of the service. That is an important innovation and we seek to support it.

We are also developing contact—not call centres. With the modernising government fund, our aim is to allow people to contact their council through online transactions, by e-mail or by visiting local offices in person. We want to ensure that people can resolve the issue that their council needs to deal with at the first point of contact. We also want to encourage the use of a wider range of services within council areas. Encouraging people to use and to rely on more services will mean that we will have to ensure that we deliver the best for those users.

The one-stop shop in Almondvale shopping centre in West Lothian provides access, under one roof, to the Inland Revenue, the Department for Work and Pensions, further education colleges, health services and the council. It allows public services to focus on the needs of the community and provides people with access to services in an integrated manner.

Brian Adam (North-East Scotland) (SNP): It is great that we have a wide variety of new local government initiatives, but will the minister give us an idea of how much time, effort and cost has gone into the failed bids? Is not the challenge funding approach reaching the end of its useful life?

Mr Kerr: That is not the view of the participating local authorities. The challenge process allows the Executive to obtain an overview of what local authorities and their partners are looking for. Therefore, we can agglomerate the best of the projects and enable local authorities to work together. The Executive has done that with the present round of the challenge fund. We bring together several councils with similar objectives, similar ways of operating and similar standards to meet on a single-project basis. By funding such joint effort, we enable benefit to be gained on a much larger scale.

The Young Scot card is a good example of an idea that began with one or two authorities and that is progressing in the majority of our local authorities. That is an illustration of the value of ensuring that everybody takes up such good initiatives. What makes the card work at a local level, however, is not the technology or the Executive's focus, but the way in which young people can use it. For example, the card can be used as a proof of age and can allow access to leisure facilities and all the other services that young people require from local councils and community partners.

Another aspect of the modernising government fund is that it can also improve the Executive's work, such as the processing of the detailed forms that must be submitted by farmers who want to claim subsidy.

Richard Lochhead (North-East Scotland) (SNP): The minister has rightly placed a lot of emphasis on information and communications technology. Is he aware that many obstacles must be overcome to deliver an adequate service in our rural communities? What is he doing to ensure that that happens?

Mr Kerr: Our focus on rural communities is absolutely clear in a number of the initiatives that we have introduced. Those include the broadband strategy to enable local communities, on which we are focusing and in which we are investing heavily.

For instance, when I visited Islay, I took part in a videoconference with the community on Jura. I spoke to a person who suffers from multiple sclerosis. For a medical consultation, that MS sufferer would normally have had to travel by plane or go on a couple of ferries and a train and then stay overnight in Glasgow. Now, that member of the rural community of Jura can speak to his consultant down the line using modern videoconferencing technology. His consultation can now take 45 minutes instead of the two or three days that he might previously have spent travelling. That is an example of how the modernising government fund can have a real impact and shows the Executive's commitment to all parts of Scotland.

Managing change is what lies behind the modernising government fund. We might have all the technology in the world and all the techies and anoraks involved in the process—some of us like all that stuff—but at the end of the day, the aim is to change staff attitudes so that they are focused on delivering services in a new way. From my visits to meet front-line staff, I recognise that they can gain job enhancement from the process as well. Staff are enabled to solve people's problems in an efficient manner and to deal with the various issues that might be raised by the people who walk through the door in a one-stop shop. That is

much more rewarding for the staff who are involved in public services. We want to support that.

Another great example of what can be achieved is the Dalmellington centre in East Ayrshire. At one end of that building is the police station and at the other a dentist's and a medical practice. In between those are located the housing and social work departments and the Benefits Agency. At the Benefits Agency office, folk from Dalmellington can go online and send forms electronically to the Department for Work and Pensions. That means that, instead of having to rely on local transport and make a bus journey, which would take time, they can interface directly through a television with staff at the local Department for Work and Pensions office. If forms need to be filled out, the forms can be scanned and sent. The person at the other end then signs the form, which is scanned and sent back. Again, that is a great initiative that allows people greater access to public services.

When I visited Argyll and Bute, I saw the Young Scot dialogue project, which is designed by young people who have worked to ensure that we deliver joined-up services for young people. I am sure that many members followed the recent successful launch of the Young Scot project, through which we have opened up a whole new dimension of public services to those involved in those areas.

The Deputy Presiding Officer (Mr Murray Tosh): You have one minute.

Mr Kerr: Just last week I visited Orkney, where the council has bought the East Kirk, which is a disused church that will be developed into a facility to provide a much more focused access point for public services. That sort of thing addresses some of Richard Lochhead's concerns about the Executive's support for rural communities. That one-stop shop facility will be used not only by the local council and health board, but by local voluntary sector organisations, which must currently spend a lot of money that they can ill afford on travel in those areas. Like the public sector bodies, those voluntary sector organisations will be able to use videoconferencing and other modern technologies and thus play a greater role in their communities.

Money has been given for the Aberdeen futures strategy. Arguably, that strategy has set a benchmark for consultation with the community on the delivery of public services. Again, that project has been strongly supported by the Executive. Aberdeen has also used a single smart card to support many initiatives. Its work on smart cards is at the leading edge in Europe and in the United Kingdom. The one card is able to support classroom registration and remove the perceived stigma of free school meals. The card is also used as a voluntary proof of age, a library card, a

leisure card and a concessionary travel card. It also offers reward points for healthy eating. However, although technology can deliver many things for us, the important thing is not the technology itself, but the services that can be provided.

In our further round of announcements, we focused on working in a collegial way at a local level to involve all the community planning partners. Our focus was on the service that is provided to the public, not on the service deliverers. We have focused on public services, unlike those who seek to undermine them. We want to ensure that the front line comes first, that those on the front line can deliver high-quality services, and that people receive high-quality services. That is the essence of the modernising government fund. I seek members' support for the motion.

I move,

That the Parliament notes the Scottish Executive's commitment to modern, high quality, efficient and responsive public services and supports its approach, through the Modernising Government Fund, to help deliver the changes which will integrate government, exploit the benefits of information and communications technology and put citizens at the centre of public service delivery in a 21st Century Scotland.

The Deputy Presiding Officer: I advise members that the Presiding Officers have the benefit of an on-screen digital clock. We will try to signal to members when they have a minute left, so that they are assisted in timing their speeches.

I call Tricia Marwick to speak to and move amendment S1M-3150.1. She has seven minutes.

09:45

Tricia Marwick (Mid Scotland and Fife) (SNP): The hospitality that has been shown and the effort that has been made by so many organisations have made it a pleasure for the Parliament to be in Aberdeen this week. In time for reflection, reference was made to "The Lord of the Rings", but this fine chamber reminded Mike Russell and me more of Hogwarts school. Perhaps we are former pupils.

I will not start on a discordant note. The SNP welcomes the Executive's stated commitment to e-government, which is an aspiration that I am sure is shared by all parties in the chamber. I recently travelled to Estonia, not for the Eurovision song contest—

Mr John Swinney (North Tayside) (SNP): Why not?

Tricia Marwick: Why not indeed. No, we went as part of the parliamentary delegation. We were struck by the similarities between the Estonian

Parliament and our own Scots Parliament in the commitment to providing services and to ensuring that parliamentary proceedings are online for those who want to see them.

In the words of the Executive, the modernising government fund is

"designed to support innovative projects by the wider public sector which will improve the delivery of public services, promote partnership, deliver savings and contribute to the progress of the 21st century government agenda in Scotland."

Scottish local government has many examples of good practice. Clackmannanshire Council's website, ClacksWeb, is first class. The fact that it came top in a survey of local authority websites shows that the wee county is indeed leading the way. Angus Council, which received £0.5 million from MGF money, aims to achieve multi-agency service delivery through new broadband technologies and through a one-stop shop that will cover a range of services. After consulting widely, Falkirk Council is now involved in a joint purchasing bid with Stirling Council and Clackmannanshire Council. Good practice exists throughout Scotland.

However, delivering first-class public services requires more than e-communication and a commitment to ensuring that people can get access to information, important though those might be. The purpose of the SNP amendment is to draw attention to the fact that the debate should be about how those public services are delivered. Delivering first-class public services means investing in those who deliver the service. That means investing in our councils and health boards to ensure that we have the right people to deliver the services.

The Convention of Scottish Local Authorities has claimed that there is a shortfall in local government funding of about £1.5 billion. I know that the Executive disputes that figure, but one of my frustrations is that those who deliver the service and those who provide the money argue about the extent or existence of the shortfall. The Parliament should concentrate on how those services are delivered.

Mr Kerr: Tricia Marwick has made a point about resources. Does she accept that local authorities are involved in the spending review process? The Executive has built in the local authorities as an integral part of that process. Ministers meet their counterparts in local government and I meet local government representatives regularly to discuss the spending review process.

Tricia Marwick: Frankly, we expect ministers to do that.

Jack McConnell defined public services thus:

"In the modern world, public services are hard to define. The easy definition is that which is owned or directly run by public or democratically elected organisations".—[*Official Report*, 23 February 2000; Vol 5, c 7.]

That seems a fair definition. However, the delivery of public services in Scotland is not good enough and people are being denied the level of services that they need. The level of cleaning in our hospitals is appalling and the incidence of hospital acquired infection is increasing. Home help services in councils such as Fife Council have been cut.

The delivery of first-class public services is the real challenge for the Parliament and the Executive. It is a challenge that the Executive has so far failed. The fact that people can access council or national health service websites is not much use when the services are not available and waiting lists are increasing or when someone who is waiting for a home help finds that the hours of the service have been cut.

I welcome the debate, modest though it may be, but public services and their delivery require much more than the Executive motion suggests. A commitment to the delivery of public services must go way beyond the motion. The debate starts our programme in Aberdeen, but the Executive has missed the opportunity of holding a debate on public services that goes wider than simply saying that we are signed up for e-government. Good practice exists, but much more needs to be done. I commend the councils that have introduced innovative projects.

Phil Gallie: Will Tricia Marwick give way?

The Deputy Presiding Officer: No—she is in her last minute.

Tricia Marwick: I ask the Executive to support the amendment, which is modest. If the Executive is truly committed to public services, it should support it.

I move amendment S1M-3150.1, to insert at end:

" , but recognises that the delivery of first class public services also requires support to the staff working in that sector, adequate funding from central government and a commitment to ensure that the services remain in the public sector."

09:52

Mr David Davidson (North-East Scotland) (Con): As a north-east Conservative MSP, I am very pleased to be here this morning, but I am a bit puzzled about the contents of the debate.

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

Mr Davidson: Not at this time. We will discuss what the money could have been spent on another day.

I am puzzled about why we are having this debate. Perhaps I am being naive but, as someone who was a councillor before coming to the Parliament, I have always assumed that people and the services that they receive were at the centre of everything that we did. The idea is not new.

In Andy Kerr's motion, he talks about

"commitment to modern, high quality, efficient and responsive public services".

Is that not what everyone commits to in their manifesto? Nothing in the Executive's motion is new. However, we cannot necessarily

"support its approach, through the Modernising Government Fund, to help deliver the changes".

Although we are great fans of e-government—and no one more so than my colleague David Mundell—the debate is not really about that. The idea that we have to create a fund to get agencies to deliver for the people is strange. I thought that doing that was within the remit of all public service agencies. The minister thinks that a small amount of money—and it is a small amount—can be spread across the councils and the other agencies, but I am not sure that, if he allocated a few more shillings to each of their budgets, they would not do the work required anyway.

My biggest concern is that, because of challenge funding, the minister is seeking to control from the centre, which is the very thing that many organisations do not wish to happen. They wish to be left to get on with it.

Mr Kerr: Mr Davidson may say that, but COSLA and all local authorities support what we are doing. We want to aggregate best practice. Why have 32 different smart cards? Why have 32 different property databases for Scotland? Why have 32 different ways for people in social work to work with people in health? We want to reach the highest standards by sharing best practice. Mr Davidson's approach would not deliver that.

Mr Davidson: Nonsense. Having a central statistical unit, accessible to everyone, is long overdue. I thought that that was part of what the Scottish Parliament was trying to do. All information should be available to everyone.

I will give Mr Kerr an example of where he should look for ideas. Here in Grampian, we have an organisation called G-DOCS—Grampian doctors on call services—which is an out-of-hours medical service. The people in G-DOCS are soon to be linked with NHS 24—also started in this city—but they cannot access patient medical records out of normal surgery hours unless a general practitioner has indicated that somebody may be at risk and has logged the records in advance. We must consider how joined-up

information services should be going. The minister is looking puzzled and is talking to his colleague, but such matters are important in this part of the country. In Grampian, even the G-DOCS operatives often worry that they cannot get access to information.

On agencies working together, here in the north-east we have long had an organisation called the north-east development group, whose members come from the two councils, the chamber of commerce and the local enterprise company. The people who make up the group have worked together for a long time, without any of the pushing and shoving that is happening now. The group is now involved with NESTRANS—the north-east Scotland transport partnership—which is trying to develop the integrated public transport system that we so desperately need in the north-east. I hope that the minister accepts that we should be focusing on issues such as that, bearing in mind the fact that local agencies, and not people at the centre, often know best. Local agencies should be given opportunities that they can take advantage of.

I have no argument against the public having access to information. When I was a councillor, I would have thought it wonderful if I had had laptop communication to all the villages that I represented. However, access is not available to all parts of rural Scotland. Broadband does not go everywhere and, as Stewart Stevenson said last night when we spoke with members of the Federation of Small Businesses, even satellite communications cannot be used in parts of the north-east because of problems with planning permission.

Do the people have the skills for information and communications technology? Should we take away the human touch from some public services and simply tell people to hit a touch-screen? Many of the old, the fragile and the frail, and many who just do not know the technology, are at a loss. They need an interface with a human being.

Resourcing the individuals who deliver the services is fine—give them the tools to do the job. However, do not pretend that simply putting members of the public in front of a touch-screen is the solution. The solution is to have good local services that are well organised and accessible locally, through a system that has been designed by local people who were elected or given the responsibility to do that. Central control is terrible.

Dorothy-Grace Elder (Glasgow) (Ind): Does the member agree that the Post Office is a major public service? If so, why has the Royal Mail not been mentioned as part of all this joined-up stuff, when thousands of jobs are threatened, whereas the Benefits Agency, which also has an undeveloped function, has been mentioned?

Mr Davidson: I read the SNP amendment as saying that the only good services are nationalised ones or ones in the public sector. Scotland is moving forwards because of partnerships—partnerships involving the independent sector, the voluntary sector and the public agencies. We need that mix, which works here in the north-east. I have already said that it works extremely well in Grampian.

I would like to see a change in the nationalists. I would like to know that they understand that we cannot fund everything from the public pot and that we have to have some wealth creation. Many people in the independent and voluntary sectors have skills and talents and are available to deliver services in co-operation with the rest. I therefore reject the SNP's position.

I ask the minister to tell us exactly how he will set Scotland's public agencies free and not keep them locked into challenge funding, which even Malcolm Chisholm disagrees with, as he said during a committee meeting the other week.

09:58

Iain Smith (North-East Fife) (LD): I say on behalf of the Liberal Democrats that we are very pleased to be in Aberdeen this week. I congratulate everyone who has been involved in planning for this week. The facilities in this chamber and elsewhere are excellent, as are the programmes of events throughout the week in Aberdeen. This will be an excellent advertisement to show people in the north-east how much the Scottish Parliament is doing for Scottish people in the north-east as well as elsewhere.

It is appropriate that the first debate here in Aberdeen is about modernising government. If modernising government is about anything, it is about bringing government closer to the people whom we serve. It must be about the principle that we provide the right service at the right place at the right time—that is what the Parliament is here to ensure. We must focus on improving the direct services that we provide to the public, rather than just on the efficiencies in the public services that modernising government can provide.

There are many excellent examples of what can be done through e-government and the modernising government agenda, but much more needs to be done. The public should be able to find information online on what services are available and how to apply for them. They should also be able to make applications online—they should not need to go to a public office. There should be access points to enable people to access services where it is convenient for them, whether that is a local post office, school or even their own home. We must provide access to the

public where it suits the public, rather than where it suits the public service. Part of the problem for many people who live in rural areas is that they must travel vast distances to access services through the nearest council office or central provider of a service. By using effective modernising government and e-government techniques, we can reduce the need to travel, which is also good for our sustainability agenda and should be welcomed.

The increased use of e-access holds particular advantages for rural communities, such as those of North-East Fife. However, not all public bodies have got round to grasping the advantages of the modern information age. For example, Fife Council's website is way behind what it could be—it is getting better, but that is about all that I can say for it. One cannot use the website to access detailed information about public services, find out how to apply for services, make applications or even find out where the nearest local office is. If I visit the Fife Council website seeking information about my nearest local office, it tells me to ring a telephone number—that is a bizarre approach for a web-based system in which information should be easy to access.

One of the most frustrating things for those of us who use internet services a great deal is the number of times that we have to put in the same information to get access to services. That is frustrating for people who are trying to access council and other public services—time and again they have to fill in forms giving the same information in order to access slightly different services. One of the advantages of e-government and having a smart-card technology that would be consistent across Scotland is that it might cut out much of the unnecessary duplication. We must reduce the amount of unnecessary form filling and bureaucracy.

However, we must guard against councils and other public bodies gathering information for the sake of it. Information that is gathered to enable someone to access a service must be relevant to that service. Equally important, public bodies should be able to access information on the smart card only if it is relevant to a service. Those important points are recognised in "Information Age Government in Scotland: A common framework", which was published recently by Andy Kerr. Collecting too much information could be a barrier, as people might be concerned that that information would be distributed to others.

Modernising government is also important in relation to the freedom of information regime. We are moving to a regime where the presumption is that information will be made available. Therefore, we should ensure that throughout public services we can access electronically all the information

that would be available to us had we made an application under FOI. That should be the aim of all public services. I hope that the Scottish Executive will ensure that that is one of its aims in developing its electronic services.

The Deputy Presiding Officer: We move to the open debate. I ask members to make speeches of no longer than four minutes.

10:04

Elaine Thomson (Aberdeen North) (Lab): As the member for Aberdeen North, I welcome the Scottish Parliament to Aberdeen, which is both the energy capital of Europe and a beautiful city, where citizens enjoy a high quality of life. I am proud to say that I belong to Aberdeen, which is at the cutting edge of modernising government.

I welcome the Minister for Finance and Local Government's decision to allocate an extra £16 million for seven key public sector partnership projects. I know that the minister recently visited Aberdeen to examine the progress that is being made in delivering 21st century government. I am sure that he was suitably impressed by the number of innovative projects that are being developed by Aberdeen City Council and other public sector partners. I look forward to more funding being made available to the council under the second round of modernising government funding, which will allow it to deliver better services.

The aim of the modernising government fund is to support innovative projects that provide new forms of service delivery, to make better use of information technology and to create a more people-centred service. Here in Aberdeen, all citizens will soon have the Accord card, which uses smart-card technology. The card is now in use in some Aberdeen secondary schools and will be in use in every Aberdeen secondary school from the start of the new term. Cashless catering—which will remove some of the stigma that is associated with free school meals—is one of the card's advantages. The card will make it easier to roll out healthy eating initiatives. It also provides Young Scot membership, library membership and will act as an e-purse.

The Accord card has the person's photograph on it, so that it can be used as identification and to prevent fraud. From October, all senior citizens in the city will receive Accord cards. Not only will they be able to use the card to access concessions in the city's 44 leisure centres, 16 libraries and five arts and culture venues, but—if all goes to plan—the card will be used for all bus travel, which will be free at off-peak times.

There are many other initiatives in Aberdeen's modernising government strategy, including the

introduction of a customer care centre and improvements to the local authority's telephone call handling system and the website. The customer care centre has opened only recently, but is already starting to deliver better and more seamless services to citizens. It will enhance communication between citizens and council departments. That will help to ensure that complaints inquiries are dealt with more quickly and effectively. Aberdeen City Council's website has become very popular. It allows visitors to access a wealth of information including news, weather forecasts, polls, jobs, entertainment guides and many other things. I mention in particular the new faults reporting service, which John Prescott, among others, has examined with interest.

I am delighted by the progress, innovation and creativity that is being shown by Aberdeen City Council. If the council works towards and achieves the goal of open and accountable government, working in partnership and delivering on its commitments while listening to the citizens of the granite city, we will have moved closer to the realisation of 21st century government.

10:07

Michael Russell (South of Scotland) (SNP): This debate is quite extraordinary. The application of technology, which Tom Wolfe has described as humanity's new nervous system, is an exciting subject. However, new Labour manages to make it exceedingly dull and uninteresting. New Labour talks about it all the time, because it has so little else to talk about—it is reduced to trumpeting comparatively minor changes that it is making badly.

New Labour members do not like criticism, but they are going to get it. Even the Tories managed to something in respect of modernising government. They did not do a great deal, but they started to do something. The Tories started down that path because any Government in the 21st century would have had to do the sort of things that have been listed in today's briefings. Those things are necessary simply to confront the world as it is; to start trumpeting such action as achievements—

Mr Kerr: What is he going to say about us?

Michael Russell: I tell Mr Kerr that we must analyse what new Labour is doing. The only point of analysis that we can use is comparison with what is happening in other countries. The reality is that new Labour is doing not very much, not very well—the real work is being done by the people on the ground who are committed and enthusiastic about new technology. Mr Davidson was almost right about that.

Those committed and enthusiastic people find that the endless competition for small amounts of funding is counterproductive—it wastes time and resources. They also find the vast amount of bureaucracy that they must deal with in order to get money and micromanagement of money through ring fencing to be extremely counterproductive. All those things must change.

Allow me to ask a question, Presiding Officer: what would be the true hallmarks of a modernised Government? That is a point that Mr Kerr wanted to make and that new Labour always wants to make. I will suggest four hallmarks in addition to the obvious one, which is that its leader would not process with a ceremonial purse. Other things would happen in an open and accessible Government. First, it would not be crony driven. As we have seen once again in the past week, the reality is that the only way to get ahead in Scottish public life is to have a Labour party membership card.

Secondly, a modernised Government would prove itself to be worthy of trust. In time for reflection today, we heard that trust is difficult to hold because it can slip through the fingers. If there is a Government that has allowed the people's trust to slip through its fingers during its term of office, it is the new Labour Government. Nobody thought it could be worse than the Tories, but its reputation is at rock bottom.

Thirdly, a modernised Government would deliver high-quality services without a song and dance such as we have heard today. It is all talk and very little action.

Finally, a modernised Government would have real ambition. Its real ambition would be an independent nation, working hard within the world, having something to talk about—[*Interruption.*] The Labour members do not like the truth. An independent nation would have something to talk about and boast about and would make sure that the people of Scotland got good government, not the pathetic government about which Andy Kerr talked.

10:11

Euan Robson (Roxburgh and Berwickshire) (LD): I am pleased to welcome today's debate and the accompanying announcements in a written answer that was published on Friday. It is important to ensure that the Scottish Executive and local government exploit the benefits of information and communications technology. Those benefits are important for linking people in remote communities to essential services. It is important that rural communities have access that is as good as urban communities'. Much valuable work is being done to achieve that.

I understand that Scottish Borders Council will benefit from the £16 million that has been allocated, and from the £14 million funding that is under further discussion. However, I have a specific question about Scottish Borders Council's Young Scot card application. It seems that discussions are continuing and I hope that the council might still be able to qualify for the scheme despite the fact that the deadline has passed. The minister might be able to comment on that in his summing up—I will be grateful for any advice that he can give.

Tricia Marwick: On a point of order, Presiding Officer. Although I am intrigued to hear Euan Robson's speech, is it common practice for a junior minister to speak as a Liberal Democrat during a debate about a matter that is not his subject?

The Deputy Presiding Officer: There is nothing in standing orders about that. It is a matter of choice and of which members press their request-to-speak buttons.

Mr Robson, the acoustics of the chamber might require a bit more voice projection than we are used to in Edinburgh.

Euan Robson: Thank you, Presiding Officer.

The document that was published in 1999—"21st Century Government"—had four aims. One was to put the citizen at the centre of government. That is essential, particularly in rural communities where access to services can be difficult given geographical distances, as has been mentioned. I commend the work of the Post Office on developing its "Your Guide" scheme. That scheme can deliver such benefits. There are post offices in many rural communities and it is important that that facility is given due consideration.

I finish with a cautionary tale. When talking to constituents, I am beginning to be concerned that there might be two tiers of citizen developing—those who are e-literate and those who are not. I do not want people to be disadvantaged because they do not have access. We are beginning to tackle the problems of obtaining access but we must also ensure that skills training is developed that will enable all citizens to access information other than that which is provided locally.

Fiona Hyslop: Will the member give way?

The Deputy Presiding Officer: The member has finished.

10:15

Mr Kenneth Macintosh (Eastwood) (Lab): I also thank the city of Aberdeen for hosting the Parliament. I am glad to see so many people in the public gallery and in the chamber. The

attractions of hearing me speak on modernising government seem to be greater than I had imagined. I do not want to disappoint but I will keep my remarks brief.

I have a few examples to give of modernising government in practice. I believe that the debate is important and that it is central to our agenda and belief in public services. There is an argument—a hangover from the Thatcherite 1980s—that implies that only market forces can be used to improve the delivery of services. It is an argument that translates the relationship between the provider and the user to that of buyer and seller. It is not so much a simple argument as one that is simplistic and shallow, and it fails to catch the complexity of relationships and motivations behind the provision of public services.

It is not enough merely to present the argument against that type of Thatcherite approach; we must demonstrate that we can deliver and that public services can respond and adapt to the needs and wishes of the public, whether they are tenants, residents, patients or taxpayers. We have to put in place the mechanisms that allow and encourage accountability and that help us to focus on users' needs rather than on the provider. That is what underpins the modernising government approach and that is why it is important that that approach works.

I have an example from East Renfrewshire Council because it—and I—would like to believe that it is in the vanguard of modernising government. That council's flagship programme is the customer first project which is, in effect, a service and telephone contact centre that provides a first point of contact for the public. If a person has a query about council tax or litter—or, as the scheme is rolled out, on housing and education—they can speak to someone who will address their concern, rather than be fobbed off round the switchboard, as might have been the case in the past.

Council officers are now in post whose job it is to focus on handling the public's inquiries, rather than their seeing that as a distraction from their proper job. It is a system that is backed up with technology and which is based on sound IT systems. However, the technology exists only to make the system efficient; the people are the most important part of the service. We are all aware of peopleless telephone systems that seem to exist to cause frustration and to test our powers of endurance—the ones that ask callers to press 1 for sales, 2 for services, 3 for advertising, then take callers through four different levels before they finally press the wrong button and have to start again. My favourite is the so-called voice recognition system for cinemas, which has the caller sitting shouting "Yes, yes" into the phone

like a lunatic, but still ending up with tickets for the wrong show.

The technology exists to back the provider up and to allow public services to respond to the people that really matter—the public. To use East Renfrewshire Council as an example, that ethos is present throughout the council, from cabinet or executive-style government—which is more efficient, responsive and accountable to the public—to a partnership approach to service delivery. That council does not believe that it has the monopoly on the provision of services. It is willing to work in partnership with other organisations, such as Cosgrove Care or Help the Aged, in order to deliver care packages to members of the community. The council sees itself as working in co-operation with those organisations. It does not seek to supplant them.

On services for older people, for example, East Renfrewshire Council worked in conjunction with Argyll and Clyde NHS Board to refocus attention on delivery. It decided not to have rigid demarcation between district nurses and social workers, but to have them work together to provide services to local older people.

I will end on health boards, which are a prime example of arrangements that need the modernisation agenda. Despite moves to appoint elected representatives to health boards, they are not accountable to local people. Anyone who is aware of the difficulties that we are having with the acute services review in Glasgow will know that the health board has failed to respond to the public in that review. We must address that situation.

The lesson of modernising government is not to focus on modernising but to focus on good government.

10:19

Fiona Hyslop (Lothians) (SNP): I will pick up where Kenny Macintosh left off. The debate is about modernising government. He is correct to say that the content of the Executive motion concentrates on the modernising aspect, but the SNP's amendment is about government and the delivery of services. The challenge for government is to bring those two aspects together.

Today's debate is about access to information because it is about the new e-government agenda. However, it must be about delivery of services. What is the point of being able to access information about services online if the services do not exist? I will concentrate on who delivers, how they deliver and who pays. Euan Robson, who has left the chamber, pointed to the fact that post offices—I see that he is here; sorry, Euan—have traditionally been the point of access for much information. Post offices are under threat. We

must value the role that post offices have played in communities.

In his opening remarks, the Minister for Finance and Public Services referred to the one-stop shop in the Almondvale centre in West Lothian, which provides an excellent service by bringing different services together. However, our problem in West Lothian is what happens to pensioners who live in villages on the outskirts of West Lothian and who traditionally use the post office to get information about their benefits. How are they meant to get to the one-stop shop at the Almondvale centre?

Let us not have two tiers of access to information. Let us ensure that we allow people to access information where they want to. That means that we must make sure that post offices survive the threats that they face. We must also make sure that one-stop shops are funded properly. I have a question about the one-stop shop at the Almondvale centre: how much of its funding comes from the housing budget? I ask because much of the information that is provided is about the housing department. That is an interesting question that ministers might wish to ask West Lothian Council.

On who pays, the Scottish Parliament information centre briefing for the debate states that £25 million was drawn down in modernising government fund bids to deliver e-governance and the access to information that we want from the modernising government agenda. Where is that funding coming from? I will give members a good answer. Part of what we want to do is to ensure that we deliver public services. In a debate in January, I asked Peter Peacock about council tax benefits. One of the reasons why we want one-stop shops is to ensure that people can access council tax benefits and housing benefits. The ministers will know—because they are responsible for finance—that paragraph 5.3 of “Funding the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly” states that if the council tax benefit bill in England and Wales rises faster than that in Scotland, as is currently happening, there should be an adjustment. I asked Mr Peacock in January whether we were benefiting from that and he said that we were. This year alone, we should get back £20 million because of the adjustments to the consolidated fund as a result of the benefits bill in England and Wales rising faster than it is here.

In March, I asked the same question of the Minister for Finance and Public Services. I asked by how much we were benefiting and what adjustments had been made. He said that no adjustments had been made. Only this morning, I received another answer. I asked who was right: is it Mr Peacock, who said that we are benefiting, or is it the Minister for Finance and Public Services,

who said that we are not benefiting? Who is telling the truth? Andy Kerr said that Mr Peacock's "statement was not inaccurate". If it is "not inaccurate", how much money have we got back, because council tax benefit in England and Wales is rising faster than it is in Scotland? I ask the ministers to answer that question this morning. I invite Mr Peacock in his winding-up to say which minister is giving the correct information, because the answer that I received this morning makes it clear that we in Scotland are missing out.

If ministers want the pensioners in West Lothian to be able to access their benefits through the one-stop shop, they should make sure that the Parliament has the budget to enable that to happen. Ministers should go to Westminster and say, "We are due that £20 million." They should put the money into the modernising government fund. That would be a result, which cannot be said of this debate on a motion that disnae add up to much.

The Deputy Presiding Officer: We come now to closing speeches. I call Donald Gorrie for the Liberal Democrats. You have three minutes.

10:23

Donald Gorrie (Central Scotland) (LD): I speak about information technology as a non-technical person, but I recognise that it does a lot of good. I have kind people working with me who do understand IT and who cope with the problems.

Knowledge is power. We want to extend knowledge throughout the country—town and countryside—so that people know what is going on locally and nationally and can comment on it sensibly. We do not want them to get their information only from inevitably truncated versions in the newspapers and on television and radio. The greatest service that we can pay to democracy is to give people the power. They can then criticise us on the basis of knowledge and not misapprehension.

We may not like what people say. Democracy is all about losing votes, of which I have a great deal of experience. That does not necessarily mean that one is wrong, but one has to accept the result. We will have to persuade the public better that we are on the right lines with what we propose. The public will be able to comment on and criticise us from a position of knowledge. That is greatly to be welcomed. Although I do not understand anything about IT, it is a good thing, and I totally support the motion.

10:25

Mr Keith Harding (Mid Scotland and Fife) (Con): I will try to address the motion; I will not wave my Harry Potter magic wand and change the

subject of the debate. Although this is only a short debate, once again I am tempted to question why we are spending parliamentary time discussing an issue that is of limited direct public interest, and about which there is little or no dispute in the Parliament. No doubt it fills the Executive's time without exposing ministers to debate or criticism. Although modernising government is a laudable aim and the projects involved are usually worthy, I have a few issues to raise with the minister.

First, why does it take a dedicated unit, a project group and the involvement of the private finance unit to run the modernising government fund? After all, the Executive is only assessing project bids and awarding resources to the best. I am sure that one organisation could do that, but it is typical of the Executive's big-government, bureaucratic approach that it takes three organisations. Perhaps the minister will assure us when he sums up that he will cut that red tape down to size.

The modernising government fund is achieving only what the better public agencies should be working towards in any case—as highlighted by my colleague David Davidson—especially in light of the Executive's insistence on community planning and best value. I ask the minister to justify why a separate bidding fund is needed. Could the money not be allocated locally, especially for hard-pressed councils? They could then decide, based on their electorates' wishes, whether to invest in new technology or to concentrate on the core services that they already undertake. That is local democracy and accountability. It would also allow for variations across Scotland. After all, what are considered to be modern public services in the Highlands may be different from such services in Edinburgh.

I ask the minister to ponder those issues, and to let us know when he responds to the debate how he can improve local autonomy and cut red tape.

The Deputy Presiding Officer: I call Kenneth Gibson to close for the SNP. You have five minutes.

10:27

Mr Kenneth Gibson (Glasgow) (SNP): What happened to the Liberals? Oh, that was Donald Gorrie.

I am pleased to be in Aberdeen. I drove up here last night, and drove along Union Street. I look forward to the day when it is called Independence Street. Who knows, perhaps there will be a Tricia Marwick Boulevard, a Gil Paterson Avenue and maybe even a teeny-weeny Mike Russell Close, hidden somewhere in the back streets of Aberdeen.

I was going to say that this was an interesting

debate, but I would be lying, because for most people it has not been enlightening or interesting. However, I will try to sum up some of the comments that have been made.

Challenge funding was mentioned. In all seriousness, I think that the minister has to address that funding, because challenge funding impacts particularly hard on small local authorities. When local authorities submit bids for money, smaller local authorities have to put in the same amount of effort as do larger local authorities, but they are not able to get as much money, because they are smaller authorities. They are probably also less likely to be awarded such funding. Local authorities are concerned that a lot of money is spent on preparing challenge funding bids, when it could be better spent on other things.

Richard Lochhead raised the issue of linkage with rural areas. There is widespread concern across the chamber about rural Scotland and whether it is being adequately served. It is clear from members' comments that more effort has to be made to ensure that rural Scotland is fully connected.

Tricia Marwick talked about the commitment to IT of other countries, such as Estonia. It is good to see that the small, emergent nations of Europe are leading the way in that important area of government. The Executive should look to such countries.

Mr Kerr: Can we not also celebrate Scotland's success? We lead Europe on smart-card technology, which many members talked about. We lead Europe in some fields and we should try to celebrate that now and again.

Mr Gibson: As my distinguished colleague Dr Winnie Ewing has just said, how can Scotland lead when it is not at the top table?

David Davidson said that our amendment was about nationalisation. It is nothing to do with that and it is clear that he has misread the issue. Mike Russell's speech was interesting, as at least it stimulated members. He talked about the Executive shaking off its insularity and about the fact that we should look outwith Scotland.

Helen Eadie (Dunfermline East) (Lab): Will the member give way?

Mr Gibson: I will not, because I have only another couple of minutes and because Helen Eadie never takes interventions.

Euan Robson talked about post offices. His speech was quiet but significant. Ken Macintosh made it clear that he has been living in a cave for the past five years, because he talked about criticising the Thatcherite approach, which is the approach that the Labour Government has taken. If he does not know that, he should consider the

privatisation of air traffic control and of the railways and the Executive's obsession with private finance initiatives. I am astonished that Ken Macintosh does not know that the Executive is Thatcherite.

However, at least Ken Macintosh appeared to speak to our amendment; I look forward to him voting for it. He talked about East Renfrewshire Council, which has strong links with SNP-controlled Clackmannanshire Council. Given Ken Macintosh's speech, perhaps it will not be too long before he sits with SNP members.

An important aspect of electronic Scotland on which the Executive must focus is electronic patient records. If medical professionals and pharmacists could access electronic records more easily, that would go a long way towards delivering more effective patient outcomes in the health service. I hope that the deputy minister will talk about that.

Information websites are important, but no one would say that they are a substitute for service delivery. More focus must be placed on best practice. The deputy minister should describe the savings and efficiency improvements that have been made and which are quantifiable and can be explained in qualitative terms in relation to the Executive's strategy.

Phil Gallie: The SNP's amendment expresses concerns about funding. Has Kenny Gibson noticed the press reports of doctors' concerns about the use of national lottery money in the health service? Would the SNP consider using national lottery money for the services that we are debating?

Mr Gibson: The SNP believes that the taxpayer should pay for Government services. We should not depend on lottery money for basic services.

Mr Kerr: The SNP would put up tax by 10p in the pound.

Mr Gibson: No, minister, it would not be 10p.

Donald Gorrie said that knowledge was power and talked about strengthening democracy. His speech was short but telling. Keith Harding referred to subsidiarity. That is like the pot calling the kettle black, as everyone knows that the Tories started the undermining of local democracy. It is unfortunate that the Labour party has extended that with its control freakery in relation to local authorities.

Fiona Hyslop talked about letting people access services and ensuring that services are delivered more effectively and efficiently on the front line. All SNP members support that. Public services must be delivered by a highly paid, highly motivated, well-trained and skilled work force. That is what the SNP supports and what our amendment is about.

10:33

The Deputy Minister for Finance and Public Services (Peter Peacock): Kenny Gibson said that the debate was not enlightening or instructive—I disagree. It was enlightening and instructive, particularly for the people of Aberdeen, who now realise that the SNP whinges in Edinburgh and whinges in Aberdeen. It whines in Edinburgh and whines in Aberdeen. It girns in Edinburgh and girns in Aberdeen. It greets in Edinburgh and greets in Aberdeen. The SNP brings whingeing, whining, girning and greeting to the debate.

Brian Adam started with a whinge, which David Davidson and Kenny Gibson supported, about the fact that the modernising government fund is a challenge fund. However, the modernising government fund has changed from being a challenge fund to being a consortium fund. Malcolm Chisholm has made it clear that the Executive is trying to move away from challenge funds and that is what is happening. Local authorities have welcomed that approach and are acting in consortia to draw down the funding, rather than in competition with one another.

Mr Davidson: No matter what the minister says, the fund still involves a bid to the centre, whether or not an authority holds hands with someone. If a bid does not meet central Government's demands, it is unsuccessful.

Peter Peacock: The point is that the fund is meeting local demands from local people and local councils acting together. The Executive supports their actions to modernise. Far from being a challenge fund, the modernising government fund is much more of a consortium fund.

Richard Lochhead whined as usual—it was instructive to hear that here—about the lack of development of broadband in rural areas. The Executive has made an historic commitment to expanding broadband in the areas where doing so is most difficult—the Highlands and Islands and the south of Scotland. The Executive has made huge progress and a major commitment to that progress, so that people have access to the services to which Euan Robson and others drew attention. The lessons that we learn from that will be applied to the rest of rural Scotland as we roll out broadband to ensure that people have access.

Brian Adam: Peter Peacock has recycled the speech that he usually gives when he winds up—he just attacks the Opposition. Perhaps he might like to answer the question that I posed to his boss, who did not answer it. How much money is wasted when local authorities make bids that fail? If the Executive does not wish to call the money challenge funding and wants to give it a new name, that does not make much difference. Many

local authorities make a great effort to bid for that money and are unsuccessful. How much time and money is wasted?

The Deputy Presiding Officer: It is necessary to make the point only once.

Peter Peacock: The approach that we are taking means that councils do not lose; they all win. That is the purpose of taking a consortium approach.

Mike Russell gave the speech that he would have given no matter what the debate was about. He prepared his speech well in advance of knowing the business. The legacy that Mike Russell would leave for Scotland is a £4 billion deficit in our economy. How would public services, which we are concerned about, be funded with such a structural deficit? The SNP has offered nothing to the debate and has nothing to offer.

Iain Smith, Kenny Macintosh and others captured the essence of the debate. As Iain Smith said, the intention is to put the customer first and to provide convenience for the consumers of public services. Kenny Macintosh was right to talk about East Renfrewshire Council, which is a modernising council that leads the way with its customer first service, whose purpose is to answer most people's inquiries at the first time of contact. That is a move away from the traditional office hours that have been used in the public sector for many years and towards 24/7 opening of public services. That widens access.

Multichannel delivery does not go to a single point in the way that Fiona Hyslop described for West Lothian. It allows people to choose how they access public services, whether in person, by telephoning—the choice of most people—by faxing, by e-mailing or by accessing a website. Increasingly, websites contain more than information. They allow people to conduct transactions with the public sector. In that context, a more self-service system is being adopted for the public sector. We are trying to create a single door of access, even though it is through a multichannel approach.

Linda Fabiani (Central Scotland) (SNP): Will the minister give way?

Maureen Macmillan (Highlands and Islands) (Lab): Will the minister give way?

Peter Peacock: I will finish my point.

The public sector is learning how to join up public services in the back office, to provide the public with a single front door of access to public services. We cannot expect the public to understand the intricacies of our bureaucracies and to navigate those systems. We must solve that for them and give them access through a single entry point.

Maureen Macmillan: Will the minister join me in commending the excellent work that has been done in rural areas such as Lochaber, where the Executive, through Highlands and Islands Enterprise, has supported the Lochaber communications network? That has involved the establishment of IT centres in remote areas. The network now wants to establish community malls to make one-stop shops for many services in remote communities that had no access to services before. That is a good idea.

Peter Peacock: Maureen Macmillan makes a good point. Last week, I was in Kinlochleven, where such a new community centre exists. It had funding from the Executive and others and from the European Union. It is in a fragile and what some might consider remote community and provides learning resources to give people access to learning and information in a way that was not possible before. All of that and a significant amount of the change that is taking place in the public sector are being brought about by the modernising government fund.

Andy Kerr announced on Friday that the fund will be increased by £30 million and that that funding will be spent on a range of new projects. We are consolidating the lessons that we have learned from the past and are rolling out programmes as a result. The fund includes an immediate release of £16 million for projects that are to be fast tracked. Euan Robson asked about the ability of Scottish Borders Council to participate in one of those fast-track projects. If Scottish Borders Council makes its intentions about the smart-card project known, we will ensure that it is welcomed into the consortium and that it receives the benefits of the cash that flows from that initiative.

The efforts that will result from the modernising government fund will improve data sharing. That improvement is required to sort out the front-office arrangements that will enable the public to interact with government. We need to provide single standards for data transfer between public authorities. The Young Scot card, which others have referred to as the smart card, will be rolled out so that every young person has access to it. We want the kind of services that Elaine Thomson rightly said are becoming available in Aberdeen—a city that is leading the field in this regard.

We are trying to sort out customer relationship systems so that we can manage better the systems and our interactions with people.

Phil Gallie: The minister has just used the term “smart card” and his colleague Andy Kerr used the term twice. Is “smart card” not a trade name? Could the Executive not sign up to a more secure card or has it signed up already to the smart card?

The Deputy Presiding Officer: As we have a couple of minutes in hand, I can compensate the minister for the interventions that he has taken.

Peter Peacock: We always thought that Phil Gallie was a smart card himself. He raises issues to do with the technical aspects of the smart card, but it will provide security and a range of discrete pieces of information on a single card. People can use the card without information being exchanged between organisations. The card can provide access to private and public services, concessionary fares, library card membership, school meals and so forth. The card is an important development of which we should be proud. As Andy Kerr indicated, we lead the rest of Europe in the way that we are driving such services forward. Aberdeen City Council, in particular, is leading the way forward.

We are also making progress on areas such as joint assessments, which are important in health and social work. Those assessments allow social work and health services to undertake single assessments in respect of care for the elderly and in the case of young people who face challenging and difficult lives. The assessments are back-room functions, but they will open up better services for people in the front line. Funding should be provided for such services.

The purpose of the modernising government fund is to relate government more closely to the citizens. It aims to give citizens the public services that they need and want and to allow them to access those services when they need and want them. There is much that we can do to improve public services. We know that some of Scotland’s public services are excellent—our objective is to ensure that that excellent practice spreads out more quickly throughout the public sector so that all Scotland’s people can benefit from it.

I commend the motion to the Parliament.

The Deputy Presiding Officer: That concludes the debate on the modernising government fund. For the benefit of the gallery, I should explain that the vote on the debate will be taken at decision time later in the day.

Before I suspend this meeting of the Parliament, I remind members that they need to be in their seats by 11.25 am at the latest for Her Majesty the Queen’s address.

10:43

Meeting suspended until 12:01.

12:01

On resuming—

Address by Her Majesty the Queen

The Presiding Officer (Sir David Steel): Your Majesty, Your Royal Highness, you are most welcome once again among us. I want this morning to dwell on the word “among” for, although the Scottish Parliament is only three years old, we have already established some traditions or, in this case, revived old ones.

On the glorious day on which you, in Donald Dewar’s word, hanselled our new Parliament in Edinburgh and presented the magnificent mace that is before us today to indicate that we are in formal session, there were a few raised eyebrows when I welcomed you as Queen of Scots. However, as I said then, the relationships between sovereign and Parliament have historically always been notably different north and south of the border. That is true also in how we mark your jubilee.

I enjoyed representing this Parliament at the ceremony in Westminster hall last month. The appearance of your bodyguards of the Honourable Corps of Gentlemen-at-Arms and the Yeoman of the Guard, the state trumpeters of the Household Cavalry and the gilt and crimson thrones on which you sat above us are all part of Westminster’s splendid traditions, along with the slamming of the door of the House of Commons each year in the face of your messenger.

At the last jubilee celebration—that of Queen Victoria in 1897—there was no Scottish Parliament. The Scottish members of Parliament, along with all the others, went in procession to St Margaret’s church where, according to a contemporary chronicler, they listened to a 50-minute sermon by Dean Farrar that was “perilously long” and involved

“a gruesome catalogue of sovereigns who had been murdered or abdicated”.

The Scottish Parliament’s relations with the monarch have always been closer and warmer than any of that. In his sermon last week in Glasgow, the Moderator of the General Assembly of the Church of Scotland spoke of the “informality, intimacy even” of Scottish links with the monarchy. You would be entitled to feel that those links are perhaps a little too close—not only do we build our new home next to yours at Holyrood, but now we intrude on royal Deeside. You may note with relief that an early form of the Parliament last met in Aberdeen in 1362 and again in 1462 and so this is not exactly a frequent occurrence.

James III and David II were not present at those meetings, but Scottish Parliaments regularly met with their kings or queens. In fact, the Parliament met outside Edinburgh about 30 times in the presence of the monarch in the 14th century, 10 times in the presence of Robert the Bruce. In 1445, James II agreed to swear not to alter the acts of the Scottish Parliament—the high point of the Scottish Parliament’s powers.

Medieval monarchs, of necessity, had to govern with the advice of the people and, between the Declaration of Arbroath in 1320 and the publication of George Buchanan’s “De Jure Regni Apud Scotus” in 1579, the idea became more firmly established in Scotland than perhaps anywhere else in Europe that monarch, Parliament and people should govern together.

Today, Your Majesty, you add to that history. Indeed, today you create new history, for this is the first time in the life of the United Kingdom that a sovereign has addressed a Parliament in full session with the speech recorded in the *Official Report* as with any other contribution to our deliberations.

We join on behalf of the Scottish people in congratulating you on the 50 years of your reign. Many are the changes over which you have presided. Our existence is obviously one.

When you succeeded to the throne you were Queen of an empire in transition. Now you are head of the Commonwealth of 54 independent states. We, as a Parliament, acknowledge the outstanding work that Scots did in the creation of that empire and Commonwealth and are glad to have established our own branch of the Commonwealth Parliamentary Association as well as to have welcomed already to our chamber three Commonwealth heads of state: the Presidents of Malawi, Ghana and South Africa.

If we had to sum up your half century as our Queen, it would be in the word “service”. Your personal dedication, aided ably by the Duke of Edinburgh, to all aspects of life in your kingdom and your fondness for Scotland are warmly appreciated. You have set an example of devotion to duty and provided a focus of stability in our country in changing times.

Forgive me if I end on a personal note to illustrate those changes. We are a young Parliament in a double sense, given that, of our 129 members, more than 100 were either not born when you became Queen or were too young to remember the event. That includes all the party leaders, who are mere striplings. It is therefore only a minority of the more elderly—“mature” is the word I prefer—who can recall that day.

I recall it vividly because you were in the colony of Kenya at the untimely death of King George VI.

Two days before that, you visited the Church of Scotland's newly built St Andrews church in Nairobi, where my father was minister. As Princess Elizabeth, you signed the visitors book, along with Prince Philip, watched closely by, among others, two boys in short trousers at the front of the crowd. Afterwards they pinched the blotting paper you had used which, when held up to the mirror, showed clearly the two signatures "Elizabeth" and "Philip".

I asked my brother recently if he could recall whatever happened to that paper. He said, "You can't possibly mention that to the Queen." "Why ever not?" I asked. "Because," he said, "I seem to recall that you took it to school and went round showing off, saying, 'Look: Elizabeth and Philip'. You then swapped it for a pair of white mice which you named—". "No", I said, "I can't possibly tell her that." Instead, I will fast-forward a year to the coronation. I recall sitting in a dark curtained room in my aunt's house in Edinburgh with about 20 people, peering at the ceremony on a 12in black-and-white screen on a wonderful new instrument called television.

I mention those two recollections as illustrations of change because, in those days, the cheapest flight to Kenya by Dakota took three days with two overnight stops, in Rome and Khartoum. Today, package tourists get there by jet in eight hours. The flickering grey television has been overtaken by colour pictures sent by satellite of instant news anywhere in the world, not to mention the internet and the mobile phone. Communications have developed out of all recognition during your reign, as have medical and other sciences—indeed, you launched subscriber trunk dialling in 1958. It is difficult to recall the days when every long-distance call had to be connected by operator—now we dial the world. Similarly, we have only distant memories of shillings, sixpences and 12-sided thruppenny bits.

You have referred to enduring features in a rapidly changing world. One of those features has been your personal role and experience in guiding no fewer than 10 United Kingdom Prime Ministers through their periods in office.

We are proud of the enduring traditions and values that have been intrinsic to our way of life over the past 50 years. Openness, tolerance and modernisation have been synonymous with your reign. Those values hold strong today and will develop in the future. We are living in a new era, one in which the Scottish Parliament is strengthening further the ties between sovereign, Parliament and the people. Together, we are renewing public life and strengthening our communities. We can look forward to the next 50 years as a time of opportunity and lasting prosperity.

Your Majesty, on this very special occasion and to show our thanks and appreciation, the Scottish Parliament is delighted to present you with a rowan tree to be planted outside the Parliament adjacent to Holyrood Palace to mark your jubilee. As representatives of your realm of Scotland, we are deeply grateful and wish you and your family many years of happiness ahead.

It is now my privilege to call on you to speak.

12:10

Her Majesty the Queen: Presiding Officer, First Minister, members of the Scottish Parliament, it is a pleasure to be invited to address the Parliament again, particularly in Aberdeen. In your remarks, Presiding Officer, you made reference to precursors of the old Scottish Parliament meeting here during the middle ages. You mentioned the constitutional precedent, but not the financial consequences. The exchequer rolls of the city record, somewhat petulantly, the following reference to the expense of James III's council of 1462:

"Towards the arrival of the King in Aberdeen, although he did not come, by mandate of the treasurer—£20."

On this occasion, the Duke of Edinburgh and I have managed not only to arrive in Aberdeen, but we are delighted to be present. We have been touched by the welcome in the streets outside and by many organisations' celebrations in Duthie park of some of the community's many achievements over the past 50 years.

To mark this parliamentary occasion, Presiding Officer, you will plant two rowan trees in land belonging to the city and to the University of Aberdeen. I, in turn, am pleased to accept your gift of a rowan tree to be planted at the new Holyrood Parliament. The rowan is the ancient Scottish symbol of privacy, peace and sanctuary. In my jubilee year, I trust that all the people of Scotland will enjoy those blessings. The Duke of Edinburgh and I have many vivid and happy memories from the past 50 years of the warmth, honesty and humour of the Scottish people. Your society has given so much to the world. I particularly value your commitment to community, learning, the spirit of enterprise and equality of opportunity for all.

Just under three years ago, the children from your constituencies, representing the future of Scotland, led the procession up the Royal Mile and down the Mound to mark the inauguration of the Parliament. The then First Minister, Donald Dewar, set out a vision of keeping faith with the past, of keeping step with the present and of keeping our promises to posterity. He recognised, of course, that Scotland was never going to build a new political culture overnight. After what might be considered a parliamentary adjournment of almost

300 years, the process will inevitably take time. In an age that often demands instant judgments, we would all do well to remember that.

As a people, Scots like to argue principle. Quite properly, there has been strong debate within the Parliament and close scrutiny of its contribution from without. The volume of work that has been completed in the past three years cannot be denied, nor can the spirit of participation that has been encouraged along the way. In the number of bills introduced, in the work of the committees and in the introduction of new practice and procedure, you are in the process of moulding an institution to be both in tune with the 21st century and true to the principles that were laid down for it—principles of accessibility, accountability, equality of opportunity, and the sharing of power between Executive, Parliament and people.

There is much concern these days about public disengagement from the political process. As this legislature carefully and over time refines its new forms of governance and its devolved responsibilities within the United Kingdom, the way in which you share power will be the key to connecting the people with their Parliament. In this age of new constitutional relationships and of unity based on diversity, I value the distinctive contribution that Scotland is making to strengthen the bonds that link the nations and regions of the United Kingdom, the Commonwealth and Europe.

Presiding Officer, First Minister, members of the Scottish Parliament, at the opening of the Parliament in Edinburgh on 1 July 1999, I said that I trusted the good judgment of the people of Scotland, that I had faith in your commitment to their service and that I was confident of the future of this country. Today, here in Aberdeen in this my jubilee year, I reaffirm that trust, that faith and that confidence.

12:17

The First Minister (Mr Jack McConnell): Your Majesty, on behalf of the people of Scotland, I thank you and the Duke of Edinburgh for the honour of your presence here this morning. Your words to us today reflect your continuing involvement with your people in Scotland and your continued interest in their Parliament.

In this year, when we have shared your sadness, we also join in the nation's celebration of your jubilee. Yours is a celebration richly deserved. It marks a lifetime of service and dedication to the people of Scotland, the United Kingdom and the Commonwealth. From the first days of your reign, you have shown your determination and desire to be Queen to all of your people. In the past week, people across Scotland have taken the opportunity to thank you

for your service to them and for the stability and leadership that you have shown as our nation has changed.

It is fitting that you should address us here in Aberdeen, for this is a Parliament for all of Scotland. The Parliament represents people from our towns and cities, our islands and rural communities. It reflects the ideas and aspirations of our citizens, young and old. In it, we seek to celebrate the richness of our history and the diversity of our culture.

Your presence here today reminds us of the challenges that you identified at the Parliament's inauguration: to be open and accessible, to understand our past and to build a better future for Scotland. The past three years have seen us take our first steps to meet those challenges. We have grown together and have matured with each year. We have passed good laws and we have made a difference.

Since 1999, we have had many good days, but we have had some bad days too. There will be more of both to come. However, this young Parliament has grown and will grow still. We will continue to serve Scotland. We have responded to the needs of our elder citizens and have respected the experience that they bring and the contribution that they make to our communities. We are creating opportunities for our young people, by seeking to nurture their emerging talent and by celebrating the energy and optimism of their youth.

Together in this Parliament, whatever our differences in debate or ideas, we are committed to building a new Scotland that is renewed in energy and enterprise. We will take strength from our past and harness the values and talents of all our people for the future. We will build a renewed Scotland that is founded on the first principles of social justice and equality of opportunity. We have taken our first steps and we have begun our journey, but we know that we have far still to travel and much still to do.

You have spoken again today of the enduring qualities of the Scottish people—qualities of co-operation and learning, of entrepreneurial flair and of national pride. We Scots have a great national pride, but too often we lack self-confidence. We can march to the sound of the pipes and drums, and we can celebrate better than most after a night at the football—win or lose. But we can also hesitate when challenged to take a risk, express emotion or praise ambition or success.

Scots are inventive and entrepreneurial, but can be slow to start a business; we are proud of our health service, but seem unable to take better care of our health; we are a caring people, but too many of our young men still seek solutions in violence. These and other challenges cut across

party politics in this chamber. Their solutions require more than good laws: they need leadership—leadership that is consistent, fair and responsive.

Your Majesty, in Glasgow last Thursday two women told me as I met them in George Square, “If you can be like her, Mr McConnell, you will be a good First Minister.” Their advice was good advice. It represented the sentiments of people all over Scotland who admire and respect your service as our Queen. But it also served to say to me, and to all of us in this Parliament, that we must always strive to win respect and confidence.

Your Majesty, we are proud that you are with us again today. We thank you for your encouragement and your counsel. I and all of my colleagues here today share your confidence in the future of Scotland. Today we commit ourselves again to meeting our responsibilities as the first members of this Parliament—responsibilities to be met with wisdom, justice, compassion and integrity. Those timeless values are enshrined in the mace you gave us as we started our journey.

It is our honour to rededicate ourselves, in your presence, to carrying forward our work—true to those timeless values and true to the people of Scotland.

12:22

Meeting suspended until 14:30.

14:30

On resuming—

Alternatives to Custody

The Deputy Presiding Officer (Mr George Reid): Good afternoon. The first item of business this afternoon is a debate on motion S1M-3149, in the name of Jim Wallace, on alternatives to custody, and two amendments to that motion.

14:31

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Alternatives to custody are central to our justice agenda. I believe that, where they are effective in reducing reoffending, they are an essential weapon in cutting crime. During our recent debate on the prison estates review, we agreed that Parliament should have the opportunity to debate alternatives to custody. I welcome the opportunity to lay out our approach here in Aberdeen.

I will try to put the debate into context. There are two complementary components to the Executive’s correctional agenda. On the one side, we recognise that there will always be offenders for whom prison is the right and proper answer. Public safety is our prime concern, so serious and violent criminals and drug dealers should and will be imprisoned for a considerable length of time. We should not be shy of stating that serious criminals should be jailed. Indeed, the Criminal Justice (Scotland) Bill, which is currently before Parliament, is strengthening our laws further to ensure that the public are properly protected. Therefore, Scotland must also have a prison estate that holds prisoners securely, provides them with decent conditions and allows the Scottish Prison Service to deliver rehabilitation programmes to address prisoners’ offending behaviour. That is at the core of the prison estates review.

However, today’s debate is about alternatives to custody. Although prison is right for serious and violent offenders, I take no satisfaction from the fact that prison numbers in Scotland are high. That is why I believe that community disposals are important in offering our courts an effective way to deal with offenders who do not need to be imprisoned. It is important to acknowledge that, in 2000, more than 80 per cent of prison receptions were for sentences of six months or less. The use of community disposals has increased from 5 per cent of all sentences in 1990 to 11 per cent in 2000, but the use of custody has also increased over that period. [*Interruption.*] I hope that my microphone is picking me up.

The Deputy Presiding Officer: Yes, at the moment, it is.

Mr Wallace: We have a criminal justice system that makes considerable use of short prison sentences, some of only a few days. In western Europe, only Portugal imprisons more people per 1,000 head of population than do Scotland and our neighbours in England and Wales. In England, we recently heard the head of HM Prison Service and the Lord Chief Justice calling publicly for a rethink of penal policy.

By continuing to make high use of short custodial sentences, we put our prison system under a tremendous strain for little apparent benefit. I want the SPS to do more work with prisoners to reduce the likelihood of their reoffending. I believe that it can do that more effectively if it is not overloaded with a large number of offenders who could be dealt with just as effectively—indeed, in time, possibly more effectively—in the community.

We should also take account of the impact of prison on individuals' ability on release to break the cycle of offending. Prison weakens the links to families, housing and employment—the very links that can help to prevent further offending. Therefore, I can understand why research consistently shows that, for the right group of offenders, community disposals can be more effective than prison. In the words of HM chief inspector of prisons to the Justice 1 Committee on 14 May:

"Imprisonment increases that marginalisation. We should explore alternatives that reintegrate them into a more inclusive society."—[*Official Report, Justice 1 Committee*, 14 May 2002; c 3556.]

Phil Gallie (South of Scotland) (Con): Does that not happen already? If we check the records of offenders who have been imprisoned, do not we find that they have been before the courts at least five or six times and imprisonment was a last resort?

Mr Wallace: Having spoken to sheriffs, I am aware that there is a small core of offenders who come back to court time and again and who are then sentenced to imprisonment. Equally, there are people in prisons who would be more likely to break the cycle of reoffending if a range of non-custodial sentences were available and if some of those alternatives were pursued. I will shortly come to a range of such alternatives.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Let me put to the minister the pertinent words of Clive Fairweather on HMP Cornton Vale: he said that about 50 per cent of the female prison population could be dealt with by different measures.

Mr Wallace: The contributions that many

people, including Clive Fairweather, have made to addressing the imprisonment of female offenders have helped to inform the activities of the ministerial working group in which my colleague, Richard Simpson, was involved. The group produced the report "A Better Way: The Report of the Ministerial Group on Women's Offending" and we are now giving active consideration to promoting alternatives to imprisonment. In particular, we are committed to the time-out centre, which offers an important way of taking that agenda forward.

For the reasons that I have described—including those that I have mentioned in response to interventions—the Scottish Executive has promoted the use of alternatives to custody, not in isolation but as part of our strategy for tackling crime more generally.

I have said that our prime concern is public safety, so we have made effective enforcement a priority, for example through our investment in policing and new initiatives such as the Scottish Drug Enforcement Agency. We are seeing the benefits: there is a record number of police; recorded crime is down by more than a quarter over the past 10 years; the clear-up rate by the police is at its highest since the second world war; and, as the Scottish crime survey reported earlier this month, fear of crime is on the way down.

I believe that that is a result of an approach that balances a tough stance on enforcement with a commitment to tackling the causes of crime. We want to support programmes that address offending behaviour, both in our prisons and in the community.

I want to focus on community disposals and consider how we have developed their range and availability over the past few years and what we are doing to increase confidence in their use.

The Executive has developed a broad framework of community disposals and we are making those available progressively to courts across the country. Throughout the 1990s, probation and community service orders were the standard community sentences, and they remain at the core of our strategy. Probation combines supervision with work with the offender to address offending behaviour. Community service provides the courts with a sentence by which the offender makes restitution to the community through unpaid work.

The pattern of offending has changed dramatically over the past few years, with increased drug misuse and the crime that that creates. The figures suggest that approximately 70 per cent of cases that are dealt with by Scottish courts have a drug-related element. In response,

we need new disposals to address the new situation that the courts face.

Therefore, we have introduced drug treatment and testing orders—DTTOs. The orders focus on the acquisitive crime that is committed to fund drug misuse. They aim to reduce the level of crime and of drug misuse. With random drug tests, access to treatment facilities and regular reviews by the court, they enable sentencers to monitor progress. They are up and running in Glasgow, Fife, Aberdeen and Aberdeenshire and, in anticipation of the positive evaluation of DTTOs that is due to be published next month, we have announced a roll-out of DTTOs to a further seven sheriff courts.

Stewart Stevenson (Banff and Buchan) (SNP): Is the minister aware that, in this part of the country, the waiting time for entry into drug rehabilitation programmes for people who have not yet entered the criminal justice system stands at 14 months? Are the drug rehab facilities adequate?

Mr Wallace: I understand that there have been 24 drug treatment and testing orders in this part of the world. Mr Stevenson's point was about those who are not in the criminal justice system. The overall approach for drugs is co-ordinated by my colleague, Richard Simpson, who I know is acutely aware of the issues and of the importance of rehabilitation.

Drug treatment and testing orders form an important part of our action to tackle crime, including drug-related crime, as well as to provide a route to rehabilitation. I note the recognition by Stewart Stevenson—and I am sure that other members recognise this too—that Aberdeen and Aberdeenshire are among the areas where the orders are being rolled out.

The Glasgow drugs court has built on the successes of DTTOs. It has a dedicated multidisciplinary team that includes the judiciary, procurators fiscal, addiction workers, medical staff, criminal justice social workers, court staff and the police. They work together in an initiative that combines the authority of the courts with the expert knowledge of drug treatment and rehabilitation services.

We are also using new technology. Although the Scottish Prison Service acknowledges that it can do little to rehabilitate prisoners during short prison sentences, there is an argument that even a short sentence stops prisoners offending while they are locked away. We now have another alternative. From 1 May, courts throughout Scotland have been able to impose restriction of liberty orders, which allow them to restrict the movement of the offender for up to 12 hours a day for up to 12 months. If there is a pattern of offending

behaviour, for example in the evenings, the offender can be restricted to where they live at that time. If the offenders offend on a Saturday afternoon, that is when the restriction order can apply most effectively.

Unlike prison, restriction of liberty orders can accommodate useful activities, such as going to work, maintaining employment, undertaking training or taking children to school. Of course the order is monitored electronically. The so-called tag is so sensitive that if the offender goes into the garden or to the ice-cream van during a restricted period, the electronic monitoring centre is alerted immediately and immediate action will be taken. The orders are not an easy option compared with a short spell in prison. Indeed, one offender said:

“The 3 months on the tag was harder than I ever thought it would have been.”

RLOs and electronic monitoring have the added advantage that they can bring back structure to chaotic lives. When I opened the new monitoring facility in East Kilbride, I learned about the experience of people who have found advantages to the orders; family ties were renewed or established for those who had to be with their families in the evening. That has helped offenders to start anew and to move away from offending behaviour.

In the Criminal Justice (Scotland) Bill we are making powers to make electronic monitoring a condition of a probation order or a drug treatment and testing order. That will mean that we can restrict liberty and stabilise the offenders' lifestyle at the same time as addressing offending behaviour, which all assists in the rehabilitative process.

At the other end of the spectrum, it is a little known fact that just under 8,000 people are admitted to custody for fine defaults, compared with just over 10,000 directly sentenced receptions. The average time spent in prison for fine defaults is less than 3 days, but the cost to the prison system of dealing with such a large number of fine defaulters is substantial. The system is inefficient and works to the benefit of no one.

We have introduced supervised attendance orders to offer the courts an alternative to imprisonment for fine default. The orders impose a time penalty in place of a fine along with attendance at classes on subjects such as debt management or a requirement to undertake unpaid work. I believe that that is more efficient for the criminal justice system and harder for the offenders than are a few days in prison. The Criminal Justice (Scotland) Bill contains provisions that will allow us to pilot new ways to encourage greater use of supervised attendance orders.

In describing the range of community disposals

that are now available, I want to mention diversion from prosecution schemes, which enable procurators fiscal to divert individuals who have committed minor offences where it is not in the public interest to prosecute. The individuals receive help in sorting out the underlying problems, but the procurator fiscal retains the right to prosecute them if they fail to make sufficient progress. Diversion from prosecution schemes are now being made available throughout Scotland.

Dr Sylvia Jackson (Stirling) (Lab): I want to ask a question that follows on from what Keith Raffan said earlier. The minister has mentioned a range of alternatives to custody. Where does the time-out provision fit into that and how does it differ from the measures that he has already explained?

Mr Wallace: Time-out provision relates specifically to our attempt to find better non-custodial alternatives for those who might otherwise be sentenced to a period of imprisonment in Cornton Vale. It provides an opportunity for young women to try to get order back into their lives and it assists in the rehabilitative process. We certainly see the provision as an important part of the general range of provisions that are directed specifically at trying to reduce the female prisoner population.

As I indicated, there is a good range of disposals, including not just alternatives to custody but disposals that prevent offenders from progressing up the tariff ladder towards custody. Our strategy is to target disposals so as to reduce the frequency and seriousness of offending and to provide the courts with more constructive and less costly options. Community disposals involve penalties that often last longer than a short prison sentence. They offer offenders the opportunity to undertake work in the community, which is where they will continue to live and face the strains of daily life. We believe that addressing offending behaviour in that setting has more chance of being successful.

There is evidence that community disposals are effective. The reconviction rate for those who were given a custodial sentence in 1995 was 17 per cent higher than the reconviction rate for those who were given a community service order in 1995. That figure remained the same one, two, three and four years after conviction. That is important, because our ultimate objective must be to reduce the impact of crime on the lives of the people of Scotland.

We have done a great deal to improve the support and services that we provide for victims. The Scottish strategy for victims supports a raft of initiatives to improve the position of victims in the criminal justice system. The Criminal Justice (Scotland) Bill proposes the introduction of victim

statements, which is a crucial milestone in the promotion of victim issues. However, we all know that what victims want most is a reduction in the level of crime that blights their lives.

As I said, the rate of recorded crime is on the decline. I want to ensure that that continues. That is a central aim of our criminal justice policies and we must do whatever is most effective in reducing reoffending. Public protection comes first, but the public can be protected best by preventing recidivism in the way that is most effective for the offender in question. That does not necessarily mean prison, which is expensive and ineffective for many less serious offenders.

That is why we have increased the range and availability of community disposals. We are also investing substantial new resources, with an increase from £44 million to £62 million over the past three years. I note that the justice committees' new report on the budget concludes that the £67 million planned for next year is not enough. I take encouragement from the fact that the justice committees recognise that the policies on alternatives to custody are working. I share their commitment to improving those services further and look forward to a discussion on where the additional resources might come from. We will respond more fully to the report later in the year.

Our existing level of investment is a clear indication of the priority that we attach to this area of work, but we know that investing in quantity is not enough. It is critical that the courts have confidence in the quality of community disposals. To achieve that, we must work to improve the effectiveness of alternatives to custody in Scotland.

That leads me to our plans for modernising criminal justice social work. Although we now have a broad range of disposals and extra funds in place to support them, we must look to local authority criminal justice social work to ensure the delivery of a consistently high-quality service. In the 1990s, the introduction of national standards did much to raise standards in the service. The tough option initiative has moved that forward and, working closely with the Convention of Scottish Local Authorities and local authorities, we have restructured the service into 11 mainland groupings plus the three islands areas. We did that to build the capacity of the service to cope with the ambitious agenda that we have set.

We certainly do not want to lose the local dimension that makes criminal justice social work responsive to the concerns of local communities, but we want to ensure that the service has a national standing alongside other criminal justice agencies such as the Scottish Prison Service, the prosecution service, the police and the courts. It must also be able to build on and share its

expertise in working with particular groups, such as high-risk and sex offenders. Criminal justice social work must be clearly accountable for delivering improvement in the quality of the services.

Much of that depends on the existing professionalism and commitment of criminal justice social workers. The new structure provides them with the opportunity to forge a service that builds on those strengths. It will make it easier for them to win the confidence of the courts and the public for the work that they do. This year, we are introducing an accreditation system for criminal justice social work programmes. The getting best results initiative has been promoting best practice for the past three years. The next step is to set up an accreditation panel, which will be responsible for accrediting programmes that address offending behaviour.

There is now a strong body of evidence on what works in addressing and reducing reoffending. That evidence shows that accredited programmes that meet agreed criteria and which are delivered in the community have the best record of success. To support that work, we have set up a criminal justice social work development centre as a joint venture between the University of Edinburgh and the University of Stirling. That resource will help local authorities to prepare programmes for accreditation.

There is still a question about whether the programmes are effective. All our new initiatives in criminal justice social work are piloted first and then subjected to an independent evaluation, to test their effectiveness before they are rolled out. That was the case with diversion schemes, drug treatment and testing orders, restriction of liberty orders and, now, the drugs courts. Local authorities and voluntary sector bodies who deliver programmes, for example for sex offenders, young offenders or those convicted of domestic violence, are expected to monitor the programmes and routinely evaluate the results. The best way to demonstrate what works is to ensure that the programmes are evidence based. An accreditation system will deliver that.

The Justice 1 Committee's survey of public attitudes to sentencing makes it clear that the public will accept high-quality and highly effective community disposals. It shows that people favour a less punitive approach to sentencing when they are asked to consider the details of specific cases and that rehabilitation of offenders is viewed positively. The survey concludes:

"despite initial calls for harsher sentencing, constructive alternatives to imprisonment can"

command public support.

I hope that today's debate gives us the

opportunity to reach out and win that support. I also hope that the Justice 1 Committee's plans for an investigation into alternatives to custody will provide for further policy debate.

As Minister for Justice, the question for me is not whether prison or alternatives to custody are mutually exclusive—they both have a distinctive and complementary part to play. However, if our prison system is to operate efficiently, we must provide the means to manage prisoner numbers. That is why our strategy depends on having high-quality alternatives to custody, which are delivered consistently across the country and which can reduce reoffending effectively without compromising public safety.

I move,

That the Parliament commends the Scottish Executive's commitment to developing a range of high quality alternatives to custody which fit the changing pattern of offending behaviour across Scotland, and recognises the importance of ensuring the delivery of consistently effective community disposals which have the confidence of the judiciary and the public and also have the potential to reduce re-offending without compromising public safety.

14:51

Roseanna Cunningham (Perth) (SNP): I suspect that there is a great deal of agreement in the chamber this afternoon.

There is obviously a custody crisis in Scotland—we know that because we have higher prisoner numbers than ever. That is rightly seen as a problem that must be addressed. However, before we talk about alternatives to custody, we must consider why we imprison people and what kind of people we imprison. We need to be clear about what we expect from our penal system. That part of the equation is sometimes missing.

Everyone understands the concepts of punishment, protection of society and deterrence. However, prison is by far the most expensive form of punishment that is employed by our criminal justice system. Many prisoners are repeat offenders, so it is not clear that prison is much of a deterrent. The truth is that unless rehabilitation is at the core of a prisoner's experience in prison, the benefit that is gained through protection of society from an offender for a limited period is just that—limited. If the system is just going to turf him—it is usually a him—out of prison unaltered, other than perhaps to be made worse, there has been only a short-term gain and no long-term benefit, either to that individual or to society.

As far as punishment is concerned, recent figures show that 41 per cent of all those who are sent to prison are there because they defaulted on fines. That is a massive percentage. It means that almost half of all prisoners in Scottish jails at any

one time are there because they have not paid fines, although I appreciate that they are in prison sometimes for only short periods.

In case Dr Simpson is wondering, I said “sent to prison” and not “in prison”. There is a distinct difference between the two.

That figure is in stark comparison with the situation in England where, in 2000, only 2 per cent of those who were sent to prison were fine defaulters. In England, sentencers are required not to send offenders to jail for non-payment of fines, unless there is no alternative.

The Deputy Minister for Justice (Dr Richard Simpson): The member was right: I was struggling with her figures. She missed out the number of remand prisoners, although I understand that. Of those who are sentenced, 41 per cent are imprisoned because of fine defaults. However, at any one time, there are only 60 fine defaulters out of 6,600 prisoners in the daily population. That is the problem with incarceration.

Roseanna Cunningham: That still adds up to a great many prisoner days per year being taken up by fine defaulting. We must consider the matter in that context.

Payment supervision orders are used in England and have made a significant impact on the jailing of fine defaulters. In effect, many people—but not everybody—end up in prison because they are poor. There is something of an irony in the fact that fining those who are well enough off to pay is not much of a deterrent, whereas fining those who are too poor to pay is, in comparison, a disproportionate punishment.

We already know that prison is the most inefficient way of punishing. It would cost £100 a day less than putting them in prison if we were to give fine defaulters supervised attendance orders—our equivalent of payment supervision orders—which have not yet even made it past the pilot stage in Scotland. I think that we are all agreed that that would be far more effective in the long run. Right now, Strathclyde police alone holds more than 27,000 warrants for fine defaulters. Obviously, many people who default are not caught.

What other alternatives to custody are there? The minister mentioned several. There are probation orders, community service orders and compensation orders. Those are the three most common disposals after fines, but their use is low, at 6 per cent, 4 per cent and 3.9 per cent respectively. The total numbers are relatively small. In addition, those disposals all predate the Parliament by a considerable time—in the case of probation orders by 90 years. We have the newer restriction of liberty orders, which are known colloquially as tagging, but they still are not in

widespread use. We also have drug treatment and testing orders, which have been around since 1998, but they are still geographically restricted. I look forward to their evaluation next month, and to their subsequent roll-out over a much wider area of Scotland.

Those last two disposals exemplify one of the problems with alternatives to custody, which is the fact that they are not available in every jurisdiction. That generates a great deal of frustration, with the potential for accused persons to be dealt with very differently, depending on what is available where. I know that sheriffs do not like that, and if more accused persons were aware of the situation, I dare say that they would object, too.

Mr Raffan: Does Roseanna Cunningham agree that if we are to roll out DTTOs and drugs courts further and faster—which we all want to do, given the initial results that will come out next month—we need far more community programmes, day programmes, residential beds for treatment, halfway houses and so on?

Roseanna Cunningham: We need a vastly expanded infrastructure to deal with the problem at every level, whether it is a health or justice problem that we are addressing.

Although we can say that alternatives to custody have not yet resulted in a reduction in the number of people who are sent to jail, we can also say that one of the reasons for that is that the alternatives can often be more apparent than real.

Mr Wallace: I hope that we are on common ground. Does Roseanna Cunningham accept that in examining alternatives to custody, our approach of piloting and evaluating before roll-out—which I accept means that the particular disposal is not available throughout Scotland—is the proper course to follow?

Roseanna Cunningham: I appreciate what the minister says, but sometimes the pilots last a long time and we often wait for the roll-out for even longer, if it happens at all. The problem is that the alternatives are often not available in all jurisdictions—that is before we enter the debate about resourcing of existing alternatives, to which Keith Raffan referred.

At lunch time today I visited the Safeguarding Communities Reducing Offending programme in Aberdeen, which is working extremely well. It offers in Aberdeen things that are not available in other cities. In other cities, things will be offered that are not available in Aberdeen. That disparity in the Scottish justice system concerns me ethically.

On 15 May this year there were 6,661 prisoners in Scotland's jails, which is the highest figure ever. It is the third highest prison population per capita

in western Europe, after England and Portugal. It does not seem that the powers that be envisage the prison population getting smaller, because a projected rise in the prison population to 7,700 is the basis of the prison estates review. That means that the minister is accepting in advance that alternatives to custody will continue to fail—either that, or we are planning to build prisons that we do not need. We cannot have it both ways.

Is custody achieving its aim? In many cases, custody is plain wrong. In one case that I have just come across, and about which I will be writing to the Minister for Justice, a drug addict who is a double amputee has been sent to jail for six weeks for possession. That prisoner must spend his time in prison in a hospital bed. He also spent two days in solitary at HMP Aberdeen at Craiginches, because there was nowhere else to put a wheelchair user. He will be unable to participate in a drug rehabilitation programme while he is inside for probably no more than about three weeks. We know that short-term prisoners are the least likely to have access to such intervention. We must ask: what on earth is the point? That man comes from north-east Scotland. Perhaps if a drugs court operated in north-east Scotland, the outcome would have been more sensible for him and, in the long run, for the community.

That case highlights the absurdity of much imprisonment. Imprisonment is too expensive and ineffective and can store many problems that the justice system must deal with later. To compound the problem, nearly 14,000 people were placed on remand in 2000, which is the most recent year for which I have a total figure. That is an average of 894 people on remand on any day. Half the people who are placed on remand do not receive a custodial sentence; that must be addressed. Bail offences create much negative publicity, but we must be more creative about minimising their likelihood.

Custody has a necessary place in our criminal justice system, but it should not have its current predominance. We should do much more. Many more alternatives to custody should be available to the courts in practice and throughout the whole of Scotland. The courts should make better use of existing alternatives. The low use of such alternatives is a matter of some frustration for the minister, but it has been suggested to me that sheriffs in particular would make more use of them if they were more readily available in their areas.

All the arguments about reducing the number of people in custody in adult jails apply several times over to young offenders. That is a separate issue that relates to places for secure units, which is not part of today's debate.

Overall, the high number of people who are in custody is causing an immediate accommodation

problem that must be addressed but, for the long term, I ask the minister to have more confidence in his plans for alternatives to custody and to rethink the new prison set-up that he has in mind.

The minister talked briefly about public attitudes to sentencing. Often, we ignore those attitudes. When we have such debates, we talk about the professionals rather than the public. Much negative reaction can be expressed about the use of alternatives to custody, particularly by members of the public who are not fully aware of the effectiveness and usefulness of many alternatives. Much of the negative reaction is media driven, and most of us agree that public education is an issue.

There is some good news. The minister referred to the Justice 1 Committee's report. That was set in train when I was convener of the then Justice and Home Affairs Committee. Research into public attitudes to sentencing was needed to find out what people think, as opposed to what some of our tabloid newspapers report that they think. Not much research had been conducted on public attitudes, so the exercise was useful and informative. Some of what was reported was fairly predictable, but I will describe the most interesting findings from the report that relate to the debate.

The report showed that most people were unaware of non-custodial disposals other than fines and community service orders and that even though people thought that the courts were too lenient, when they were asked to examine scenarios, they chose sentences that were similar to those that had been imposed by the courts. The report showed that there was widespread support for treatment rather than jailing of drug offenders, and that people doubt the effectiveness of prison at preventing reoffending, especially for drug offenders. That is good news for the SNP's approach to the system. The report also showed that although the principle of community service orders was supported, the orders needed to be implemented more visibly.

Overall, the Justice 1 Committee's report emphasised the need to restore public confidence in the system, but said that an opportunity existed to engage the public in a constructive debate about alternatives to custody. We have not had that debate with the public. That is a big part of what we should do. All of us should regard the Justice 1 Committee's report as good news and as a challenge to us.

I talked about some of the current problems and I will talk briefly about some SNP ideas that have been put into practice or might yet—I hope—be put into practice.

The Deputy Presiding Officer: You have four minutes left.

Roseanna Cunningham: I think that I will manage.

The SNP is committed to the provision of creative sentencing alternatives; we are in the process of examining a number of them. The SNP has talked about parental responsibility. For the past two years, we have urged the Executive to look more closely at increasing parents' direct responsibility for the behaviour of their children. Before the Tories start to jump up and down about the European convention on human rights, I will tell them that similar systems to the one that the SNP proposes exist in other western European countries.

It is clear that some elements in the Executive have begun to address the issue and I hope that we will see movement before the end of next year. I read Johann Lamont's letter in *The Herald* this morning and found much in it with which I agree. Problems of youth disorder are not confined to the inner cities or to peripheral housing schemes. They are surfacing in small towns, urban and rural, throughout Scotland.

Although it might not be immediately obvious that some of the ideas that are being widely debated fall into the category of alternatives to custody, it is hoped that they will head off some of the problems that eventually result in custody. The SNP first proposed the idea of drugs courts in the run-up to the 1999 elections. Those courts now operate in Scotland and, thus far, we agree that drugs courts are a success. They will go on being a success as long as sufficient back-up resources are made available. Keith Raffan rightly said that there is a need for infrastructure. Perhaps the minister might indicate more clearly how long it will be before the appropriate infrastructure will be made available to extend drugs court more widely in Scotland.

A number of members have highlighted the serious drugs problem that exists in the north-east of Scotland. Indeed, the members' debate today is on that subject. There is a need for more drugs rehabilitation places to be made available, particularly in the north-east. The case that I mentioned further highlights that need. It is unimportant whether the assistance comes out of the justice budget or the health budget; what is important is that the money that is spent now results in far greater savings down the line.

The SNP has suggested ways in which to help the problem of fine defaulting. We propose a unit fine system that takes full account of ability to pay. First, the sentencing judge would impose a fine, which would be expressed as a number of units. Secondly, the convicted person's means would be assessed and the value of the units related to his or her means. Such a system would impose fines more equitably and cost savings would result

because the determination of the unit value is an administrative matter, which in turn would lead to the acceleration of court procedures. The cost of pursuing defaulters would be reduced, which would lead to further cost savings. The result would be that fewer people would end up in prison. Such a system is already in place in Finland, Sweden, Austria, Germany and France. That option is achievable for Scotland and I urge it on the minister.

I also urge the minister to examine closely the expansion of bail supervision, because that alternative is available only in a few areas of Scotland. Bail supervision needs to be available throughout the country, which would enable us to reduce the huge number of people who are placed on remand because they do not have a fixed address or a way in which the authorities feel that they can properly monitor them.

Ultimately, it is important that a variety of alternatives are put in place and that they are available throughout Scotland. Unless we do that, the available alternatives become more apparent than real and we will be kidding ourselves if we expect them to make a difference. The key point of the debate is that we need to find effective and sustainable initiatives that will make a difference.

I move amendment S1M-3149.2, to leave out from "commends" to end and insert:

"regrets the failure of the Scottish Executive adequately to develop a range of high quality alternatives to custody which fit the changing pattern of offending behaviour across Scotland; recognises the importance of programmes which are well-resourced and available across every jurisdiction in Scotland, and believes that a greater element of restorative justice should be introduced into the Scottish criminal justice system whether dealing with adults or young offenders."

The Deputy Presiding Officer: I call Lord James Douglas-Hamilton to speak to and move amendment S1M-3149.1. The member has 12 minutes.

15:08

Lord James Douglas-Hamilton (Lothians) (Con): In addressing alternatives to custody, I stress that we have repeatedly made proposals for a complete overhaul of the juvenile justice system. At present, when young offenders appear before children's panels, they find little that is of deterrent value. The shortage of secure accommodation means that children's panels, on the advice of social workers, cannot choose the option of secure accommodation—there is not enough secure accommodation for serious serial offenders.

For many months, the Conservatives have been highlighting that problem and have been putting forward detailed proposals. However, it seems that the First Minister and even the Scottish National

Party have only just wakened up to the importance of the problem. We make no secret of the fact that we want more secure accommodation places. We want young offenders to face evening and weekend detention. We want community service and supervised attendance orders and compulsory grounding to be available as options. The earlier the intervention, the less likely it is that young offenders will reoffend. We feel that the present system has not been working, and that the Administration needs urgently to take action.

Although we believe that alternatives to custody have an extremely important place, we also feel that early intervention is essential to avoid young people leaping on to a conveyor belt of crime. Community-based disposals can be appropriate at the earlier stages of offending. In 1991, the Government introduced 100 per cent funding of services related to criminal justice social work, which meant that local authorities would be reimbursed for the cost of all services related to offenders. It follows that, wherever appropriate, the Conservatives would support nationwide introduction of all appropriate community sentences including community service orders, supervised attendance orders, probation, drug treatment and testing orders, restriction of liberty orders and enhanced deferred sentences.

I recall being in Aberdeen when the first supervised attendance orders were introduced in Scotland and meeting a youngster who, after refusing to pay the fine for non-payment of his television licence, was working on an appropriate programme. To be frank, it contributes a service to the community to give a community-based disposal to a young person who commits such a relatively minor misdemeanour. Similarly, if youths are caught committing acts of vandalism, disposals such as the removal of graffiti or the commission of environmental improvements contribute to the community as a form of restitution. We whole-heartedly support such measures, and we should be able to widen the range of community-based programmes depending on the demands and profiles of each considerable area where the community has made its wishes known.

However, there is a need for balance in addressing those issues. On the one hand, we need to protect the public from dangerous criminals; on the other hand, we must have rehabilitation, especially for less serious offenders who can make some form of community-based restitution. In that respect, I welcome the comments that Cathy Jamieson made on 20 September 2001. She said:

"Nor do I think that we should be considering alternatives that put further pressure on parents. Sometimes parents are struggling to make ends meet. Sometimes parents themselves have not had a particularly good experience of

life and might need support."—[*Official Report*, 20 September 2001; c 2641.]

She was right then, and maybe the Executive will confirm today that it will ditch its ludicrous plans to send young mums to jail because they cannot control their teenage tearaway children. It is important that we deal with—and that we be tough with—offending youths and that we do not penalise struggling mothers.

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

Lord James Douglas-Hamilton: I want to elaborate on that point.

I mention in particular a case that David McLetchie highlighted in the chamber of a youngster who was turning 15 and who had committed almost 300 offences involving theft, vandalism and violence, but whose three older brothers and two younger sisters had not behaved in such a way. It would have been grossly unfair to victimise the parents when the record of their other five children had presented no problem. Just as the sins of the fathers should not be visited on the sons, so the misdeeds of youths cannot always be attributed to the parents. We need a sense of perspective in that respect; it is to Cathy Jamieson's credit that she recognised that in the past.

Mr Rumbles: Do the Conservatives accept that it was never the Scottish Executive's policy to jail parents for their children's problems, and that it would be wrong to say in the chamber that it ever had been?

Lord James Douglas-Hamilton: I am grateful for Mr Rumbles's comments. I will be glad if ministers on the front bench make their position absolutely clear, because they speak with the entire weight of the Administration behind them. I hope that some of Cathy Jamieson's wise counsel will rub off on the Deputy First Minister, who apparently wishes still to lock up loving parents for not disciplining their children. Perhaps when he winds up, the minister will also clarify that point.

As I said, we want a range of disposals to be available to children's panels. We see a need either for wider powers for those panels or for the introduction of youth courts. What matters—

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

Lord James Douglas-Hamilton: Given her principled stand on the issues and the change from the previous position, I will give way to the member.

Johann Lamont: I presume that I should take that as a compliment. On the question of parental responsibility and parents ending up in jail, could

Lord James Douglas-Hamilton outline his position on parents who do not take the responsibility for sending their children to school, thereby denying their children the liberation that education offers to all our young people?

Lord James Douglas-Hamilton: Johann Lamont is absolutely right that parents should be given maximum encouragement to act responsibly, but it is wrong to penalise them unfairly. Let us be realistic; if a mother is sent to prison, that mother will be in no position to help her children. The people that we want to concentrate on are the teenage tearaways, and that is precisely what we would do.

In each and every case, the most appropriate disposal should be given to the person concerned. That would mean making the full range of community sentences available throughout the system, to children's panels and to youth courts. In working out the best contributions that can be made by individuals to the community, the needs and aspirations of victims, as well as of offenders, should be taken into account.

It makes sense to use electronic tagging where appropriate, as an alternative to remand, in cases in which the protection of the public is not under threat. However, we must ensure the effectiveness of the tagging system, because commission of further offences while tagged is not unknown. Where the protection of the public is under threat, we believe that the punishment should fit the crime and that sentences should mean what they say. We do not believe that remission should be an automatic right. Instead, we want sentences that better reflect the decisions that are passed down by the courts. We argue for more realistic sentences that have deterrent value, so that everybody can and will feel properly protected.

The sanction of imprisonment is used in only 13 per cent of sentences, so alternatives to imprisonment should not be used as an excuse to empty prisons of dangerous criminals. Instead, community-based alternatives should be used wherever they are appropriate and where they will guide accused persons back onto the straight and narrow.

Robert Brown (Glasgow) (LD): Against the background of people spending longer in prison and more people being in prison, where does deterrence come in? As far as one can see, prison does not seem to be a very effective deterrent.

Lord James Douglas-Hamilton: That depends on the crime. A person who has committed a dangerous crime and is a threat to the community should be in prison until they no longer pose a threat. We do not see remission as an automatic right; we believe that it is a right that should be earned. We would not give automatic entitlement

to it, which is an entirely different approach from that which is taken by Robert Brown.

There is also an overwhelming need for more resources for prosecutors. As I said, we want an overhaul of the courts system, starting with more resources for prosecutors. We must have more fiscals operating at the sharp end. It is no good to have police officers out there arresting criminals if those criminals never come to trial and are never punished. The worse the log-jam gets, the easier it is for offenders to work the system to their benefit. We believe that we must tackle all ends of the justice system to restore confidence and effectiveness.

Mr Jim Wallace: Lord James Douglas-Hamilton is a fair man, and I know that he would acknowledge the additional resources that the Administration is giving to the Crown Office and Procurator Fiscal Service. Perhaps he can tell us what his party did to support that service when he had responsibility for home affairs in a Conservative Government. I do not remember much being done at a time when police were catching criminals but could not satisfactorily bring them to justice because of inadequate funding of the Crown Office and Procurator Fiscal Service under the previous Conservative Government.

Lord James Douglas-Hamilton: The problem that fiscals face now is infinitely greater. The Deputy First Minister will remember that the Chhokar inquiry report made it quite clear that fiscals were overworked and had inadequate resources. That report made a strong recommendation for more effort to be made in that connection. I am pleased that the minister is responding, but I have to say that, since 1997, numbers of police have gone down substantially. We believe that there is also a great need for far more police officers in neighbourhoods. That is extremely important.

We believe that alternatives to custody should not include sending 16-year-olds and 17-year-olds to children's hearings when they commit offences that should be dealt with by the courts. Far from helping young offenders back on to the straight and narrow, doing that, delaying effective punishment or considering plans to raise the age of criminal responsibility would send out the wrong signal and invite higher crime rates.

In pursuing a policy in which there are sufficient alternatives to custody, it is essential that we ensure that there are more police officers on the beat. It was remarkable that *The Sun* reported on 6 May that just 30 cops were free to tackle crime in the centre of Edinburgh, while 60 traffic wardens were out chasing motorists.

Our vision is of a neighbourly society reclaiming the streets. We want to reduce the fear of crime

and we propose earlier intervention in order to reduce reoffending. To do that, we need a substantial increase in the number of police officers and we need to ensure that there are enough prosecutors in place to back them up.

Mr Kenneth Gibson (Glasgow) (SNP): Will the member give way?

Lord James Douglas-Hamilton: I must continue; my time is running out.

The Deputy Presiding Officer: The member is in his final minute.

Lord James Douglas-Hamilton: We must discuss the matter, because the prisons are packed to capacity. The Minister for Justice will have anguished decisions to make if he is to retain the confidence of the Parliament and the people. I hope that there will be consistency in sentencing patterns and conferences on tariffs for judges.

We are determined to do everything in our power to pioneer a return to safer communities and streets, which should be free of crime and the fear of crime. In the jubilee year, we will do everything possible to safeguard the Queen's peace, which is no more than every Scot's birthright.

I move amendment S1M-3149.1, to leave out from "commends" to end and insert:

"warns against the widespread extension of soft non-custodial sentences simply to empty Scotland's overcrowded prisons without sufficient regard to the protection of the public; notes with concern the plans paraded by the Scottish Executive to send the parents of young offenders to jail, and calls upon the Executive to put in place sufficient resources to make Scotland a safer place in which to live and work."

15:22

Scott Barrie (Dunfermline West) (Lab): I am proud to open for the Scottish Labour party and to explain why the safety and security of Scotland's families are at the heart of Labour's plans. I am also proud to set out how the proper balance of punishment and rehabilitation fits in with our democratic socialist values and to welcome the Executive's and the Labour party's plans to take new action, which is clearly needed.

We have heard that the UK locks up more people proportionately than almost any other European country does. It is slightly disturbing that that rate is increasing while Portugal's is falling. There is no doubt that we will soon top that unenviable league. Is that because we are the most criminally minded nation in Europe? I think not. The Executive and I believe that we need safe and appropriate alternatives to custody and imprisonment where it is justified and necessary.

We all remember Tony Blair first speaking of

Labour being tough on crime in 1997. Some expressed surprise at that, but it was no surprise to me or to others in the Labour party. We know that the brunt of crime and anti-social behaviour is borne by people in communities that we represent. Muggings, assaults and drug dealing must be dealt with firmly and harshly, but we must also deal with low-level harassment, verbal abuse and knocks on doors with stones and eggs, which make lives miserable. Such offences also have victims.

Some members have spoken of confusion and uncertainty in the past couple of weeks—indeed, at one point, we were told that youth disorder is not really a problem. The news from the front line is that it is a problem and the Labour party recognised that some time ago. What matters most is not who said what, when and to whom, but the difference that policies will make to the lives of ordinary people who share our concerns.

I want to make things plain. I am proud that the Labour party and our Liberal Democrat colleagues in the Scottish Executive are taking firm and innovative action to deal with crime and disorder. We are committed to challenging and changing the behaviour of young offenders, with an investment of £25 million in community programmes for young offenders. We will not shy away from punishing persistent young offenders who commit a vastly disproportionate level of crime.

It is also worth recognising that the reporter to the children's hearing already has the power to refer someone under the age of 16 to the procurator fiscal—such a power is not just the other way round.

I am proud that my party is working, through its democratic policy-making process, on new ideas to place before the people of Scotland in its manifesto for next year's elections. I am a member of the Scottish Labour party policy forum and I take my duties on that forum very seriously. The debate within the party on crime and justice is central to the forum. Other Labour members and I see that a small number of young people are causing a disproportionate number of problems in our communities. For the vast majority of children in trouble, the children's hearings system provides a route out of offending, but it does not do so for a very small minority. In the same way, our adult courts have difficulty in dealing with a small number of persistent adult offenders. I do not want to resort to the ultimate sanction of taking away a child's liberty and I do not want to have to extend anti-social behaviour orders to those under the age of 16. However, if that is the sort of radical action that is needed to give respite to some of our communities, perhaps we will have to consider making those difficult decisions.

If we give parents every opportunity to play their part, if we offer them help to help their children and ask them to act responsibly, and if they wilfully refuse to do so, it is incumbent on us to introduce measures such as parenting orders. I do not want to see parents being locked up for refusing to play their part, but there is a fine line between a child's behaviour being beyond parental control and a parent refusing to exercise parental control.

Mr Raffan: Does Mr Barrie agree that if we are going to deal with this problem we must be fairly thoughtful about it? Does he support the excellent truancy pilot scheme that was introduced by a Labour minister—Sam Galbraith—and piloted at Alloa? It has been very effective. Truants often go on to become young offenders, but in this case the truants went to the pilot scheme and to the people in that unit rather than to their parents, and that arrangement worked.

Scott Barrie: I agree with Mr Raffan. One of the most damning statistics is the disproportionate amount of crime that is caused when youngsters truant from school. That is one of the major problems. If we tackle the truancy problem within our schools, there is a good chance that we will also tackle the youth offending rate.

Some members have said that anti-social behaviour orders do not work, as they are too difficult to enforce and too time consuming to obtain. Like all innovations, they take time to bed down, but I find it interesting that different local authorities are having different experiences. For example, 32 anti-social behaviour orders have been granted in my own Labour-controlled authority in Fife. Communities have been spared further problems in 32 instances of anti-social behaviour.

In neighbouring Clackmannanshire, which is SNP controlled, not one anti-social behaviour order has been granted. Perhaps the Deputy Minister for Justice could tell me whether that is because there are no instances of anti-social behaviour in Clackmannanshire. I very much doubt it.

Mr Gibson: Does Mr Barrie accept that Labour-controlled Inverclyde has more than double the population of Clackmannanshire and also has no anti-social behaviour orders?

Scott Barrie: I was making the point that the situation varies. I took the example of two local authorities that I know well—my own local authority and one not three miles from my constituency boundary.

Both Executive action and Labour party action are important. Both are a million miles from the policies of our political opponents, the nationalists and the Tories. We expect no better from the Tories. They still do a fine line in the rhetoric of

lock 'em up and throw away the key. However, Phil Gallie, not a person with whom I would necessarily agree, admitted recently that the failure of the Tories' policies on crime was lamentable. He also lamented the inaction of the Conservatives on the victims agenda. That agenda is now being addressed in the Criminal Justice (Scotland) Bill, which is before the Parliament. Such action is long overdue. While the Conservatives are full of rhetoric, Labour is addressing the real issues. The Conservative party's 2001 general election manifesto made no mention of alternatives to custody or challenging the behaviour of young offenders.

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

Scott Barrie: No thank you.

Even the Conservatives' recent proposal to allow no television, no videos, no Game Boy and no Pokémon does not offer an effective way in which to challenge offending behaviour.

The Tories' failure and confusion pale beside the hypocrisy, bandwagon jumping and sheer crass populism of the nationalists. For example, let us take compensation orders, which are a fine by any other name. While attacking suggestions that parents should be penalised through the welfare system, Roseanna Cunningham, Michael Matheson and several other SNP members called for parents to be fined. Will one of the SNP members explain what would happen if the fines were not paid? What would the next step of enforcement be?

Michael Matheson (Central Scotland) (SNP): If the member had listened closely to what was said, he would know that compensation orders would not be applied only in financial terms but could involve repairing damage to property. Both physical work and financial penalties could be involved.

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): That is called the children's panel system.

Scott Barrie: Exactly. That system is in place and is well used—I have been involved with it. I want to know what enforcement would be required when financial compensation orders were not paid.

The SNP's justice spokesperson said that its proposal on secure accommodation places was the first properly costed commitment for the SNP's manifesto. We have it straight from the horse's mouth that all the other measures that SNP members have gone on about for the past three years are mere rhetoric. They are uncoded, wish-list, fantasy proposals from their fantasy economics.

In considering the Scottish prison estates

review, the Parliament and its justice committees have been rightly concerned about the rehabilitative aspect of custody. I am on the record as stressing that issue when the Minister for Justice made his statement on the review last month. If it is important to consider rehabilitation for adults in prison, it is equally important to consider rehabilitation for youngsters in the secure accommodation system. When costing her expensive secure-places pledge, what research evidence on rehabilitative impact did Roseanna Cunningham consider? Perhaps as important—given her stance in the public-private prisons debate—is she proposing that secure places should be provided by the private sector, as is the case for most places at present?

I spoke earlier about the small number of youngsters who cause a disproportionate amount of difficulty. Of the million or so youngsters in Scotland who are under 16, 0.2 per cent are a problem. By anyone's standards, that is a small percentage. As I have said, our children's hearings system works well. It compares favourably with the youth justice system south of the border and is envied by those who work in that system. I have said this before and I make no apology for repeating it: prior to 1990, when national standards were introduced into the criminal justice social work service, the courts received an incredibly variable service. Since 1990, the situation has improved dramatically. The approach is now more consistent, more measurable and fairer.

I ask the Minister for Justice and the Minister for Education and Young People to consider seriously a proposal that would provide adequate resources for the children's hearings system to ensure that disposals from that system are dealt with in the same way as in the courts.

In any justice system, it is important to have disposals that punish the criminal and protect the victim. For some offenders, prison is the only alternative, but for others, community disposals are appropriate both for the offender and for society. The Executive's way is to use alternatives to custody when they are safe and appropriate and to use imprisonment when it is justified and necessary. That is what members are asked to vote on today.

15:34

Karen Whitefield (Airdrie and Shotts) (Lab): Recent debates on youth crime have brought the issue of crime and punishment to the fore. Although members may differ in the approaches that they take towards the criminal justice system, I hope that we all agree that the system should be designed to create a safer, more secure society. We must find the correct balance between

punishment, deterrence, exclusion by incarceration and the rehabilitative opportunities that are offered by non-custodial options. We should recognise that, for many offenders, non-custodial sentences are usually significantly more challenging than prison. Alternatives to custody should not be thought of as an easy option, as the Tories have suggested.

There are times when prison must be used and the use of long prison sentences for our most violent and persistent criminals is necessary. However, a significant number of those whom we imprison do not pose a serious threat to society. We must find ways of dealing with those offenders that challenge their behaviour and offer the opportunity for change. We must examine the sentencing options that are available for groups of offenders such as fine defaulters and those who serve short sentences.

Community service orders have been available to our courts for around 30 years and have provided sentencers with an alternative to custody. However, I believe that the time has come to review the way in which CSOs work. When CSOs were introduced, the relationship between hard drug taking and criminal behaviour was much less pronounced. Today, there is a far greater likelihood that those who are given a CSO will have a serious drug problem. It is self-evident that, when a convicted criminal has a chaotic lifestyle as a result of drug or alcohol misuse, they are highly unlikely to be able to comply with the demands of a community service order. If we do not take steps to deal with the underlying drug problems, the chances are that the use of a community service order will fail. We must ensure that, when it is appropriate, community service orders are preceded by, or run concurrently with, drug treatment and testing orders.

A similar recommendation was made by the Halliday report, "Making Punishments Work", which was published by the Home Office and relates to English and Welsh law. The report states:

"courts should have the power to impose a single, non-custodial penalty made up of specified elements, including: programmes to tackle offending behaviour; treatment for substance abuse or mental illness; compulsory work; curfew and exclusion orders; electronic monitoring; and reparation to victims and communities. Supervision would be used to manage and enforce the sentence, and support resettlement."

I spoke recently to SACRO and know that it is also keen for sentencers to be provided with appropriate information, support and training regarding the range of non-custodial sentences that are available.

The Halliday report also proposes the introduction of custody plus—a scheme whereby the sentence is split between a period in prison

followed by a period of supervision and rehabilitation. At first sight, that may appear to be a soft option but, with custody plus, the sentence means what it says. If a convicted person is sentenced to six months, they are jailed for part of that period and released under supervision for the remainder. During the supervision period, prisoners are liable to be recalled to prison on breach of conditions. That contrasts with the traditional sentence, which often leads to early release. I ask the minister to examine the possibility of creating similar sentencing options in Scotland.

There are no easy answers to the problem of finding effective sentences. Alternatives to custody are not always popular with the general public, but finding effective ways of reducing crime in our communities is a common aim. If alternatives to custody prove to be effective in dealing with a certain section of those who offend, we must ensure that those options are available to our courts and that the infrastructure is in place to ensure that community-based sentences are delivered effectively.

15:39

Mr Kenny MacAskill (Lothians) (SNP): I have three points to make. First, the status quo is not an option. Although we have heard numerous partisan speeches from members of all parties, we accept the fact that the status quo cannot continue and that the situation has to change and be addressed.

My second point—which I will address in greater detail in due course—is that alternatives to custody are not soft options. I think that all members have taken it as read that some people must be imprisoned because they are a danger to the public; it is also taken as read that some youngsters must be placed in secure units. One irony about those whom we require to place in secure units is that they are a danger not only to the public but often to themselves. They require to be remanded in a secure unit not only because they may endanger someone else's life, but because they are often a danger to their own lives through suicide or something else.

My third point is that we need to resource non-custodial alternatives. They may be expensive but there are social and economic benefits to be accrued as well as cost savings. Those three matters must be addressed because there is a problem. The status quo is not tenable; it is a blight on our society. We should be ashamed that the number of prisoners per thousand of the Scottish population is significantly high compared with the situation in not only western Europe, but the whole of Europe. That is something that we all—

Phil Gallie: On a point of order, Presiding Officer. As a matter of courtesy, if nothing else, after a speaker has finished speaking during a debate, should they not stay behind and listen to the following speaker?

The Deputy Presiding Officer (Mr Murray Tosh): There are no rules to that effect, but the Presiding Officers have commented that it is appropriate for members to remain in the chamber after they have spoken. Mr MacAskill can continue.

Mr MacAskill: There is a saying that when one is in a hole, one should stop digging. Perhaps the analogy in criminal justice would be to say that if banging up people in prisons is not working then perhaps we should stop building prisons. We must consider a better way.

Another shameful matter that has not been addressed is the fact that, demographically, given the decline in the number of youngsters, there should have been a decline in the percentage of youngsters in the prison population. I remember being a practising defence agent in the 1980s and 1990s; the number of youngsters going through the system then was going down, not because Edinburgh was becoming better behaved but because the percentage of youngsters was declining in our society. That is where, pro rata, much of the problem exists. The SNP has said—and there is a political acceptance in Scotland of the matter—that as we have a declining population, with all the problems that go with that, we should have some dividend in terms of the size of the prison population. That that has not happened is a problem.

We must also recognise that non-custodial alternatives are not a soft option. I am not the only former defence agent in the Parliament who will have heard people say that doing time is the easier option. Those who say that are often recidivists or the hardest offenders. They would rather do a short period in prison than do a non-custodial alternative. Therefore, we must stop believing that banging up people in prison is a way of dealing with them. Those who are serious offenders and who are dangerous to others must be dealt with in that way, but banging up those who are not a danger to others is expensive and is not working. We must consider alternatives.

Johann Lamont: Will the member take an intervention?

Brian Fitzpatrick: Will the member take an intervention?

The Deputy Presiding Officer: No. Mr MacAskill has just gone into his last minute.

Mr MacAskill: There are cost options. Putting people in prison is damaging to them and their

families and gives a licence to learn in academies of crime. In my days as a practising defence agent, I represented people from Greenwich in south London who carried out armed robberies in Bonnybridge and Livingston. They did so because they had been on remand with prisoners from Scotland who told them that there were easily accessible places that they could go and rob. They did so because they had learned how and where to do the robberies when they were in prison. We must recognise that if we are to prevent the fragmenting of our families we must keep people out of prison, especially fine defaulters and women prisoners. The social and economic costs of banging up those who are not necessarily a danger to others are greater than the cost of providing the necessary resources. We must provide the resources.

No matter how partisan some speeches have been, there seems to be a consensus on the three matters to which I have referred. We need to work around the consensus that the status quo is not an option, that alternatives to custody are not necessarily a soft option and that we must provide the necessary resources. Providing the resources will free up other methods that will provide cost savings.

15:44

Phil Gallie (South of Scotland) (Con): There has been a degree of hypocrisy today in comments that have been made on the evils of prison. In other debates in the Scottish Parliament—whether they have been on the abuse of women and children, people dealing in drugs or parents who refuse to send their children to school—the use of prison has been advocated by members in parties across the chamber.

There is also a degree of hypocrisy in the Deputy First Minister talking about tagging as if it were a new initiative by the Scottish Executive. In relation to the Crime and Punishment (Scotland) Act 1997, Michael Forsyth raised the idea of tagging. At that time, out of 101 people who responded to a Government consultation paper on the issue, only one—me—was in favour of tagging and everyone else was against it. Representatives of the parties of all of those who were against tagging sit in the benches opposite today.

Roseanna Cunningham: I remember the debates on that subject in 1996 and assure Mr Gallie that the SNP did not set its face against tagging. I know that because I was the person speaking for the party at the time.

Phil Gallie: I referred specifically to the 101 responses to the consultation paper, not to the debates. Only one response was in favour—it came from me and I was ridiculed for it at the time.

Perhaps the message from that is that we could make better progress if ministers listened more often to my ideas on such issues.

I go along with Kenny MacAskill's comments on prisoner numbers. However, Scott Barrie had a point when he said that I had criticised the previous Tory Government's policies. The matter I referred to was the introduction by Tory ministers of methods of reducing prison sentences by 50 per cent automatically. I believed that to be wrong at the time and I believe that it has proved to be wrong. I challenge all members to consider that policy and come to a position that sentences should mean what they say they mean and ensure that any remission is earned. It is not only the punitive element of prison that is important but the rehabilitation element. It is important that we try to get some good out of sending people to prison. As Kenny MacAskill said, there is no benefit for the individual when they are sent to prison for a short period and only slight respite for society.

The problems that are faced by the Procurator Fiscal Service were mentioned. Perhaps if people who had been sentenced to serve sentences of a reasonable length served those sentences, we would not clog up the Procurator Fiscal Service and the remand system to the extent that they are clogged up today.

We think of rehabilitation in prison as presenting an opportunity to wean people off drugs and take them away from the drug scene. Could the minister confirm that it is now the practice in Scottish prisons to wean people off drugs when they enter prison but to prepare them to re-enter society by weaning them back on to drugs again before they leave prison? I believe that to be the case, but I will accept the minister's word if he says that it is not.

Mike Rumbles has been shouting about flogging while I have been speaking. I will not disappoint him and will rise to his bait by issuing a challenge to him and, perhaps, Johann Lamont. I ask them to carry out a referendum in their constituencies on the issue of bringing back the birch. We cannot seriously promote that option, but it would be interesting to take the public's view on that issue.

15:48

Mr Keith Raffan (Mid Scotland and Fife) (LD): It was Winston Churchill who said—no doubt when he was a Liberal—that one can judge how civilised a country is by the state of its prisons. I believe that the effectiveness of the penal system must be judged on its record in breaking the cycle of reoffending. That means that the emphasis must be on rehabilitation rather than punishment. That is not being soft on crime, it is being sensible on crime.

I was glad to read that the editorial in *The Herald* on 10 May shared that view. It said:

“Rehabilitation is the proper way to combat recidivism”.

As the editorial said, we do not need the “headline-grabbing, superficial populist panaceas”

of which we have heard far too much in recent weeks. We need the thoughtful and intelligent approach of the Minister for Justice that dismisses crude knee-jerk reactions and policy that is made on the hoof.

That debate is for another day, because today’s debate goes back a stage. Too many people are sent to prison who should not be. In an earlier intervention, I quoted HM chief inspector of prisons Clive Fairweather’s view that 50 per cent of the female prison population in Scotland could be dealt with by different measures. Too many are sent to prison for minor offences: 84 per cent served less than three months in 2000. Too many are being sent to prison for fine default. Indeed, in the last decade, more were sent to prison for fine default than on a direct sentence.

Far too many drug addicts are also sent to prison. The latest figures—which the Minister for Justice, when I asked him a few weeks ago, said were the most robust figures—say that we have 55,000 injecting heroin addicts in Scotland. Those figures are from Neil McKeganey from the centre for drug misuse research.

Dr Simpson: The figure of 55,000 is the estimate of total drug users; 23,000 is the figure for injecting heroin addicts.

Mr Raffan: I do not agree with that, but I will not get into an argument with the minister. I am speaking in support of him today; indeed, I will encourage him to go further. I hear that he has occasionally had a hard time in other meetings, but I want to give him support in the chamber.

The Social Inclusion, Housing and Voluntary Sector Committee’s report on its inquiry into drug misuse and deprived communities made the point that, in Glasgow alone, property to the value of £190 million was stolen or shoplifted to finance drug habits. I understand that the latest figure is 50 per cent above that, at about £300 million. That means that the figure in Scotland as a whole must be well above the £540 million that was estimated in that report when I was a member of that committee.

I welcome the apparent success of the DTTOs and the drugs courts. The DTTO pilot has apparently reduced addicts’ drug habits by 90 per cent. The average cost of a DTTO is a quarter of a 12-month prison sentence—just under £8,000 compared to £28,000. The drugs courts pilot has also been successful, with 80 per cent of those

appearing before such courts completing their orders. We have been much more successful north of the border than south of the border with DTTOs and drugs courts and, indeed, with the methadone programme, which is internationally acknowledged to be far more effective in Scotland than in England and Wales. A significant amount of money has also been saved because of the reduction in drug crime.

I agree with the minister on pilots and the evaluation of pilots. However, when such pilots are regarded as successful, we must be ready to roll out such programmes further and faster, as we want to do. That means more community programmes and more residential beds, not the ridiculously low 120 that we have in Scotland. Florence Nightingale had more beds in the Crimea. I will have more to say on residential beds later, if I catch the Presiding Officer’s eye in the members’ business debate. We need halfway houses and we need to shorten the waiting time for the methadone programme. We want to get addicts into treatment when they are at rock bottom. We do not want to have to make them wait so that they relapse and get back into the cycle of drug addiction.

We must take a radical approach and a sensible approach. The Minister for Justice is following just such a sensible approach.

15:53

Pauline McNeill (Glasgow Kelvin) (Lab): The use of imprisonment is still and will probably always be the ultimate sanction in sentencing, as we will, I hope, never see the reintroduction of the death penalty in Britain—although, from listening to Phil Gallie about 20 minutes ago, I am not sure what current Conservative thinking on that is. The upward trend in the use of prisons coincides with the increase in the average length of sentencing. Scottish courts remain consistently tough in their dispensation of Scottish justice.

The Tory amendment

“warns against the widespread extension of ... non-custodial sentences simply to empty Scotland’s overcrowded prisons”.

That is the only bit of the amendment with which I agree, in that the strategy on alternatives to custody should not be a response to overcrowding, but a strategy that provides a better way to reduce reoffending in the longer term. It is vital that we break the vicious circle of drug taking that can lead to offending that can lead to a fine that is not paid that can ultimately lead to jail. The recent success of the DTTOs is exciting news, as diversionary schemes have an important place in the infrastructure of the types of responses that are needed in a democracy such as Scotland.

The same is true of women offenders, who are caught up in a vicious circle of prostitution and drug taking and usually end up in Cornton Vale prison. These women's lives could only become more chaotic and desperate with further short periods of imprisonment. Prison might be viewed as a hard option, but it achieves absolutely nothing for them. It is a fact that there are not enough suitable alternatives to custody for women, and it is about time that more were made available.

The Prison Reform Trust has stated that the number of women who pose a danger to society could probably be counted on one hand. The development of the first time-out centre in Scotland, which has been mentioned by my colleague Sylvia Jackson, is a crucial one. It cannot be put in place quickly enough. I hope that the minister is listening to the point that I have to make about this. We should not make the same mistakes that we did about the management of secure units, which are not a demand-led resource.

Glasgow City Council has been given the opportunity to run the first tender for Scotland's first time-out centre for women. It will primarily benefit Glasgow women prisoners—and rightly so, because they constitute the largest number of women in prison—but I believe that that centre should be a national resource and that, where appropriate, women from elsewhere should benefit from it. I look forward to the development of other time-out centres around the country, and I would like the minister to advise Parliament, if he is able to do so, of the timetable for other such centres.

There is a place for tagging, mediation, restorative justice and orders for lifelong restriction, and there may even be a place for further diversion for young offenders. However, before we set in stone the new infrastructure—and I support the phrase that Roseanna Cunningham used earlier in this regard—to allow a sophisticated approach to be taken to serious crime, we must first ensure that our objectives are clear and that the measures that we take are appropriate to the problem.

In our approach to young persons' offending, the children's hearings system has to be strengthened as a matter of priority, and the range of disposals available has to be broadened. It is the under-16 age group that should be addressed first.

I welcome the £10 million increase in the budget of the Crown Office and Procurator Fiscal Service, but I ask the minister to assure Parliament that the additional finance will be used on front-line services for procurators fiscal.

I welcome the debate and sense that there is quite a bit of consensus in the Parliament on this subject—a consensus on which we should build.

15:57

Kay Ullrich (West of Scotland) (SNP): The tabloid newspapers would have us believe that anything other than a lock-them-up-and-throw-away-the-key approach means being soft on crime. As someone who spent many years at the coalface of criminal justice social work, I can say that nothing could be further from the truth. I will never forget the time when a persistent offender who found himself on a probation order for the first time and who was having to address his offending behaviour complained to me, "Could you no just have let me do the time? This is daein ma heid in." Make no mistake: when it comes to community alternatives, many offenders would prefer the softer option of what is usually a short prison sentence, during which rehabilitation does not rear its challenging head.

There will always be offenders and offences for which a custodial sentence is the only option. Public safety must be paramount. One of the most obvious deficiencies in the current system is the scandalous shortage of secure places for young criminals, who, as Kenny MacAskill rightly said, are a risk not only to society but to themselves.

Let us accept it as our duty as elected politicians to base our policy decisions on the evidence and research that is available. It is not our job to make policy on the hoof, and we should not succumb to the latest knee-jerk reaction from a spin doctor who thinks that a particular soundbite might win a few votes.

We have to face the fact that 70 per cent of all criminal offences are committed by people under the age of 21. We have to accept that the vast majority of the young people concerned come from areas of deprivation. It is the most disadvantaged areas in our nation that suffer the double whammy of poverty and the misery of crime in their communities. Putting the offenders in jail has proved futile—the recidivism rate is over 78 per cent. There is a revolving-door syndrome of 30 days here, 60 days there and offenders come out with the same underlying problems that contributed to their offending behaviour.

I will give a wee example of what I mean. I challenged a young man about the proceeds of a burglary that he had committed, one of which he described as "a wee ring". When I asked how much he got for it, he said, "A tenner in the pub and they'll get it off their insurance." He was totally unaware that all the insurance money in the world would not replace a beloved grandmother's engagement ring.

If we want to reduce crime, we must consider what works, rather than what we think should work. My time is too short to talk about all the effective interventions that are being carried out in

community sentencing, such as supervised attendance schemes and restriction of liberty orders, which have been discussed. Feedback on most of the schemes seems to have been positive.

However, as usual, I have to say that new Labour rhetoric is falling far short of new Labour reality. When I was a criminal justice social worker during the awful Tory years, many of my colleagues thought that the answer to all the problems would be the return of a Labour Government, but they have found that things can only get worse.

There is a lack of resources for drug and alcohol programmes, there are huge waiting lists for detox and there is a lack of bail hostel places. Worst of all, social services are facing their biggest crisis in retention and recruitment, as we are 500 social workers short. Morale is at an all-time low. Is it any wonder that my old colleagues are saying, "See old Tories, see new Labour"? I ask ministers to give them the resources, because they will give society the results.

16:02

Paul Martin (Glasgow Springburn) (Lab): I welcome the healthy interest that the Liberal Democrat and Labour members have taken in the debate, an interest that is shown by the large number of Labour and Liberal Democrat members in attendance. It is crucial that we focus on alternatives to custody. They should not be about the something-for-nothing approach but about the quid pro quo approach, which will give us something for something in our communities.

As Fergus McCann once said to a famous Dutch footballer at Celtic Football Club, let us take a reality check. Let us look at our communities—for example, Dennistoun in my constituency, which Richard Simpson was kind enough to visit last week. In Dennistoun, two elderly gentleman live in such fear that they board up their windows. That is the reality in our communities. Shopkeepers in Blackhill decide not to roll up their shutters, because the windows will be smashed almost immediately. People dare not walk outside the entrance to their close for fear of youths loitering there. I could bring many other matters to the Parliament's attention.

I have reflected on the many views in the community that I have heard and that Richard Simpson heard last Thursday evening. The majority of people are in favour of a system that ensures that offenders correct their behaviour. I disagree with the point that Phil Gallie made. Most people in our communities want the end result to be that the offenders' behaviour is corrected.

Phil Gallie: Perhaps the member did not hear my comments. I pointed out the value of prison for

rehabilitation. That is very important indeed and relates to the point that he is making.

Paul Martin: On the visit to Barlinnie prison that members of the Justice 1 Committee made, we met an offender who had spent three years in prison without having had an interview to decide his leaving date. There had been no preparation for his release into the community. I do not believe that prison is the best way of dealing with offenders.

The system fails when the community cannot see the offender facing up to and showing genuine remorse for their crime. Scott Barrie made the good point that disposals are available to children's reporters. My experience in my constituency—and this view is shared by many others—is that there is no evidence that those disposals are being used effectively. We must ensure that the disposals that Scott Barrie mentioned are improved and developed to ensure that people face up to their crimes in the community.

I also want to touch on a point raised by Roseanna Cunningham. There are far too many pilots for the rehabilitation of offenders. The Executive must ensure that a Government programme is rolled out throughout Scotland so that rehabilitation programmes are in place. Far too many pilots have been launched, but not tracked effectively to ensure that we are correcting the behaviour of those who offend. The effectiveness of all such programmes can be evaluated by when the two elderly gentlemen in my constituency are able to take down the boards from their windows. If they are unable to live in their community without the fear of crime, our rehabilitation programmes have not been effective.

16:06

Robert Brown (Glasgow) (LD): Paul Martin is right to describe the effect of crime on individuals and local communities. The real issue that underlies today's debate is why such things happen and what we can do about them. Criminal actions are the product not of the justice system, but of deeper social problems. Many, if not the majority, of offenders suffer from mental health problems or learning difficulties. That is particularly marked among prisoners: seven out of 10 people in prison suffer from mental disorders. Another stark statistic comes from the Basic Skills Agency report, which found that 60 per cent of the prison population had literacy and numeracy skills that were so low as to make them ineligible for 96 per cent of all jobs.

Many offenders live in fractured communities in which normal role models and structures are absent. As members have said, many offenders

begin as truants from school and alcohol or the need to feed a drug habit fuels a large proportion of crime. That is not the whole story, but is a large part of it. Those are the risk factors and causes of crime that we need to tackle. We cannot tackle them by knee-jerk reactions or populist solutions. Liz Barratt of Barnado's, which has long experience, said it all:

"Sending parents to jail is ridiculous and fining people already in poverty smacks of stupidity".

Scotland has one of the largest prison populations in Europe and sentences imposed by the courts are getting stiffer. Prison and detention do not work, except for the limited purpose of protecting the public, rather than deterring the offender. Protecting the public is welcome, and sometimes inevitable. However, Scottish Office research from 1998 found that punishment-based incarceration interventions were least effective at reducing recidivism because they isolate young offenders and hold back maturation. In my view, the basic problem is to get young people through the period until they are about 23 or 24 years old with the least disturbance to the public. By that time, and with luck, they may have grown up, got married or formed a relationship, settled down and stopped troubling the public.

The Tories had 18 years to try out their ideas. They really go for the lock them up, short, sharp shock stuff. If it did not work for the Tories, it will not work for anyone else. The Scottish Executive has done much to produce solutions to such problems. The action programme to reduce youth crime, support for victims, drugs courts, drug treatment and testing orders and electronic monitoring are all based on the proper form of long-term thinking. I congratulate Jim Wallace and Cathy Jamieson on their work on that.

We all know that much more needs to be done. We need more resources, more joined-up thinking and more national rolled-out programmes. The children's panel system, far from being replaced or sidelined, needs to be given the tools to do the job. In Glasgow, how can the panels do the job when the social work department is so far below its complement that it struggles to do court and panel reports, let alone supervise properly children who have been placed under supervision orders? The consequence of that and other delays means that the system often does not provide a speedy or effective response.

In concluding, I mention one other matter.

John Young (West of Scotland) (Con): Will the member take an intervention?

Robert Brown: I am in my last minute.

In Washington DC, a radical and successful youth court has been established. In that court,

young people, some of whom have been offenders, sit in judgment on other young people. That is linked with community service. The youngsters are paid credits for being involved. Apparently, that scheme has had a dramatic effect on crime levels. I also mention the Islington experiment with acceptable behaviour contracts.

The first duty of the state is protection of the public. The public is best protected by stopping offenders from offending.

16:10

Mr Duncan Hamilton (Highlands and Islands) (SNP): In an otherwise good debate, there have been one or two discordant voices. Some people have sought to take partisan advantage. I hope that we can rise above that and move on to the several areas on which we agree.

First of all, the Tories have adopted shock tactics by saying that somehow the bad guys will be let out and there will be dangerous people on the streets. Frankly, we can ignore that. There is consensus and agreement around the chamber that the bad guys will not be out on the streets. Any attempt to misrepresent that fact is misleading.

There is also agreement that we are talking about those people who are put into the system inappropriately. The figures have already been quoted: in 2000, 41 per cent of people who went to prison were sent there for defaulting on fines; again in 2000, 65 per cent of people who ended up in prison were not initially sentenced to imprisonment but ended up in prison nonetheless. The Scottish Parliament information centre revealed those figures this afternoon.

For many people, the option of going to prison has proved to be ridiculously expensive and utterly futile. I think that we agree with what Mr Wallace said about the need to allow lives to resume so that people can structure their rehabilitation.

I have some suggestions about the scale and range of available measures. I am afraid that the measures available depend upon resources. We know about the bills that are going through Parliament at the moment. We know about the additional measures in the Criminal Justice (Scotland) Bill to which the minister referred. However, we are still unclear about whether the additional funding will be available to match those measures. We also have a quote from SACRO:

"We know that the judiciary is frustrated at present because the full range of community sentences is not available in every court and capacity is limited by resources."

That is not a party-political point.

Even where there is good practice—and I

recognise the evidence of an 85 per cent success rate for supervised attendance orders—we must roll out those schemes more quickly, as Paul Martin said. In one of his usual asides, Kenny Gibson said, “All of these pilots—are any of them landing?” That is the right question because we must ensure that such schemes are rolled out much more quickly.

On innovation, the SNP has tried to bring something new to the debate. I would like there to be more debate about unit fines. Roseanna Cunningham listed the eight countries in Europe that are using unit fines. We should at least examine that as a proportionate means of making sure that offenders are tackled effectively.

The subject of restorative justice has also not been addressed properly. The Executive is seeking coherence for its strategy. I understood that that was the point of including victim statements in the Criminal Justice (Scotland) Bill. The Executive’s philosophy on justice was meant to be going that way. If that is the case, let us consider more innovative means of restorative justice.

I have two questions to finish with.

Scott Barrie: Will the member take an intervention? Does he agree that we have restorative justice programmes in 16 local authorities and that the Executive proposes that those programmes will be available in all local authorities? We are undertaking such projects.

Mr Hamilton: That is correct, but I am asking that the Executive considers similar schemes throughout the world. Most of the countries in the new world are way ahead of Scotland on restorative justice. We have a great deal more to learn and we do not have any room for complacency.

On rehabilitation in prison, given that 82 per cent of custodial sentences are for less than six months and 55 per cent are for less than three months, is it possible that we are not catching people at the right point in their sentences? Many programmes do not kick in until a later stage. Is there a more appropriate point—not after a week but perhaps after a month—when we could start to rehabilitate people? I do not know the answer. I simply ask the minister to consider those questions.

We should consider the international situation. There is a range of United Nations charters on the subject. The UN Standard Minimum Rules for Non-custodial Measures, or the Tokyo rules, is one example that the minister will be aware of. There are two important things for us to take forward. The first is international co-operation in research and technical assistance and the second is comparative studies. We do not need to reinvent the wheel in Scotland. There is a lot of good work

out there. I know that Richard Simpson tends to look to international examples and I hope that he will do so.

Finally, on the question of public involvement, the evidence that the Justice 1 Committee took was clear: the public in Scotland hold many misconceptions, but if we come up with alternatives and sell them properly, people will accept them. If we give no alternatives and simply implement change in a vacuum, it will not go forward. If we use the mass media properly, if we have a conversation with people and if we inform, consult and engage, we can go forward. There is a consensus in this chamber that it is time for change. Let that change not be implemented in a vacuum and let it be informed.

16:15

Robin Harper (Lothians) (Green): I am happy to declare an interest: I have recently rejoined the Howard League for Penal Reform.

I welcome the debate and its tone, but I am concerned by the Conservative amendment. Lord James has applied his undoubted experience and intelligence but has come up with an amendment that fundamentally undermines the consensus in the rest of the chamber on restorative justice, as members have clearly expressed in their speeches.

I wish to add a couple of details that have not been mentioned. First, in her speech about the ring and the granny, I thought that Kay Ullrich was going to talk about an effective strategy of getting the criminal to meet the victim and to listen to and talk through the victim’s story. That strategy has been tried in a few places and I believe that it has been extremely effective in deterring young people from committing further crimes. In fact, it has been remarkably effective in many cases—up to 70 per cent effective.

The second detail that I wish to add to the debate relates to an experiment that has been effective in Europe. For people who are in jobs and who have families, night jails have been used, where appropriate. They allow people to carry on with their work and to meet their family briefly, but they still provide the punishment of the deprivation of liberty.

Roseanna Cunningham: There are also weekend jails.

Robin Harper: I thank Roseanna Cunningham for that.

I pay tribute to those who have explained so carefully and in detail the problems of people who are in jail. I believe strongly that banging people up in jail is not a soft option. In fact, when we bang people up in jail, we stop thinking and we abandon

our collective responsibility to them. Robert Brown and Keith Raffan explained the problems that people in jail face. I pay tribute to Keith Raffan's work over the past three years as convener of the cross-party group in the Scottish Parliament on drug misuse, which has kept the issue before us. The huge majority of people in our jails have enormous problems, which we are not addressing by banging them up.

Finally, I stress my total agreement with what Robert Brown and Scott Barrie said of the importance of the children's panel system. There is a danger that the system will not be able to work as effectively as it should because we are not funding it or social services to the extent that we should. I worked happily on a children's panel, although it was difficult. The system is one of the jewels in the crown of what we do in Scotland to help young people who get into trouble.

16:19

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to contribute to the debate. Issues relating to crime, disorder and what I describe as community bullying matter hugely to my constituents and to people across Scotland. That should be not just a pious assertion, but a view that shapes and determines Scottish Executive, police and judicial priorities.

I will reflect on youth crime and disorder. In any strategy to deal with crime of whatever nature, victims' rights are central. Those rights can be acknowledged in simple ways, such as the way in which a person is treated when they report a crime, the police's response and how people are kept informed of what has happened to those who perpetrate crimes. The crucial first step is acknowledging that a crime has been committed, that the crime is unacceptable and that it deserves a response. The concern is expressed repeatedly that youth disorder is not even recorded or acted on. I would welcome the minister's comments on how such under-recording or non-recording will be monitored and addressed.

The debate is often falsely characterised to be divided between those who think and care about the causes of crime and those who are thuggish, who care little about the causes of crime and who want to lock offenders up and throw away the key. I have had discussions with people who wish to characterise the debate in that way and wish to characterise my approach as unthinking. They say, "The trouble is that people just want to lock offenders up." If upwards of 20 youngsters were outside my door, harassing my neighbours and me and intimidating my children, I, too, might want them to be locked up. I think that that would be true of everybody.

If we want to win people round to the argument that non-custodial options are serious, we must convince them that such options will have an obvious impact on their experience. The challenge is to make non-custodial options credible not only in theory, but in reality in our communities.

As a teacher, I worked for many years with young people who were marginalised and who often displayed difficult behaviour. A constant balance had to be struck in my classroom, as it had to be elsewhere, between the individual's needs and the broader group's rights.

That balance must also be struck in the broader community. We must understand why people offend and, at a point, we must deal with offending behaviour. We do young people no service by telling them that they do not need and deserve that. In addressing youth disorder in our communities, we must acknowledge that youngsters in general are being stigmatised and, more seriously, can suffer violence and limits on their actions. In challenging youth disorder, we often assert the rights of young people.

Non-custodial options are important weapons in our armoury, but custody can work for some and a false division exists between the tough and the soft. In some circumstances, prison is the appropriate sanction. When offenders are in jail, work can be done with them. We must ensure that non-custodial options are constantly evaluated and that, like all good youth work, they are seriously challenging. The consequences should be visible for victims of offending and for people who might otherwise be drawn into disorder.

Diversion from court and non-custodial options are sensitive issues. We may think that they are rational, but it is important that society marks out serious and unacceptable crimes. That is why women's organisations have argued long and hard that domestic abuse cases should not be subject to pre-court diversion, because society should take such crimes seriously, regardless of their underlying causes. Sometimes, the greatest distress has been caused by a disposal that seems to belittle the experience and feelings of people who have suffered as victims of crime.

The biggest challenge that we face is closing the gap between the experience of crime in our communities and the response of those who are responsible for approaches to crime. We have a serious job to do, because victims have no faith in the system and feel that the approaches that are being adopted almost wilfully fly in the face of their experience. We must be open-minded, vigilant about what does and does not work and responsive to what people in our communities say about their experiences.

16:24

Mrs Lyndsay McIntosh (Central Scotland)

(Con): Only a few members have been in the position of imposing custodial sentences, far less their alternatives. During my justice of the peace training and while I sat on the bench, the sentencing options were relatively few. On a finding of guilt, most disposals were by way of a fine or a term of imprisonment, but I remember the days before fiscal fivers. We could not hand down a custodial sentence unless we had seen for ourselves what we were committing miscreants to. Visiting establishments to which I might consign convicted people was a sobering experience. I remember my first visit to Barlinnie, which was some 10 or 11 years ago. I also remember a more recent visit. We still have slopping out, so there is not much change there.

Sixty days was the limit that I could impose on consecutive sentences. To the best of my recollection I never handed down a maximum sentence, although I was always happy to see a higher court take over when I thought that my powers were not sufficient.

Some of the newer options would have been useful tools, even at district court level. Drug treatment and testing orders would have been helpful, as many of the cases that I heard had drug misuse overtones. It was depressing to see so many offenders whom I knew had made, or would make, regular appearances before me or colleagues. We must do more to help those who are suffering in that way by providing rehabilitation in the community. We should do that rather than force offenders to commit crimes to get help.

I would also have found community service orders to be a popular disposal. There should be a strong link between those who are convicted and their victims. The people who always seem to feel left out of proceedings are the victims.

Community service orders allow a person to stay at home. One of my biggest complaints is that the justice system bends over backwards to be fair to the accused but seems to say to hell with the consequences for the victim. I am sure that other MSPs share that sentiment, which goes some way towards explaining why the Minister for Justice is getting such a hard time from Labour back benchers, if not from his own back benchers. The coalition can only take so much. It makes me wonder whether the car is worth it.

I would have used community service orders if they had been available to me as an option. I agree with Roseanna Cunningham that it should be obvious that someone is paying a debt to society. The main point—

Scott Barrie: Lyndsay McIntosh talked about sitting on the bench as a justice of the peace and

said that she would have used community disposals if they had been available. However, the Conservative party's amendment refers to them as soft options. Which bit of the amendment does she agree with?

Mrs McIntosh: I will get to that point.

The main point that I wish to raise is the use of RLOs. There are a number of views of the effectiveness of wearing an unobtrusive transmitter on the wrist or ankle. Having visited the monitoring unit in East Kilbride and seen RLOs in operation, I have to declare that I am a fan of them, but I am a fan who has reservations.

I like RLOs not just because they keep down prisoner numbers but because they are a better disposal for someone who is the breadwinner in a family. One of my main concerns about jail sentences is that it is not only the convicted person who serves the sentence. Other innocent family members also suffer and that cannot be the intention—the offender, not the family, should pay the price and pay their debt to society.

In his speech, the minister mentioned that RLOs afford offenders the opportunity to renew family relationships. That is the view that I formed when I researched the matter. I also heard evidence that RLOs could put relationships at risk—it is possible to have too much of some people's company.

The dark grey or black bracelets have their uses. A full range of disposals should be used in order to make Scotland a safer place in which to live and work. Paul Martin highlighted the reality of life in his constituency and in other areas. The reality that he described cannot be acceptable. Effective use of alternatives has to be the way forward, but we must use them in the sure and certain knowledge that, where appropriate, prison will always be an option to ensure the protection and safety of the law-abiding majority.

16:28

Colin Campbell (West of Scotland) (SNP): Phil Gallie and I were probably teenagers at the same time. I remember talking about punishment with my father. We explored the possibilities of various punishments including birching, which has been mentioned today. My father told me that, in his role as a deputy medical officer for health, he had attended the birching of a boy who had burned the roof off Paisley Grammar School. He said that there were no circumstances in which he would ever advocate that kind of punishment. When my father told me that story, he had a look on his face that I will never forget.

I make no apology for suggesting that we try to reduce the number of people who need to be sentenced. Robert Brown touched on that point.

Although there is no fail-safe mechanism for doing so, school staff can distinguish potential troublemakers. A sufficiency of psychologists and other support staff for the child and his or her family might go some way towards reducing the number of children who graduate to prison.

Although social inclusion with jobs, good homes, positive leisure activities and a rebirth of a sense of community interdependency would reduce crime, it would be naive to suggest that they would eliminate it altogether. We must introduce incremental mechanisms that demonstrate to the potential malefactor that he or she is on a rising scale of risk and might be in line for a court appearance or imprisonment.

Despite mentioning the Scottish Labour party about 90 times in his speech, Scott Barrie managed to touch on the subject of anti-social behaviour orders. They are a rarely shown yellow card, which if used more frequently might prevent situations that can result in court appearances and imprisonment and might minimise human misery. Like Paul Martin, I have unhappy constituents who have been harassed, abused and threatened at the hands of neighbours. The number of such criminal offences could be reduced by the use of ASBOs as a last resort. However, no mediation was offered to my constituents, who had to establish their own closed-circuit television system and compile a 9,000-word diary to collect evidence before taking out an interdict.

Inverclyde Council, which has been mentioned, has not used ASBOs at all, whereas Fife Council has used 32. That alone demonstrates the complete lack of uniformity in the application of such orders, which is unsurprising given that, in its 1999 response, the Scottish Executive left the development of ASBOs totally up to local authorities.

The number of ASBOs is small: nine were taken out in 1999 and 52 were taken out in 2000. However, the statistics for the last full year will not be available until the end of August, which is an appalling time lapse if we are trying to monitor the situation. As a small step towards reducing the need for sentencing and as a means of deterring more serious offences in the pressure-cooker atmosphere that bad neighbours induce, we should make more use of ASBOs.

Unit fines have been mentioned. In administrative terms, the payment of a fine at the bar costs £1.25, whereas imprisoning a defaulter costs £837 a day. Unit fines have an equal impact on the rich and poor, result in less fine defaulting and ensure greater consistency in sentencing and greater discretion for the sentencing judge to fit the fine to the severity of the offence. There is no need to adjust the fines in line with inflation and, because determination of the unit value is an

administrative matter, court procedures are also accelerated. Moreover, as Roseanna Cunningham said, the costs of pursuing defaulters are reduced. I hope that the minister will seriously consider the measure.

The Deputy Presiding Officer: I regret that I am unable to call two members who wanted to speak, as we have to move to closing speeches.

16:32

Donald Gorrie (Central Scotland) (LD): On behalf of the Liberal Democrats, I am happy to support and endorse the Executive's motion. I have personal confidence in the excellent intentions of Jim Wallace, Richard Simpson and their Executive colleagues. However, although they are definitely travelling in the right direction, I am concerned that they are travelling only a few yards instead of miles in that direction. I urge the ministers to have the confidence of their own and our convictions. If they move further in that direction, they will not be stabbed in the back.

The problem is to reduce crime and to protect the public. In order to do that, we need an adequate number of modern jails with proper sanitation and rehabilitation facilities, cradle-to-grave facilities in the community and a means of encouraging people to have a better life to ensure that they do not fall into crime. We also need proper and strong—not wet and feeble—alternatives to custody to keep people out of jail.

To do that, we must invest in rolling out—to use that awful cliché—those successful local pilot schemes of which we can all give examples. Although such schemes help a dozen people here or 20 youngsters there, we need lots of them. For example, in every debate on the subject, we all say how marvellous Freagarrach is. It has been going for years, is highly successful and is cheaper than jail; however, it has never been copied or rolled out.

We need the sort of schemes that work well in individual areas to be implemented across the whole country. The evidence shows that those good alternative-to-custody schemes work better than jail and are cheaper than jail. I honestly cannot see why the hell—if I may be pardoned the expression—we do not pursue such schemes with more vigour than we do, especially as I know that both the ministers believe in them. Let us go for it.

Of all the figures that are available, there is one that I would like to quote. Seventy-six per cent of people on SACRO schemes did not reoffend within a year and 78 per cent of young people sentenced to jail did reoffend within a year. It is quite clear that sentences of six months or fewer are a complete waste of time and we should not have them.

So what do we need? First, we need a ministerial group to make proposals for reducing the prison population and to make alternatives to custody really work. We should put on ice the prison estates review until that ministerial group reports.

Secondly, we should have a national non-prison service to co-ordinate all services to keep people out of jail and to support people when they come out of jail. We need that national non-prison service to display as much determination in a better cause as the Scottish Prison Service displays in its pursuit of private jails.

Thirdly, we need real funding across the whole of Scotland for such admirable schemes as restorative justice, which involves the community, the parents, the victim and the offender. Everyone gets involved in the right sort of way. We need mediation, reparation, community service orders and adequate supervision by social workers. As Robert Brown said, social work departments are short of people. To ensure that all that was done, we could use some of the money that would be saved from the health budget, because we would greatly improve people's health by reducing their distress. We would also save some of the jail money that would not be needed for building new blocks. We should also deal with the sentencing issue by getting together with the sheriffs and helping them in other ways.

Do we accept that we in the first modern Scottish Parliament and its Labour-Liberal Democrat coalition Government will preside over the highest ever Scottish prison population, at the top of the European league? I am sure that none of us wants that. It is simply unacceptable. We must act together. Let us have some collective political leadership and determination to reduce crime by using our brains and not by pandering to ill-informed prejudices. We must win public support for this cause. Scots are not worse than other people; they merely suffer under a worse system.

16:38

Bill Aitken (Glasgow) (Con): I must confess to a prejudice. I do not like people who commit crime. However, the purpose of this afternoon's debate, and the Executive's purpose, is to keep people out of prison. Of course, there is nothing wrong with that, provided that public safety is not prejudiced.

As the minister frankly admitted, serious and violent offenders must go to prison, but what of the others? The others who are going to prison may not have committed particularly serious or violent crimes in many cases, but they are persistent offenders and the problems that such people cause in society should not be underestimated.

However, it is clear that we should explore the available alternatives to custody. Those alternatives are frequently not used and we must ask why that is the case. As Jim Wallace recently admitted, the courts feel that alternatives to custody do not work and they do not have confidence in them. The public see them as a soft option, as indeed they are in some cases.

Let us consider some facts. In answer to a recent parliamentary question, Richard Simpson told me that a quarter of community service orders are breached. Social work departments regard a 75 per cent compliance rate as satisfactory. Community service orders are made as a direct alternative to custody. Frankly, a 50 per cent compliance rate clearly sends out the wrong message.

I say to Jim Wallace, with respect, that his figures were slightly misleading. It is obvious that more people who have come out of prison reoffend than those on community service, but that is because they were much more persistent and serious offenders, otherwise they would not have been in prison in the first place. That must be considered.

We wish the drugs courts all the best. However, there are interesting matters to consider. In Glasgow, it is not regarded as worthy of sanction that only four out of six appointments for drug testing are kept. I thought that a drugs court would insist that a person stay clear of drugs, but that is not the case—apparently, it is recognised that such people will still be on drugs. Is it not unfair that the quickest way of getting on to a drug rehabilitation course is to offend? Currently, that is the case in Glasgow. Social work accreditation is all very well, but I suggest to the minister that we think through whether CSOs should be administered by social work departments. In some cases, CSOs certainly work and, if there is a suitably robust approach, they could work more often. However, they currently have no deterrent value.

Roseanna Cunningham and others properly dealt with the question of admissions to prisons through non-payment of fines. I recall that there were some 8,000 such admissions in a year. That wastes resources. The simple way of avoiding such admissions is to ensure that fines are paid. Why cannot fines be deducted from benefits, for example? Just as many people would rather go to jail than carry out CSOs, many people would rather go to jail than pay fines if the alternative to a £200 fine is three days—and sometimes only two days—in prison. That is the reality of the situation.

I advise Roseanna Cunningham and Duncan Hamilton to think carefully about unit fines, which were tried in England.

Michael Matheson: They were very successful.

Bill Aitken: They ended in disaster. Tremendous difficulties and injustices were caused. If they were so successful, why were they done away with? However, that debate is for another day.

Members should consider the other alternatives. Tagging should be considered, but the jury is out on its effectiveness, as are offenders. The fact is that, if people are restrained to their private dwelling-houses during times at which they are likely to commit offences, their behavioural pattern frequently changes. However, down south, there have been a number of cases in which those who have been tagged have carried out offences.

Scott Barrie not only used the dreaded “S” word, but spoke about the democratic process in the Labour party—most of us would have thought that those terms were mutually exclusive. He also said that the Labour party’s manifesto would contain provisions for dealing with youth crime. I say to him and to others in the Labour party that there is an ideal opportunity for them if they have any intention of being tough on youth crime—certainly, they have recently spoken about youth crime in a tough way. Scott Barrie and I are members of the Justice 2 Committee and I look forward to Executive-supported amendments that will legislate for proposals that he and his colleagues have made. However, I suspect that I will wait in vain.

16:43

Michael Matheson (Central Scotland) (SNP): The debate has been constructive. There is much common ground on the potential benefits of alternatives to custody, although I am not sure whether Phil Gallie’s bid to bring back the birch will carry much weight.

Our nation locks up more people than many other western European nations do and there is clearly a need for more alternatives to custody. If we are to believe the figures in the prison estates review, the likelihood is that our prison population will continue to increase over the next eight to 10 years. Our society has become too dependent on custodial sentences. We lock up individuals who should not be in jail.

There are those—some of them not too far away from us in the chamber—who subscribe to the simplistic notions that we should lock people up and throw away the key and that if prisons are overcrowded we should build more prisons. However, as a new Parliament, we have a responsibility to ensure that we have a mature debate about how we reform our penal system. Any modern society should be willing to question whether the current system is operating

effectively. Kenny MacAskill made that point in his speech.

For politicians to suggest that we should lock up fewer people is potentially a rather risky strategy. Members will be aware that there are no votes in prisons and there is a misconception among members of the public that we do not lock up enough people. The figures show otherwise. We are locking up too many people. As politicians, we should be big enough to challenge that problem.

Karen Whitefield highlighted the point that alternatives to custody are often treated as if they are a soft option. They are not a soft option. Alternatives to custody are often more difficult. As Bill Aitken highlighted, some people will choose to go to prison because they know that a community disposal could be more difficult for them.

Prisons will always have a place in our society, to ensure public safety, but we should change the balance in our penal system, so that prison does not have the weight that it has currently. Roseanna Cunningham highlighted a number of cases of people who should not be in prison wrongly being placed there.

A number of members have questioned whether the Executive is doing enough to address the problem of prison numbers and whether the current alternatives to custody are sufficient or effective in what they are meant to achieve. One of the Executive’s targets is to tackle youth crime. We know that there are inadequate secure places for young people in Scotland. It is now a common occurrence for 14 and 15-year-olds to be placed in adult prisons.

As Paul Martin correctly pointed out, if we are to prevent young people from going into a life of crime, we must be prepared to support and provide adequate funding to projects that work with young people to address their offending behaviour. Too often, we hear of a project that has been established and which works effectively, but which ends after three years when the funding is cut. We must ensure that there is greater continuity of funding for such projects. As Donald Gorrie said, when projects are successful, we must roll them out across the country.

Some time ago, the Executive set a target to reduce the number of female prisoners in Scotland. In 1998, the former First Minister, Henry McLeish, who has been in the chamber for the majority of the debate, commissioned a report entitled “Women offenders – A Safer Way”. The report recommended:

“The number of women offenders who are sent to prison could and should be reduced.”

We were led to believe that that recommendation would be addressed, but what has happened

since the publication of the report? The population of Cornton Vale has continued to increase. A prison with a capacity of 230 is currently overcrowded, as it has 255 prisoners.

The Deputy First Minister and Minister for Justice referred to the time-out project, which will be set up in Glasgow. He will be aware of the concerns that Pauline McNeill raised in the Justice 2 Committee—the project is meant to be a national project, based in Glasgow, but there are no proposals to have a similar project elsewhere in the country. Female offenders come from throughout Scotland, not just from Glasgow. The majority may come from Glasgow, but there is a need to ensure that there is consistency in the programmes that are delivered. The Executive has failed to address the number of female prisoners.

We have heard that supervision orders, restriction of liberty orders and drug treatment and testing orders are not rolled out across the country in a uniform fashion. I have no doubt that ministers are committed to the idea of alternatives to custody, but if we are to evaluate programmes, it is essential that we waste no time in introducing them and ensure that they apply across the board.

The minister has said, both at the Justice 1 Committee and today, that if we are to use alternatives to custody, they must have public confidence and the confidence of the bench. To achieve that, the alternatives must be sufficiently resourced. There are serious concerns that they are not sufficiently resourced.

I turn to the issues that my colleagues have raised. The SNP has proposed constructive ideas to address the problem of prison numbers and the issue of finding suitable alternatives to custody. For example, the Executive stole from us the idea of drugs courts, which now exist in Glasgow and elsewhere. We are grateful for that, because the system appears to operate effectively. As Keith Raffan pointed out, drugs courts will not work if the support programmes that work alongside the courts do not receive sufficient resources. There is increasing concern that those resources are not being provided.

I turn to fine defaulting and the unit fine system, which Bill Aitken said had been tested in England but did not work. The reason why that system was not rolled out in England was because the then Home Secretary, who was on a drive to be tough on crime, thought that it was a soft option. Interestingly, the people who are most affected by the unit fine system are the richest—the Tory voters from whom the Home Secretary knew that he was likely to lose votes. That is why the Tories did not roll out the unit fine system.

Alternatives to custody are only one element of our penal system. I hope that, in considering the

prison estates review, ministers will take the opportunity to examine the penal system as a whole. They should consider how to reform the system so that it is more organised and so that it works for the benefit of the people of Scotland. In the coming elections, the penal system should not be a political football or subject to the whims of politicians who come up with new ideas that sound good but which do not address the problems that must be addressed.

16:51

The Deputy Minister for Justice (Dr Richard Simpson): Members have demonstrated remarkable unanimity in their approach, apart from one or two of the usual remarks from our colleagues on the far right.

The debate arises from the prison estates review. Many members, including Roseanna Cunningham and Kenny MacAskill, referred to the rising prison population so I will address that issue briefly. There are two groups in the rising prison population. One is the group of people who are sentenced to more than four years' imprisonment, which has grown substantially in the past 20 years and which is predicted to continue to rise. I make no apology for that because those people have committed serious offences and they should go to jail for a serious length of time. Members are all agreed on that. The number of such offenders has risen from 2,300 to a mid-point figure of 3,400.

The second group are those who serve fewer than three months, although they may be sentenced to up to six months. That group comprises around 80 per cent of those who are sentenced. Members seem to think, relatively unanimously, that it is not appropriate to send such people to prison, except in certain circumstances. I will address later the Tories' suggestion that those circumstances are persistent offending.

Roseanna Cunningham raised the important question of why we imprison people. Do we imprison people as a punishment? If community orders are not a punishment, imprisonment might be appropriate. We maintain that community orders are a punishment. Do we imprison people as a deterrent? If so, given the figures on recidivism, the system is a disaster. The only reasons why we imprison people are public safety and—I add to Roseanna Cunningham's list—to treat and rehabilitate offenders. On rare occasions, it might be appropriate to do that in prison.

Some members suggested that there are circumstances in which custody might be useful or appropriate for punishment and for early treatment. Karen Whitefield mentioned the

interesting idea of custody plus, which would involve an initial custodial sentence and then a reparative community service order. That is an interesting suggestion, because the treatment would be continued in the community.

The fundamental challenge for our justice system is the fact that we live in an era in which drugs are the major background factor in crime. Seventy-five per cent of all those who appear in the courts are involved with drugs. I pay tribute to the work of the cross-party group in the Scottish Parliament on drug misuse, of which Keith Raffan is the convener. Lyndsay McIntosh, Sylvia Jackson and other members from all parties have also been involved in that work. The drugs issue is fundamental to the change that we must make to the way in which we consider things. Unless we treat people who have drugs problems appropriately, we will not address the issue at all.

We are trying to introduce measures. We will stick to our programme despite the understandable impatience that is expressed constantly by our SNP colleagues. We must evaluate what we are doing and ensure that it has good effects, good outcomes and the public's confidence—something that my nationalist colleagues have suggested.

Mr Raffan: Will the minister give way?

Dr Simpson: I have very little time and a long way to go. I hope that I will not be stabbed in the back, as Donald Gorrie suggested.

Arrest, referral and diversion will place an additional burden on the Crown Office, so increasing Crown Office funding will be important. We start the process even before we get into the courts, and we are diverting people—especially drug addicts—highly successfully.

Of course, we need to address the remand problem, which is ridiculous. There is a daily population of 890 people on remand and there are 15,000 receptions a year—in and out, in and out. Bail information, bail supervision and bail hostels are being tried and we are rolling them out across the country. I hope that we are inspiring confidence in those measures, which will reduce the number of people who are on remand.

Fine defaults stand at 7,000 a year but account for only 60 to 70 of the daily prison population. Eliminating fine defaulting would reduce the daily prison population by only 1 per cent, and that is a real problem. We will consider the unit fine system, just as we will consider any suggestion that is made in the Parliament—with the exception of bringing back the birch, which Phil Gallie suggested—to see whether the system would improve things and whether it works.

Probation has been established for a long time,

and the introduction of a range of additional measures has substantially modernised it. Supervision orders are being rolled out across the country and are now available in almost every jurisdiction. We tested them and rolled them out. Community service orders have also been updated. Although the breach rate for CSOs is one in four, that is partly due to the drugs problem. They are being improved. Drug treatment and testing orders are now being rolled out across the country. They have been tested and the results were much better than when they were tried in England. The drugs courts are proving quite successful, although we will have to establish whether they provide added value. They are an intensive and expensive resource, and we will have to think carefully before we roll them out.

The Deputy Presiding Officer: I am sorry to interrupt you, but a consequence of the acoustics here is the fact that the background conversation among members is becoming pronounced. I would be grateful if members could hear out the rest of the minister's speech quietly.

Dr Simpson: Thank you, Deputy Presiding Officer.

Finally, tagging, or the implementation of RLOs, is also being extended throughout the country.

I do not have time to address the issue of women offenders in depth, as I would like to. At some point we should have a debate on that issue and I will return to it. The time-out centre should be up and running early next year. It will be a national resource although, as it is based in Glasgow, initially it will mainly involve offenders from Glasgow.

The question of youth crime has been raised, and I think that that also should be the subject of a separate debate. The children's hearings system already has enormous powers at its disposal and can involve parents in the process. It can refer a family to a parenting skills programme as a voluntary disposal. We are watching the parenting orders in England to see how successful they are. The first part of such an order requires the parent to attend counselling. The second part, which is more discretionary, requires them to attend to a range of issues. I want to make it absolutely clear that there is no question of jailing any parent who is trying to do their best. Frankly, that suggestion is not worthy of Lord James Douglas-Hamilton, who is usually reasonable about such issues.

Indeed, a collection of stupid remarks were made by Tory spokesmen. Mr McLetchie still has the lead with his remark that this is the only country in which a 17-year-old can assault his wife and then go before a children's hearing. That is utterly absurd. I inform Mr McLetchie that people who commit serious offences will go before the

courts—he knows that. His remark was utter nonsense. He is undermining—

David McLetchie (Lothians) (Con): Will the minister give way?

Lord James Douglas-Hamilton: Will the minister give way?

Dr Simpson: No.

He is trying to undermine—[*Interruption.*]

The Deputy Presiding Officer: Order.

Dr Simpson: He is trying to undermine an attempt to gather evidence about whether something works. That is not worthy of him.

There are pilots, but the majority of orders—supervision, probation, CSOs, tagging and diversion from prosecution—are universally available. Further, DTTOs will now be rolled out across every area. Parliament is sending two messages to us that are being received and which are regarded as appropriate. The first message is that we should roll out well-funded and properly evaluated programmes and ensure that they continue to be evaluated. The second message is that we need to engage the public in a realistic debate.

Parliament should send a strong message that locking people up for three months or less does not do any good. We need to change the situation, but we need the support of the public to do so. We need sentencers to be confident about the alternatives to custody. The Executive is committed to those alternatives and is funding them. I am committed—and I know that Jim Wallace is—to changing the patterns of custody. However, we will do so only if the alternative options are serious and tough and the public has confidence in them.

I urge members to support the motion.

Parliamentary Bureau Motion

17:00

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of Parliamentary Bureau motion S1M-3146, on the approval of Scottish statutory instruments.

Motion moved,

That the Parliament agrees that the following instruments be approved—

the draft Valuation and Rating (Exempted Classes) (Scotland) Order 2002; and

the draft Marriage (Approval of Places) (Scotland) Regulations 2002.—[*Euan Robson.*]

Decision Time

17:01

The Presiding Officer (Sir David Steel): We come now to decision time. There are six questions to be put as a result of today's business. The first question is, that amendment S1M-3150.1, in the name of Tricia Marwick, which seeks to amend motion S1M-3150, in the name of Andy Kerr, on the modernising government fund, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East 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)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (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)

AGAINST

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)
 Butler, Bill (Glasgow Anniesland) (Lab)
 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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)

Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 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)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (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)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 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, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 31, Against 81, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that motion S1M-3150, in the name of Andy Kerr, on the modernising government fund, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 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)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)

Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (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)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (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 Presiding Officer: The result of the division is: For 65, Against 20, Abstentions 28.

Motion agreed to.

That the Parliament notes the Scottish Executive's commitment to modern, high quality, efficient and responsive public services and supports its approach, through the Modernising Government Fund, to help deliver the changes which will integrate government, exploit the benefits of information and communications technology and

put citizens at the centre of public service delivery in a 21st Century Scotland.

The Presiding Officer: The third question is, that amendment S1M-3149.2, in the name of Roseanna Cunningham, which seeks to amend motion S1M-3149, in the name of Jim Wallace, on alternatives to custody, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East 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)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (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)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 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, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (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)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 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, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 30, Against 82, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S1M-3149.1, in the name of Lord James Douglas-Hamilton, which seeks to amend motion S1M-3149, in the name of Jim Wallace, on

alternatives to custody, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)

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)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 20, Against 93, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S1M-3149, in the name of Jim Wallace, on alternatives to custody, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 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)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 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)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 66, Against 46, Abstentions 1.

Motion agreed to.

That the Parliament commends the Scottish Executive's commitment to developing a range of high quality alternatives to custody which fit the changing pattern of offending behaviour across Scotland, and recognises the importance of ensuring the delivery of consistently effective community disposals which have the confidence of the judiciary and the public and also have the potential to reduce re-offending without compromising public safety.

The Presiding Officer: The final question is, that motion S1M-3146, in the name of Patricia Ferguson, on the approval of statutory instruments, be agreed to.

Motion agreed to.

That the Parliament agrees that the following instruments be approved—

the draft Valuation and Rating (Exempted Classes) (Scotland) Order 2002; and

the draft Marriage (Approval of Places) (Scotland) Regulations 2002.

Drug Misuse in North-East Scotland

The Deputy Presiding Officer (Mr George Reid): The final item of business is a members' business debate on motion S1M-3051, in the name of Richard Lochhead, on drug misuse in north-east Scotland.

Motion debated,

That the Parliament notes with concern that drug misuse in the north east of Scotland has increased dramatically in recent years, with an estimated 50% rise in problem drug users in Grampian alone between 1997 and 2000; further notes that Dundee has the second highest and Aberdeen the third highest level of drug misuse in Scotland and that Grampian has the highest percentage of injecting drug users in Scotland, and considers that the Scottish Executive should recognise the scale of the problem and investigate the level and nature of resources that have been applied to addressing this growing social problem in the north east region, paying particular attention to (a) the role and accountability of the various agencies involved, (b) the amount of resources dedicated to drug users, (c) the cost to society in terms of loss of life, associated health problems and distress caused to users' families and (d) the enormous amount of drug-related crime inflicted on the local community, reflected by the fact that 80% of inmates at HM Prison Aberdeen test positive for drug use at reception.

17:10

Richard Lochhead (North-East Scotland) (SNP): I begin by thanking all those, from a number of the parties, who signed my motion.

In this day and age, it is utterly appalling that, despite the technology and wealth that we all take for granted, many of our communities lack one basic right that we all expect: the right to feel safe. Hundreds of thousands of people throughout the nation do not feel safe in their communities.

I will tell the minister about Aberdeen, because we are meeting in that great city. It is a city in which a buddying system has been started in recent weeks to protect elderly people who are on their way home after collecting their pensions. It is a city in which many newsagents have packed in their jobs because they are fed up with being assaulted and robbed, and it is a city in which shop staff now lock shop doors during quiet periods because it makes them feel safer. I know a woman in this city who will not leave her home because her house has been broken into three times in less than a year. It is a city in which the incidence of violence and aggression against local national health service staff has gone through the roof. In many high-rise flats in the city, the elderly will not leave their homes after 6 pm. Aberdeen has more than double the national average number of house break-ins—the highest in the

country—and still has the second highest overall crime rate in Scotland.

The common theme behind all those problems is drug misuse. Drug-related crime and drug misuse are eating away at our communities. Substance misuse is the biggest social problem facing the north-east of Scotland: 80 per cent of all local crime in the north-east is drug related. Indeed, 80 per cent of inmates test positive for drug misuse on reception at HM Prison Aberdeen at Craiginches. In fact, we might as well turn Craiginches into a secure rehabilitation unit. If we did, we would make much more progress.

Almost every family in the north-east has felt the impact of drug misuse. Either they have a family member who has a drug problem or they know someone who has. Perhaps they have been victims of drug-related crime or they know someone who has. We are aware only of drug misusers who contact our local agencies, so we do not know the true scale of the problem. Local users live in urban and rural communities throughout the region. They come from low-income and wealthy backgrounds.

The police are doing a marvellous job of trying to stop drugs from getting into the north-east. Thanks to intelligent policing, they have seized record levels of illegal drugs in recent months. However, they know that, as long as demand exists, drugs will make their way into our cities and rural communities. They also know that their job is not made easier by the reduction in HM Customs and Excise cover that has left our coasts exposed to drug smuggling. The Peterhead, Montrose and Dundee customs offices have all lost staff in recent years. I ask the minister to take up that issue with his Westminster counterpart.

However, although every kilogram of heroin that is seized and the locking up of drug dealers might help, most of us agree that the solution lies in reducing demand. Drug addiction is an illness and therefore requires treatment. It is worth noting that it is much cheaper to treat addicts than it is to lock them up, but the real benefits of treatment are that we can help addicts to lead drug-free lives and that we often end criminal lifestyles. Surely, given that one addict can commit hundreds of crimes in a year, we should place much more emphasis on treatment services than we do.

We should also bring our justice system and other services closer together, as we discussed in a previous debate today. Drug testing and treatment orders are in place in Aberdeen, but we also need a drugs court in the north-east of Scotland. Glasgow has one and Fife has one; now, it is the north-east's turn.

It is appalling that, despite Aberdeen having one of the highest rates of drug misuse in Scotland

and the highest rate of drug-related crime in the country, we come next to the bottom of the league on drug treatment funding. As a result, local services struggle to cope with demand. Members will understand my frustration when a constituent whose son decided that he wanted help to get off drugs approached me. His local general practitioner referred him to Grampian's drug problem service last May, but he is still waiting for an appointment 12 months later. Even when young people want to get off drugs, the system cannot deliver. If someone wants help in Grampian, they must wait for two months if they are a high-risk case, and up to 16 months if they are deemed to be a low-risk case—in other words, if they are over 16, not pregnant and not injecting.

I request that the Deputy Minister for Justice order an immediate inquiry into the drug funding formula and its impact on north-east Scotland. The Arbuthnott formula already leaves Grampian short-changed in general NHS funding, and it is wholly unacceptable that an Arbuthnott-related formula is used for ring-fenced drugs funding.

The police will confirm that Grampian is targeted by drug dealers from Liverpool and the west midlands. That, combined with other factors that I have mentioned, illustrates the need that exists, but we do not have a needs-based funding formula. More funding for Grampian will save lives, cut crime and help our communities. There is also a problem in Tayside where, I hear, the increase in resources has not matched demand.

We must consider how the cash is spent and we must question the accountability of the responsible agencies. The plethora of agencies that is involved is mind-boggling. It is a nightmare to try and tell who is in charge of tackling drug misuse in Grampian—or indeed anywhere else in Scotland. It might be that different agencies have a role to play, and that there is no one solution to this complex issue, but if we are spending millions of pounds while the problem is getting worse, surely the minister should be holding someone somewhere accountable. I ask the minister to investigate the role of each public agency involved. I ask him to turn his specific attention to the drug action teams. They have rotating chairmanships, which makes it difficult to know who leads them. No one seems to hold those bodies to account or to monitor their activity. We need local and identifiable leadership in tackling drug misuse, but I do not believe that people in this region are getting that.

Mr Keith Raffan (Mid Scotland and Fife) (LD): The member is obviously making a specific point about a drug action team in the north-east. In certain areas, such as Glasgow and Fife, DATs work well. Does the member agree that we need to bring those that do not work so well up to the

level of the best?

Richard Lochhead: I accept that point. I am not specifically criticising local DATs; I am saying that they need to have identifiable leaders, whom the public and the Government can hold accountable.

Society must address the root causes of drug misuse. Tackling poverty and inequalities must be high on our agenda. When I speak to community representatives, however, the reason that is given for drug-related problems is the lack of options for young people. In many communities, the only option for them is the local high street, which they just walk up and down to pass the time. Surely more national lottery cash should be used for providing affordable sports and leisure facilities in communities throughout Scotland, which would cut substance misuse while making people healthier, which is one of our other priorities.

In speaking about drug misuse, we cannot forget about alcohol. In so many ways, alcohol is just as great a problem for society as are drugs, both in Grampian and throughout the country. We are losing the battle against both and, if we are to make progress, the Parliament and the Government must be prepared to take tough decisions in the coming months and years. I do not have time to go into all the possibilities, and a debate south of the border has already opened some avenues that might be worth exploring.

I believe firmly that one way forward would be the creation of a Scottish standing commission on substance misuse. We need a rolling analysis and appraisal of drugs policy in this country, which would help us to respond to this constantly evolving issue. That should be paralleled by a parliamentary cross-party group on substance misuse, which I know the Deputy Minister for Justice—in his previous life as a lowly back bencher—supported.

Tackling substance misuse is one of the biggest challenges that face our new Parliament and I urge the minister, whose track record illustrates that he cares deeply about the matter, to rise to the challenge and help save communities and save lives. The public do not want soundbites, they do not want endless research initiatives and they do not want posturing—they want leadership from the Parliament and they want it to do whatever it takes to make them feel safe again. They do not want a repeat of the situation in Grampian last year, when 41 people died from drugs.

Our drugs policy is failing Scotland and tough decisions need to be taken sooner rather than later. I therefore urge the minister to respond positively to the drugs crisis in the north-east of Scotland.

The Deputy Presiding Officer: Nine members

have asked to speak. I remind members that the debate is specific to north-east Scotland, although I will allow references to other areas when those references have some bearing on issues in this part of Scotland. I call for speeches of about three minutes, plus time for interventions.

17:19

Elaine Thomson (Aberdeen North) (Lab): I thank Richard Lochhead for securing the debate. Drug abuse is undoubtedly an extremely serious issue, which affects many of us either directly or indirectly through increased crime, but we should recognise where there is success. There has been a substantial reduction in housebreaking here in Aberdeen as a result of intelligent policing.

Drug abuse is serious. I recently met a constituent who conveyed to me some of the real human costs of drug addiction. She was left to bring up her grandchildren, because both her daughters were heavily involved in drug abuse. Great pressure is put on grandparents who are left to raise another family while they try to support their children who are involved in drug abuse. Quite often the grandchildren are damaged and need a lot of support.

I was very pleased when the planned £100 million to tackle drug abuse in Scotland was announced. That unprecedented package of sustained investment in tackling drug abuse will help us to break the cycle of drugs and offending.

Brian Adam (North-East Scotland) (SNP): Will the member give way?

Elaine Thomson: I have just got into my speech, so if Brian Adam does not mind, I will continue.

Brian Adam: Is this a debate?

The Deputy Presiding Officer: Order. It is up to the member whether she wants to take an intervention.

Elaine Thomson: Yes, it is up to me.

Aberdeen has had substantial funding from that package, including more than £0.5 million for treatment, £860,000 for rehabilitation, £1.2 million for community disposals and more than £0.5 million to help support young people and families. There is substantial investment in putting in place the sort of services that we need in order to tackle drug abuse. However, that is not to say that we do not need to continue putting money into the problem. We need to ensure that funds go where they are needed most, and no one would dispute that Aberdeen has a serious drugs problem.

I was pleased to discuss with the minister recently whether the number of drug users in an area should be considered when the Executive

allocates funding. I would like the minister to reassure me that the Executive will consider that.

We are seeing changes in Aberdeen. Phoenix House is opening up new community rehabilitation projects and it provides high-quality user-responsive services, in partnership with the local drug action team. I also heard recently that the Alexander clinic will provide residential detoxification and rehabilitation for people in the north-east of Scotland.

Those are some matters in which progress is being made in the north-east. Aberdeen is leading the way with a single integrated drugs service, which is aimed at introducing closer working arrangements between the different drugs services. Drug testing and treatment orders have also been introduced in the city and now that they have bedded down, I look forward to Aberdeen getting Scotland's third drugs court; I hope that the minister will consider that. More must be done, but services to tackle drug abuse are being rolled out in Aberdeen.

17:22

Mr David Davidson (North-East Scotland) (Con): The debate is very important for the north-east. The subject has been talked about for a long time, but there has not been dedicated action on all fronts on the topic.

When I was a practising pharmacist, I dealt a lot with drug misusers and was involved in all sorts of clinics and programmes. I tell members as a professional—I know that Richard Simpson would agree—that it is hugely frustrating when we manage to bring a person who is using drugs down as far as the last step, which is often missing, at which point they must have their hands held and be provided with an environment in which they have a chance to recover.

Many good attempts have been made in Scotland to tackle the problem, but they have been a bit hit or miss. The final step involves a proper approach to rehabilitation, however it is defined and regardless of whether it is provided by the different agencies and charities that have been mentioned in the debate. We must ensure that the journey of coming off drugs has a sustainable endpoint. When people come off drugs and reoffend, they are in a weak position and might get tempted back to drugs. The dealers on the streets know that well.

We have heard talk about Peterhead, Fraserburgh and Aberdeen city many times in the past couple of years, but drug abuse does not affect only the larger communities; the problem goes right through to the villages, playgrounds and youth clubs of rural Aberdeenshire.

Richard Lochhead was right to point out that children and young people are in danger if they are not given choices in their social lives. Some of them have a high disposable income, but what do they spend their money on? They can go to bingo or to the cinema only so often, so they tend to choose the pub or drugs. We must break that cycle, which will involve all the agencies, in particular the local councils.

There is no one way to approach the problem. We must use every means available to attack drug misuse. Rescheduling drugs in the belief that that will change the numbers is nonsense. That merely increases acceptance of the use of certain drugs. Let us not mess about—all drugs are a danger to the individuals who take them. We must examine co-ordinated drug policies. The DATs are doing a good job, despite the fact that they are not well supported. We need decent maintenance programmes to get people to a stable point at which they can be helped. That can be done in the community.

We need education at all levels, beginning in the home. We must not leave education until children go to school, where drugs can be viewed as not being the parents' problem. We need proper enforcement and those who must carry that out—HM Customs and Excise and the police—must have appropriate resources. We must address rehabilitation sensibly and we must consider family support. Funding has been mentioned, but it is not the only issue. Societal attitudes and the attitudes of those who are responsible for doing the best for the people of Scotland are important.

I congratulate Richard Lochhead on bringing drug misuse to the chamber's attention. It is a serious problem that will affect future generations. If the Parliament does anything, it must do it for our future generations.

17:26

Brian Adam (North-East Scotland) (SNP): I am disappointed that Elaine Thomson has left the chamber and that she did not take any interventions during her speech. I was pleased that she made representations to the minister about the number of people who are affected by drugs in the north-east. It is a cross-cutting issue and the Executive has treated it as such by setting aside a particular sum for the problem. That money should be allocated on a needs basis, although that is not being done. Richard Lochhead made a plea for money to be allocated on the basis of needs; I hope that other members will echo that plea.

The debate is not just about whether we will have a drugs court to try to deal with those who are involved in criminal activities because of their

drug habits. If we want a drugs court in Aberdeen—many of us do—we will need a full range of services so that we can make use of the court. When a sheriff makes a disposal, he must be able to send people to a local residential detox, rehab and throughcare centre. There is no such centre in the public sector. Only after four years of trying has the Alexander clinic in Oldmeldrum finally been registered. There is something wrong with a system in which it takes four years to get registered. We do not have the proper range of services.

Richard Lochhead was right to suggest that Aberdeen's drug action team is perhaps a little short on action and rather long on strategy. The DAT has not encouraged sufficiently well or quickly the development of voluntary and community services to address the problems. There is not just one drug problem—there are many drug problems and there are many ways in which to tackle them.

Dr Sylvia Jackson (Stirling) (Lab): Does Brian Adam agree that Forth Valley is a good example? There is a community representative on the substance abuse action team, which is proving very useful.

Brian Adam: I would be delighted to see greater involvement of community representatives. I know that there are already representatives from the voluntary sector—I believe that there is someone from Aberdeen Cyrenians—on the Aberdeen DAT. I would welcome greater community involvement, because communities suffer. The community can often offer help, support and some of the solutions.

I wish to see the Executive make use of the substantial sum that is available to direct local health and local authority services to provide the residential detox and rehab throughcare centre that is greatly needed. The Executive must encourage the services that are provided by the public sector to make use of the facility that is available in the north-east. That will not be adequate to deal with all the problems in the north-east, but I look to the minister to take steps to encourage a little more involvement.

17:30

Mr Keith Raffan (Mid Scotland and Fife) (LD): The most dramatic part of the Social Inclusion, Housing and Voluntary Sector Committee's inquiry into drug misuse in deprived communities is between pages 42 and 47 of the report, and I refer members to those pages. Maps of Scotland and the regions of Scotland are used to show comparisons of general acute hospital admissions for drug misuse in Scotland in 1990 and 1999. Those maps show how drug misuse has spread to

every part of Scotland and how it has increased dramatically in the north-east, as it has done in Fife, which I represent.

No one denies the particular character of drug misuse in the north-east, particularly in Fraserburgh—or the Broch. When I stood for Parliament there in 1974, alcohol was the main problem in the area. It has been targeted by drug dealers because of the amount of money that the fishermen earn. There are now 450 heroin addicts in Fraserburgh—that is 2 per cent of the population.

I congratulate Mr Lochhead on securing the debate. He was right to emphasise the importance of waiting times for referrals and for getting on the methadone programme. Anyone who knows anything about addiction knows that it is crucial to catch addicts when they have reached rock bottom, when they have had enough and they want to get into recovery. They have to be got into treatment at that stage. If that moment is missed, the addict is likely to relapse and get back into the cycle of addiction.

I pay tribute to the general practitioners and pharmacists throughout Scotland and the work that they do, particularly on methadone programmes. During the inquiry, I visited a pharmacist in Torry who had an unusually large number of addicts on his books. He was providing a social and public service. Although shoplifting in his pharmacy was up by 2 or 3 per cent, he thought it was his role to help addicts. If an addict came into his shop who seemed to have health difficulties, the pharmacist would alert the medical authorities or refer the addict to a doctor.

We must have more community and day programmes. I have three or four brief points I wish to make about residential treatment. Most residential treatment is based on the 12-step programme of intensive group therapy. Addicts are isolated from the outside world. That is how the 12-step programme is most effective. Addicts are taken away from the people with whom they have used and from the places where they have used. We desperately need more residential care places. However, I am not necessarily saying that addicts from Aberdeen should go to a treatment centre in Aberdeen. It might well be better for them to go a treatment centre in the Borders, and for addicts from the Borders to come to a treatment centre in Aberdeen.

Secondly, if treatment is going to be effective, addicts must be given the opportunity to build up so-called clean time. If someone is to build up clean time, they will have to spend between six weeks and six months in intensive treatment and then they should go to a halfway house, where they can work towards the crucial stage of being clean for a year. Halfway houses are crucial;

otherwise money spent on residential treatment may well be wasted.

Thirdly, funding must be more easily obtainable. There was an addict in Buckhaven in my constituency. His mother was very brave. She fought to get funding from the local health board and local authority so that her son could go to the Links project in Leith. She was meeting his dealers on the high street and they were asking her when he was coming back. The last place he wanted to come back to was Buckhaven. He went to a halfway house down south.

I also want the minister to respond to a point on the care home regulations and their impact on residential treatment. Another key aspect of residential treatment is that addicts should spend as little time as possible on their own. Addicts should not be staying in single rooms. In the most effective treatment centres in the United Kingdom, such as Clouds House in Wiltshire, or in the United States—Cottonwood de Tucson and Sierra Tucson—people share rooms. That helps to make treatment effective and we do not want those care home regulations having a detrimental impact on residential treatment.

Finally, I am glad that Mr Lochhead mentioned alcohol. It should have been mentioned in the previous debate. The Parliament is too ambivalent about alcohol. We have not yet had a debate on the national plan for alcohol. Most people are cross-addicted and alcohol is a serious problem. There are five times as many chronic misusers of alcohol in Scotland as there are heroin addicts. The figure is 250,000. We need far more resources to help them and we probably also need to consider alcohol treatment and testing orders.

17:34

Shona Robison (North-East Scotland) (SNP):

I begin by congratulating Richard Lochhead on securing tonight's debate on what is a crucially important subject not just for the north-east but for the rest of Scotland. The scale of the problem in the north-east is truly frightening. It affects not only the urban areas of the north-east, but rural locations, and Fraserburgh has earned an unfortunate and undesirable reputation for the level of heroin use there.

However, I want to focus my comments on the drug problem in the city of Dundee, in the southern part of the north-east, because it has the second highest level of drug misuse in Scotland—only Glasgow has a worse drug problem. An Executive report issued last September gave a more accurate picture of Scotland's hard drug culture and placed Dundee second in the country for heroin and tranquilliser abuse.

The prevalence rate of drug misuse in Scotland

is around 2 per cent of the population aged from 15 to 54, yet the prevalence rate in Dundee, at 3.5 per cent, is almost twice that level. Tayside police's drugs co-ordinator, Chris White, said that those findings were in line with the experience on the streets of the city. Of course, the situation on the streets is what matters, because behind the statistics lie the real people whose lives have been blighted by drugs misuse.

I cite the case of a young single mum who came, along with her mother, to see me at my surgery. Her life and the lives of her family effectively have been destroyed by drug misuse. She has lost her house and has huge debts, as does her mother, who has taken on debt to cover her daughter's debts. Of course, a child is in the middle of that, suffering alongside. The young mum has been clean for six months, I think because she realised the effect on her child. I hope that she will be one of the success stories of the intervention of the statutory and voluntary services, but there are countless others who are not so lucky and fall through the net, or for whom the drug rehab places that Richard Lochhead mentioned are unavailable.

Given the scale of the drugs problem in Dundee, it is bizarre that the funding decisions do not reflect that situation. Apart from Glasgow, Tayside has the highest rate of hospital discharges recording drugs misuse; yet while funding to tackle drug misuse has increased over the years, the increases that have been allocated to Tayside have lagged behind the Scottish average. Since 1998, Tayside has received in real terms an ever decreasing per capita allocation of funds.

Furthermore, Tayside's funding for the prevention of transmission of blood-borne viruses has declined since 1998, while the funding in Scotland has risen. That funding mismatch requires some explanation from the minister. I also seek an explanation of the key initiative of diversion from prosecution. Unfortunately, in Dundee there is a six-month waiting list for drug treatment. How can there be diversion from prosecution when the drug treatment is not available to provide that diversion?

Clearly, poverty and deprivation are the key issues behind hardened drug misuse. Yes, we need to put money into services, treatments, drug rehab and so on—that is important—but we also need to give people aspirations and self-esteem, because lack of aspiration and lack of self-esteem provide the breeding ground for drug misuse. Unless we tackle that, we will not be able to tackle this deep-rooted problem in Scotland.

The Deputy Presiding Officer: Before I call Maureen Macmillan, I inform members that I am not going to get everybody in in the time that is available. If the minister agrees, I will be prepared

to extend the debate until 6 o'clock. I will therefore take a motion without notice to extend the debate.

Motion moved,

That, under Rule 8.14.3, the debate be extended until 6.00 pm.—[*Richard Lochhead.*]

Motion agreed to.

17:38

Maureen Macmillan (Highlands and Islands) (Lab): It so happens that I travelled down on the train from Inverness to Aberdeen in the company of the regional fiscal. Our conversation naturally turned to criminal matters. We talked in particular about the situation in Aberdeen, because later that day, accompanied by other Justice 1 Committee members, I was going to spend the afternoon with police in Aberdeen, hearing about their problems in policing the area and what would be of benefit to them. It was remarkable how quickly the conversation with the fiscal turned to the abuse of drugs in Aberdeen, and the fact that wealthy sectors of the community working in oil and fishing had become addicted to expensive drugs such as heroin. We also discussed the fact that crack cocaine was now appearing on the streets.

When we met the police at police headquarters in Queen Street, they told us of their concerns, which mainly relate to offences that are committed while offenders are out on bail. All the examples that they gave us of that happening were of drug addicts who were continually housebreaking or stealing on the streets to feed their habit.

The police were concerned that sheriffs allowed such people out on bail again and again. We went round the city in a police car and were shown areas where dealers lived, although their houses were not pointed out to us. We were shown the prison and the street corner near the prison where a person who had left the prison had immediately met a dealer to obtain drugs. The prison was in the community where the drug dealers lived and there was no way—unless they were extremely strong-willed—in which a person who left prison could go into that community without falling back into the drug habit.

The big problem is getting rid of dealers, although small-scale dealers can be continually replaced. The help of communities is needed to address the problem of the dealers in their midst. With the Presiding Officer's permission, I will talk about what happens in Easter Ross, where the community in Alness has banded together to get rid of dealers. The group that is involved is Alness Mothers Against Drugs. Some members' relatives have died of drug overdoses and some members' children are on heroin. They are making a concerted effort to free their community of dealers and to work alongside the police to do that. Their

efforts have been highly successful.

Despite all the schemes for getting rid of drugs in the community, it is people at the grass roots who must help to rid their communities of this evil. I hope that the Executive will do all that it can to support any such initiatives, wherever they are in Scotland.

17:42

Irene McGugan (North-East Scotland) (SNP): There is no denying that drug misuse is a major problem in the north-east and that members who represent the area are only too well aware of its negative impact on far too many of our constituents and their families.

In his motion, Richard Lochhead is correct to link drug misuse with drug-related crime. When a Tayside sheriff was asked recently which crimes were on the increase, he did not hesitate to confirm that the rise was noticeable in the commission of the wide variety of drug-related offences. Drugs cause bullying, mugging and other forms of violence. The associated problems of forgery, prostitution, shoplifting and housebreaking are all carried out by drug users who seek money.

Unfortunately, there is every indication that we are not adequately managing or addressing the problem. The same sheriff said that although he was strongly in favour of supported accommodation and rehabilitation programmes, not enough of such facilities existed throughout the country. Resourcing them is a major problem. It is likely that roll-out of the new drug treatment and testing orders will make the demands on existing resources even greater, so it is important that the Scottish Executive recognises the value of investing in such facilities, which will help to deal with the problem in the north-east.

Given that education is an important element of combating drug misuse effectively, I will talk about children and young people, especially as Aberdeen has recorded the second-highest number of young heroin users, who comprise 4.7 per cent of the total number of addicts in the city. The stepping stones board game was developed as part of the school programme of Scotland Against Drugs and is intended for primary 1 to primary 3 pupils. One pilot area for the game was in the north-east.

An evaluation of the game has recently been published and showed that the initiative largely met its aims. Parents expressed some concerns about whether children of that age were too young to discuss drug-related issues, because drug education sits uneasily with our view of the world of young children. It is difficult to strike a balance between making children informed and having

them lose their natural innocence, but the game is a useful starting point and it encouraged wider discussion.

Feedback indicated that knowing the dangers at a young age can be more of an advantage than not knowing until high school. One parent said that. A high percentage of children said that they felt more able to talk about health with those with whom they played the game, who were usually their parents. Children reported that they had learnt something new about health from the game and that that helped them to stay healthy. It would be a helpful additional step for that message to be delivered to all children and young people in the north-east. I hope that the minister will confirm that that can happen.

17:45

Mr Jamie McGrigor (Highlands and Islands) (Con): I congratulate Richard Lochhead on securing the debate. I am grateful to have been given the opportunity to speak in a debate of such importance.

I wish to make four main points about the fight against drugs. First, although funds are available, they are being used in the wrong way. Rather than be used to catch drug users, they should be used to catch drug traffickers. That is a priority. It must be remembered that the drug barons are so cash rich that the funds that are available to drug traffickers are much larger than those that are used against them. That fact puts our police at a huge disadvantage.

Secondly, more help is required for users and addicts. It seems that proper treatment is available only to the very rich or to those who are in prison. People should not have to commit a crime in order to get treatment. That situation must be changed. We must ensure that people who want and need help to cure their addictions can get that help.

Thirdly, not enough is being done to stop young people from starting to use drugs in the first place or to stay off drugs. That situation can be changed by better education and by imparting more information about the great harm that is done by drugs. Every time a playing field is sold for development, more drug addicts are created among our young people. We must create more opportunities for games, sports and hobbies for young Scots. It is often the case nowadays that both parents work and home relationships can be far from perfect. Young people need encouragement and facilities. If they do not have them, many will become disillusioned and bored and seek excitement from drugs.

Richard Lochhead: Will the member give way?

Mr McGrigor: Can I give way, Presiding Officer?

The Deputy Presiding Officer: No. Our time is tight. I want to squeeze in the last speakers.

Mr McGrigor: Fourthly, I want to ask whether enough is being done to identify the real financial costs of drug abuse. Crime now exists in areas where it hardly existed before. Crime costs our economy many millions and there is also a cost in human terms. What is the cost to the lives of addicts and the lives of parents who lose their children to drugs? What is the cost to victims of drug-related crime? The answer to those questions is not known, but the questions are so significant that answering them must be a huge priority for all Governments. That is an area in which the Scottish Parliament and the Scottish Executive can and must make a difference for the future of Scotland.

The Deputy Presiding Officer: I call Stewart Stevenson. We will see whether time is left after him for the two remaining members.

17:47

Stewart Stevenson (Banff and Buchan) (SNP): Thank you for putting pressure on me, Presiding Officer.

Is it not ironic that we debated the alternatives to custody earlier this afternoon? During the debate, we heard about diversion from prosecution. However, given the fact that we are told that 80 per cent of the offences in this area arise from drug offences, what we are looking for is diversion from offending. Anything that we can do and any ideas that we can pick up in that regard are to be welcomed.

I have always thought that there are three traditional Rs in the criminal justice system, just as there are in education. However, the three Rs in the criminal justice system are retribution, restitution and rehabilitation and the greatest of those is rehabilitation. It is in that area that the north-east is perhaps most lacking.

My colleague Richard Lochhead spoke about the lengthy waits for non-urgent referrals in the north-east. In essence, people have to wait for over a year. I want to pick up on a point that Keith Raffan made and enter a note of caution. He suggested that it was advantageous to send offenders to another area for rehabilitation. I am not at all certain about that, although we should be prepared to experiment.

A local addict from my constituency was sent to the south of England for rehabilitation because the nearest available programme was located there. As it happens, his entry to the programme was delayed by a couple of weeks and, footloose in a foreign community with insufficient funds, he committed another crime.

Mr Raffan: Will the member give way?

Stewart Stevenson: I do not have time to do so.

That addict is now back in prison.

However, I do not have a fixed mind on the issue and neither should the minister. We should simply be cautious in our approach.

One of the issues that we should address is resources. For every £303 that Scotland as a whole gets for each addict, the north-east receives £242. Over the past four years, there has been a per capita increase in funding in this area of 77 per cent, while the increase across Scotland has been 90 per cent.

Of late, some suggestions about how to deal with addicts have been made. For example, it has been suggested that we return to general practitioner prescribing, which is what my father did in the 1950s. Alas, I think that the world has changed: there are now many more addicts, and they have descended into chaotic lifestyles. However, I am prepared to consider the suggestion.

I am very reluctant to consider recategorising—and essentially decriminalising—drugs if it means that addicts remain in contact with the criminal underworld. We will simply create an escalator from soft drugs such as cannabis to hard drugs. The only proposal that I would consider in this respect relates back to the Gothenburg experiment with alcohol in the 19th century, in which communities set up pubs to ensure that the profits from the sale of the drug alcohol were used for community purposes. If someone discovered a way of doing that with drugs, I might reluctantly be persuaded to change my position.

In the previous debate, the minister referred to experimenting, testing and measuring. Let us try everything. For example, we should not rule out harm reduction versus abstinence measures or supporting independent agencies as well as those connected to the Government and local authorities. Let us keep all our options open.

The Deputy Presiding Officer: I have only a minute in hand, which in such a wide-ranging debate I propose to give to the minister. I apologise to Margo MacDonald and Christine Grahame, who sat through the debate but were not called.

17:51

The Deputy Minister for Justice (Dr Richard Simpson): Like other members, I congratulate Richard Lochhead on securing this debate. It is appropriate that we should have it today, although we will probably need to return to the issue and

have a broader debate on drugs and drug policy in the future. However, as usual with members' business debates, this debate has been very useful and many important points have been made.

The fact that the Executive has committed £130 million in additional funding over three years is a testament to our determination to try to sort out the problems that have been mentioned and to ensure that treatment and rehabilitation are available. I am sanguine about the results that we are achieving. I realise that the problems are significant and that we will not be able to make major changes overnight. That said, we are making significant advances.

Ms Margo MacDonald (Lothians) (SNP): I regret that I was not able to take part in the debate and would like to pick up on some of the comments made by my colleague Stewart Stevenson. Are all the options, whether for the north-east or for elsewhere in Scotland, open to the Executive? How constrained will it be in its policy making after the publication of the House of Commons Home Affairs Committee's report and now that the Home Office is in chaos?

Dr Simpson: The Home Affairs Committee's report is interesting and we will need to examine it. As Margo MacDonald is aware, certain matters are reserved, but we will consider the implementation of any policy in a Scottish context.

I want to examine the extent of the problem in the north-east and to try to put it in some perspective. Although 5,400 drug misusers were involved in the McKeganey research, Irene McGugan raised an interesting point when she said that, because Aberdeen has younger injectors, there is a growing problem in the area. The Executive recognises that that increase is a significant problem for Aberdeen.

I should point out that the number of deaths is down slightly from 1999. Furthermore, the rate of deaths in this area—at 5.9 per 100,000—is less than Glasgow's rate of 11.5 per 100,000 and Argyll and Clyde's rate of 7.3 per 100,000. Nevertheless, as Shona Robison pointed out, Dundee has the second-highest level of drugs misuse. We should be very clear that the Executive has substantially increased the resources for Grampian, as it has done for every area. The £750,000 increase in funding for treatment, which has been ring fenced on the national health service side of the funding streams, means that there should be significant improvements.

Christine Grahame (South of Scotland) (SNP): On the question of resources, my colleague Maureen Macmillan alluded to the Justice 1 Committee's meeting with Grampian

police yesterday. Its representatives told us that they are using up their resources chasing people who breach bail. Maureen Macmillan gave the example of a lady who had breached bail on five occasions to feed her drug habit. Will the minister consider looking in an holistic—if I may use that awful word—way at the resources that the police use when people breach bail to feed their drug habits?

Dr Simpson: Christine Grahame makes an important point. We need to examine the problem in an holistic way. If she had been a fly on the wall at the seminars and meetings that I have been attending over the past three months, she would know that I have hammered home time and again the fact that the agencies cannot exist in silos. If we do not join them up, we are bound to fail.

However, all the resourcing streams that we are putting in are to be joined up through the drug action teams. Those teams are sometimes also called drug and alcohol action teams and in that respect they are already joined up in every area except, for specific reasons, in Glasgow and Edinburgh. In some areas, the DATs also deal with smoking and I strongly welcome that. The Home Affairs Committee heard evidence from a number of individuals that, if there is a gateway process, tobacco, alcohol and cannabis can all act as that gateway. We must join everything up; I believe that that is important. I work closely with my ministerial colleagues who have responsibility for health. The interventions unit covers alcohol, smoking and drugs. We have joined that up and we are making a major effort.

DATs are central to delivery, but we know that the public do not see them—they are almost invisible, as our research has demonstrated. We are monitoring the DATs. We asked them to produce an annual business plan and we talked to them about the form of that plan, so that it is not bureaucratic. We give individual feedback to the DATs, to take account of the fact that, as Keith Raffan said, they are moving at differing speeds and levels of ability. We have put money into funding the co-ordinators who link in with the DATs, to give them a measure of stability so that they are not just talking shops, as they used to be. We are endeavouring and pushing hard to ensure that communities are involved in the DATs along with voluntary organisations and users.

Brian Adam: On funding for DATs, does the minister accept that resources are not being allocated on a needs basis? Does he have any thoughts about how he might fund DATs on a needs basis in future?

Dr Simpson: I thank Brian Adam for that helpful intervention, which allows me to make a point that I missed out. At the moment, the NHS gets funding for DATs essentially according to the

Arbuthnott formula. I know how the north-east feels about the Arbuthnott formula, as I was a member of the Health and Community Care Committee when we debated the matter at length. There are arguments about Grampian, but I know that the area was not one of the winners from the Arbuthnott formula. However, the Argyll and Clyde NHS Board area is only minimally above Grampian in respect of funding and the funding in Dumfries and Galloway is only £219 per problem user, as opposed to £242 in Grampian.

The other stream of funding is through grant-aided expenditure, which we know is also a crude instrument. We have undertaken to take prevalence data into account in any future allocation of resources.

Richard Lochhead: Will the minister give way?

Dr Simpson: I am afraid that I do not have time for another intervention. If Richard Lochhead would like to write to me on a specific issue, I will be happy to answer his questions.

We are aware of the problem of allocating resources and we have given additional funding to some of the smaller units. At one unit in the Western Isles, the allocation is £1,345 per addict. However, there is a baseline and there is only in fact a small amount of funding.

We recognise that waiting times are totally unacceptable at present, particularly in Aberdeen, Dundee and Edinburgh. I do not know whether we should go for targets, along the English line, of saying that everybody must be receiving treatment within four weeks. We are giving the health boards time to see whether the money that we have only recently put in achieves a reduction in waiting times. However, I assure members that I will be holding the DATs to account on the target waiting times, which are absolutely crucial. DTTOs are not a problem, because treatments are funded separately in relation to DTTOs and drugs courts.

I do not have time to say all that I wanted to say, but I must add a few final comments. Family support is important and I recently attended the first national conference on that. Bereavement counselling, the involvement of grandparents and mechanisms to deal with benefit problems can all play a part. We have launched the stepping stones programme nationally and are rolling out other educational programmes, but we must listen to young people and find out whether those programmes are good. We have put a lot of money into sports and diversion from prosecution. I do not have time to go into that issue either, but it, too, is important.

On the question of a drugs court in the north-east, we will evaluate the existing urban and rural courts and see what works. The local team and the local health board must decide on a

detoxification centre, but we will look at the issue nationally.

I welcome the debate and the Presiding Officer's forbearance. I do not have enough time to tackle the issue in the depth that I would like to, but I am grateful for the extra time that I have been given. We have upgraded the committee that I chaired in the Executive to a full Cabinet committee. That gives me the freedom to act in ways that I might not otherwise have had as chairman.

I promise my absolute dedication to the problem—members will know about that dedication—and I will take on board the points that were raised, many of which were very interesting.

Meeting closed at 18:00.

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