

MEETING OF THE PARLIAMENT

Wednesday 28 May 2003
(*Afternoon*)

Session 2

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DEPUTY FIRST MINISTER—Right hon Jim Wallace QC MSP

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

Education and Young People

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

Enterprise and Lifelong Learning

MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Right hon Jim Wallace QC MSP
DEPUTY MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Lewis Macdonald MSP

Environment and Rural Development

MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Ross Finnie MSP
DEPUTY MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Allan Wilson MSP

Finance and Public Services

MINISTER FOR FINANCE AND PUBLIC SERVICES—Mr Andy Kerr MSP
DEPUTY MINISTER FOR FINANCE AND PUBLIC SERVICES—Tavish Scott MSP

Health and Community Care

MINISTER FOR HEALTH AND COMMUNITY CARE—Malcolm Chisholm MSP
DEPUTY MINISTER FOR HEALTH AND COMMUNITY CARE—Mr Tom McCabe MSP

Parliamentary Business

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DEPUTY MINISTER FOR PARLIAMENTARY BUSINESS—Tavish Scott MSP

Communities

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DEPUTY MINISTER FOR COMMUNITIES—Mrs Mary Mulligan MSP

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MINISTER FOR TOURISM, CULTURE AND SPORT—Mr Frank McAveety MSP

Transport

MINISTER FOR TRANSPORT—Nicol Stephen MSP

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Scottish Parliament

Wednesday 28 May 2003

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 14:00*]

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. As indicated in this morning's business bulletin, I have decided to take a ministerial statement on charity law reform as part of today's business. The statement will follow the debate on the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 2003 (SSI 2003/244) and the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 2) (Scotland) Order 2003 (SSI 2003/245), at approximately 4.30 pm.

As we are in a different location and the acoustics are not quite as good as they are in the Assembly Hall, it can be difficult for members to hear what is being said. I therefore ask members to be mindful of the conditions and to speak clearly and directly into the microphones.

The first item of business this afternoon is time for reflection. Our first leader of time for reflection this session is Mrs Ravinder Kaur Nijjar, the convener of the Scottish Inter Faith Council.

Mrs Ravinder Kaur Nijjar (Convener of the Scottish Inter Faith Council): Four years ago, there was immense excitement and anticipation in the chamber when the Scottish Parliament was opened by Her Majesty the Queen. It was, as Donald Dewar said,

"a moment anchored in our history",

when the people of Scotland had a sense of being a nation again. There was a great sense of optimism, a new sense of identity—an identity that embraced many cultures and faiths. In 1999, we saw the formation of the Scottish Parliament and the inception of the Scottish Inter Faith Council. The challenge for all of us now is how we can do the right thing for all the people of Scotland.

Faith in the 21st century has become very important due to various catastrophic events, but out of conflict can come good. Tragic events have led to dialogue between faiths. There has been a sense of urgency for people to come together to commit to bringing about peace. However, the time has now come for dialogue and commitment to be changed into action. As representatives of

the people, you have to base new laws and policies on the values that are engraved on the Scottish Parliament's mace: integrity, wisdom, justice and compassion.

We have to use our wisdom to learn about and interact with people of all faiths. The faith dimension should be crucial in all aspects of our work. We should have the integrity to challenge organisations that threaten the basic unity of all people in Scotland; to challenge the sensationalist journalism of some of the media; and to challenge the economic exploitation of people worldwide. One must uphold justice using compassion. Faith and spirituality are the common denominator of the whole of humanity. We need to re-establish family values and ensure that legislation is conducive to producing progress on that issue.

The Scottish Inter Faith Council would like to thank you for your support, which we hope will continue. We have been pleasantly surprised at how quickly we have become established. However, it is imperative that you, the representatives of the people, go into the heart of the faith communities in Scotland and hear their voice.

Today, let us not forget the words of Donald Dewar who, in 1999, said that the Parliament must never lose sight of what brought it here:

"the strivings to do right by the people of Scotland; to respect their priorities; to better their lot; and to contribute to"

a better future for women and men from all over Scotland.

Let us all—Parliament and people—renew our commitment to the common good and to a society that is characterised by our core Scottish values of justice, integrity, compassion and wisdom, in which diversity is celebrated and encouraged and in which peace is our goal. On behalf of the Scottish Inter Faith Council, I wish you all a very successful second session.

Scottish Executive's Programme

The Presiding Officer (Mr George Reid): The next item of business is a statement by the First Minister on the programme of the Scottish Executive. As the First Minister will take questions at the end, there should be no interventions.

14:06

The First Minister (Mr Jack McConnell): I would like to make a statement outlining our Government's programme for the coming year. I will set out the major elements of our programme and announce our legislative plans for the first year of this session. Together, they make up the package of action that we will take in the first stage of our four-year programme to deliver on the commitments we have made to the people of Scotland.

We want to build a Scotland that delivers social justice and creates opportunities for all its citizens to live and prosper; a country whose institutions are open and accountable and reflect the people's priorities; and a Scotland that rejoices in and celebrates the diversity of its peoples and cultures and is confident of its place in Britain, Europe and the wider international community. Our policies over the next four years will help us to deliver that vision.

We are at the start of the second session of our young Parliament. There are four years ahead of us and we have a lot to do. However, we do not start with a blank sheet of paper. We will work to build on the progress that we have already made for the people of Scotland. Through the introduction of free personal and nursing care, we removed the burden of financial worry from more than 75,000 pensioners, allowing them to be confident that they will get the care and support that they deserve. More than 700,000 tenants in social housing now have greater rights and control and increased protection from antisocial behaviour. Legal changes increased the protection of victims of sexual crime and ensured that their dignity would be preserved. We abolished the financial barrier of tuition fees for more than 100,000 young people in Scotland. We began the essential major investment programme to rebuild Scotland's schools, provide new hospitals and upgrade local health care facilities. Through the establishment of Scotland's first national parks, we ensured the protection of the natural environment so that millions can enjoy our outstanding natural and cultural heritage.

In our first four years, we made a start, but there is much more for us to do. In the next four years of this young Parliament, we will introduce legislation that, together with other action by ministers, will

drive forward our agenda to change Scotland for the better.

Scotland needs the stability of a strong and determined Government and a vibrant Parliament to deliver the change and improvement that people deserve. The partnership agreement between Labour and the Liberal Democrats provides a clear, ambitious and radical agenda for the second session, based on growing our economy, modernising public services and building stronger communities. Those three critical building blocks will help us to create an ambitious and prosperous Scotland.

There is a great deal of work to do in the second four years of our Parliament. I am determined that we build on what has been achieved but I am also determined that we work with urgency on delivering the change and progress to which we have committed ourselves and which the people of Scotland expect from us.

Before I go any further, I want to restate the top priority of this new devolved Government: there is nothing more important to us than growing the Scottish economy. Scotland must generate more wealth to fund and resource excellence in our public services. There are more jobs in Scotland today than there have been at any time in my adult life. However, there are still almost 100,000 people out of work.

We need economic growth to create good jobs and put Scotland on a path to full and fulfilling employment. Governments cannot legislate for economic growth, but, with the powers of devolution, they can create the conditions for economic growth. We will invest in skills by increasing the apprenticeship programme to 30,000 places and providing substantial resources for higher and further education. We will support businesses in grasping the opportunities of the new economy, invest in research and development, support new entrepreneurs and sustain the vital link that transforms the ideas of the laboratory into new product manufacture.

Above all, we will value enterprise, promote an entrepreneurial culture and recognise the need to support risk taking. We will deliver education for enterprise in every school and legislate to provide support for the enterprising. In this parliamentary year, we will consult and bring forward legislation to modernise the laws of personal bankruptcy and diligence in Scotland to strike a better balance between supporting business risk and protecting the rights of creditors.

An effective and reliable transport system is also central to a thriving economy and strong communities. Modern Scotland needs an up-to-date, efficient and integrated transport system. By the end of 2006, our expenditure on transport will

reach £1 billion per year, more than two thirds of which will be targeted at public transport. We have an extensive programme of infrastructure development—from Aberdeen to Airdrie, involving both road and rail—that will fundamentally improve the transport choices for hundreds of thousands of travelling Scots. The plan is agreed, the money is in place and the work is under way. In those investments—as elsewhere—we will evaluate spending commitments for their economic impact, their social impact and their value for money.

However, building new roads and laying new track is not enough. We want to make public transport easier to use and more accessible to those who need it most. We will therefore consult over the summer on our proposals for a new strategic transport authority and publish a white paper before the end of the year. The new authority will work within a framework of policy direction and budgets set by ministers. It will be responsible for the co-ordination of the Scotland-wide concessionary fare schemes that we will introduce for elderly, disabled and young people. It will deliver improvements in our transport infrastructure and a fully co-ordinated approach to Scotland's transport system.

People deserve and expect public services that are of the highest possible quality and offer the greatest possible choice. They expect investment to produce results. We are determined that the record levels of investment that we are making will be matched with the reform and improvement that is necessary to meet the needs of individuals and communities throughout Scotland.

We will go with grain of Scotland's best public service traditions and we will deliver the change that is needed. We will continue to progress the reforms we introduced for children's services, especially in child protection and the support that is available for looked-after children. We will support mentoring programmes and introduce a national recognition scheme for our young volunteers. We will work to tackle harassment from loan sharks and introduce fairer credit schemes. We will increase the supply and quality of Scotland's social housing stock and develop the range of housing choices and investment opportunities necessary to modernise social and public housing throughout the country.

Most of all, our partnership agreement outlines an ambitious and comprehensive programme of action to improve the effectiveness of our health, education, criminal justice, police and fire services over the next four years. That programme will be supported by legislation.

The next three years will see record investment in Scotland's health service, but patients must feel the benefits and see improvements in waiting times. As a next step, to devolve responsibility and

cut through bureaucracy, we will introduce a national health service reform bill before the summer recess. The bill will abolish NHS trusts and establish community health partnerships as the foundation for devolved delivery of health care. It will provide a new structure for public involvement and ensure that local health services match the needs of individuals and communities. As part of a range of measures in the bill, we will place a specific duty on health boards to promote health improvement and ensure public involvement in health care to secure the step change that we need in Scotland's national health.

Patients, their families and clinicians will welcome those changes. In order to reassure them that the changes will be delivered locally, we have established a national framework, which will provide consistency and quality of care through standards, inspection and support. Through the bill, we will also provide the final step that is needed to ensure that the health service delivers quality to all its patients: we will introduce new powers for ministers to intervene—as a last resort—to secure quality of care. I hope that those new powers will never be needed, but we will not hesitate to use them in the interests of patient care.

Reforming our health service means improving conditions for and the practice of our health staff. We are working to implement the changes that have been agreed for health staff through the national agenda for change agreement and the introduction of the new consultants contract. General practitioners will be asked shortly to decide on their support for the proposed new contract. Should they agree, a primary medical services bill will be introduced in June to provide the necessary statutory framework for the new contract to be implemented with effect from 1 April 2004.

The bills that I have outlined will build on our work over the past four years to modernise the NHS in Scotland and to secure improvements in public health. In the future years of the Parliament we will continue our drive for improvement and quality health care with further reforms, as laid out in the partnership agreement. In particular, we will systematically extend free eye and dental checks to all by 2007. We will match investment with reform—not for its own sake, but to rebuild Scotland's health service, to drive down waiting times, to increase patient choice and to drive up standards.

I have said before that the first four years of the Parliament were characterised by the improvements that we delivered for our older citizens. The partnership agreement allows us to ensure that the next four years will be remembered for the steps that we will have taken

to protect our young people, to increase their opportunities and to give them the best start in life. We will review and improve bursaries, student loans and other support for young Scots over the age of 16.

Our schools play a vital part in the lives of our children and, through them, in building the future of our country. The partnership agreement sets out a comprehensive agenda to build on the foundations that have been laid over the past four years. We will increase our major building programme, continue our investment in teachers and educational professionals to raise standards and take the next vital steps to reduce class sizes and reform the curriculum to increase pupil choice. We will continue our drive to devolve decision making in education to those on the front line, increasing the head teacher's role in the school and rewarding excellence in the classroom. Increased recognition will be given for professional skills and responsibilities, and there will be increased choice for pupils and increased information and accessibility for parents. All those measures are part of our drive to increase standards, choice and specialisms within a modernised comprehensive Scottish education service.

With those increased opportunities come increased responsibilities. Our goal is excellence in education for every child. Our framework is national standards, independent professional inspection and a clear focussing of that expertise on those schools throughout the country that need most support to meet the best standards.

In the first year of this session, we will introduce two education bills. To complete our national improvement and support framework, we will introduce legislation to provide new powers for ministers to intervene, on the recommendation of Her Majesty's Inspectorate of Education, to ensure that action identified by the inspectors is taken by local authorities. No child in Scotland should suffer as a result of inaction or ineffectiveness on the part of any school, any local authority or the Government. The proposed powers will allow us to ensure that they do not do so.

To support our commitment to quality and excellence for all children, the bill on additional support for learning will end bureaucratic hurdles, introduce a new mediation and tribunal service, give parents and carers a greater say, and provide the necessary flexibility to ensure that children with special needs get the education that best meets their needs.

The Education (School Meals) (Scotland) Bill is being introduced today. It is a technical measure that will allow us to respond fully to the recent changes in the United Kingdom benefits system and to ensure that all those who are currently

entitled to free school meals do not lose that entitlement.

Last year we published a consultation paper, "The Scottish Fire Service of The Future", which set out proposals for modernising and updating current fire service legislation, which dates back to 1947. We are committed to introducing reforms that will lead to a safer and more efficient service and, following further consideration after the current fire dispute is over, we will publish a bill in the first year of this session to meet those objectives. We will increase local decision making, enhance public protection and give fire authorities and fire brigades a statutory responsibility for fire prevention and community fire service work.

Scotland's growth and development in the 21st century must have greater regard for our environment than they had in the past. I am determined that our environmental record will improve significantly in the next four years. Our commitment to the environment and to environmental justice runs right through the partnership agreement. As a start, the next 12 months will see the introduction of three new pieces of environmental legislation.

First and foremost, we must keep our own house in order. Protecting Scotland's environment can no longer be the responsibility only of the Minister for Environment and Rural Development. The decisions, actions and initiatives of each minister must be sustainable. We will consider properly the environmental impacts of all new strategies, programmes and plans that are developed by the public sector. To do that, we will legislate to introduce strategic environmental assessments—an important tool that will help prevent the repetition of past unsustainable actions.

Secondly, in March we published a consultation paper and draft bill on nature conservation, which have been widely welcomed. Later this year, we will introduce a substantial piece of legislation to give effect to those proposals. The legislation will introduce a new general duty for public authorities to further the conservation of biodiversity, thoroughly overhaul the sites of special scientific interest system and introduce further reforms of the law on wildlife crime.

Thirdly, in June Ross Finnie will publish a consultation paper on water services. Later in the year, he will introduce a bill to establish a regulatory framework for water and sewerage services that will safeguard public health, environmental protection and fairness to customers.

In addition to that legislation, we will continue our initiatives to support sustainable rural communities and, in particular, to promote

Scotland's interests when reform of the common agricultural and common fisheries policies is discussed in Europe.

We will govern well for all of Scotland, town and country, island and mainland. The partnership agreement will deliver for both urban and rural communities. Today I want to stress a very special issue that relates mainly to our rural communities. We believe that the Gaelic language is important to all of Scotland and is a unique part of our culture and heritage. To underpin the support that we give to the language, we will legislate to give Gaelic secure status—enshrining the Gaelic language in Scots law for the first time. As promised, the draft Gaelic language bill will be published in time for the historic 100th Mòd, which will take place this autumn. The legislation will be one part of our plan to introduce a national language strategy to guide the development and support of Scotland's languages, including British Sign Language and ethnic community languages.

A forward-looking, successful country needs a democratic framework that works well for all its people and local government is an essential part of that framework. Our actions to date show that we believe in elected local government and recognise its crucial importance in the delivery of quality public services and increased opportunity for young and old across Scotland. We will take steps to increase democratic participation, to modernise voting arrangements, to remove unnecessary restrictions on people who want to become involved in local government and to recognise properly the contribution that they make.

A local governance bill will be introduced before the end of the year. The bill will introduce the proportional single transferable vote system of election for the next local government elections and will take forward our other commitments by removing unnecessary political restrictions on standing for election and establishing an independent remuneration committee for councillors.

I move on to the issue of building stronger communities. Crime currently hurts. It hurts decent, hard-working people and eats away at the social and economic fabric of our communities. We in the Government are on the side of ordinary decent people and against those who profit from their misery, exploit their honesty and abuse their trust.

In the first session, we delivered record police numbers and provided new powers for the police and the courts and additional rights and protection for victims of crime. We also developed and began to implement a comprehensive new youth crime action plan. However, there is much more still to do.

In the past four years we have driven a major reform of our criminal justice service—a reform spearheaded by our Crown Office and court services. We will continue with that work and in June we will publish a consultation paper setting out wide-ranging proposals for the reform of the High Court, following the review that we asked Lord Bonomy to carry out and the report that he produced. The consultation will pave the way for the introduction in the autumn of a court reform bill that will modernise practice and procedure across the whole range of High Court business, speed up processes and cut down on wasted time for victims, witnesses, the police—crucially—and the courts themselves.

We announced in the partnership agreement that we would set up a new sentencing commission for Scotland to review sentencing and make recommendations. In the coming weeks, we will consult the judiciary and others on the remit and membership of the commission. As a first priority, we will ask the commission to review the use of bail and remand and to review the arrangements for early release from prison and supervision in the community for short-term prisoners. Importantly, the commission will consider and determine the action needed to secure improved consistency, appropriateness and effectiveness in sentencing across Scotland. Although setting up the commission does not require legislation, we will introduce any necessary legislation to implement its recommendations during the lifetime of this parliamentary session.

It is in the area of supporting witnesses and tackling antisocial behaviour that we must act and act quickly. We must be in no doubt about the importance of that issue to people living in the communities that we represent. Too many communities and too many lives are hurt by crime. Over half of all offenders in Scotland reoffend within four years. Too many of our police officers are wasting their time waiting for trials or wasting their professional skills in work that others could do.

Our commitments to education and opportunity will work on the root causes of crime. However, as a priority, we will deal swiftly and effectively with those who commit crime, and redress the balance in our communities in favour of the hard-working, decent people, who deserve to live in peace and safety. Victims come first, and vulnerable witnesses should receive the attention and support that they need. Therefore, before the summer recess, we will introduce a bill to provide new statutory protection for vulnerable witnesses—including automatic special provision for children under the age of 16, abolition of the competence test, and improved support for victims and witnesses.

Our commitment extends to victims of antisocial behaviour. We will move quickly to crack down hard on antisocial behaviour and we will continue our reform of the court system and children's hearings to speed up justice. We will support effective police officers and build a system that puts the interests of the victim first. We will work hard and act resolutely to build stronger, safer communities where antisocial behaviour is not tolerated and where the perpetrators are held directly accountable for their actions. It is not only the serious crime that attracts the headlines and damages our communities. Constant acts of vandalism, theft, intimidation and graffiti grind people down and destroy neighbourhoods—and where they come first, the drug dealers quickly follow. That cannot be tolerated any longer. It will take time to reverse the decline that we have seen in people taking responsibility and showing respect, but change that we must. I want to see respect for others back in our communities.

Before the end of June, we will publish our proposals on antisocial behaviour, which we will then introduce in a bill in the autumn. The measures in the bill will include new antisocial behaviour orders for under-16s; community reparation orders; powers for the courts to make civil orders requiring parents to act in the best interests of their children, with appropriate sanctions if they do not; the introduction of electronic monitoring of children as an alternative to secure accommodation; and the banning of the sale of spray paint to under-16s. We will give local authorities additional powers to tackle nuisance fireworks and fly tipping, and to deal with noise nuisance and graffiti. Government does not create safe communities on its own. We all share that responsibility and our rights must be matched by our responsibilities. The measures in the bill will be complemented by the additional action that we will take to introduce a quality-of-life guarantee to secure clean streets and a decent local environment for all.

Other proposals and initiatives to implement our programme of reform for the police and the criminal justice system as a whole will follow later in the life of the present Parliament. We will publish proposals for establishing a single agency to deliver both custodial and non-custodial sentences in Scotland and to cut reoffending rates. We will consult on those proposals—in particular with colleagues in local authorities, who have a direct interest. We will establish an independent police complaints body and we will follow up an overhaul of High Court procedures with an equally thorough and wide-ranging review of the summary justice system.

Taken together, the three bills that we will introduce in the first year of this session mark our determination to provide important new protection

for victims and vulnerable witnesses; to overhaul the operation of the High Court, removing blockages and improving efficiency; and to act swiftly to crack down hard on offenders and on offending.

Finally, we will introduce the annual budget bill to ensure that we can finance the public services that Scotland needs, and Margaret Curran will clarify our plans on charity regulation later this afternoon.

Before the summer recess, we will introduce four new bills on education, health and justice—the people's priorities. We will publish proposals for dealing with antisocial behaviour and the reform of the High Court, because it is time to act. In our first year, we will concentrate our legislation on health, education, crime and the environment—just as we said we would.

Today I have outlined only the first steps that we will take in the next year. We will move quickly and, with the Parliament's help, will make good laws and administer well. However, those first steps alone—either individually or together—will not be enough.

The partnership—the coalition of Scottish Labour and the Scottish Liberal Democrats—will govern well. We will use well the resources of hard-working taxpayers, invest for the future and always aim to maximise the value that we can get for every pound of public money that we spend.

Our real partnership is with the people of Scotland. We will listen to them, pay attention to their concerns and be accountable to them for our actions.

We will take devolution forward to the next stage, deal directly with the challenges of the next four years, reach out to the communities of Scotland and work with the Parliament and all its elected members to build a new Scotland—a country of the 21st century that is at ease with itself, confident in its talents, protective of its people and its environment and, above all, ambitious for its future. We will build the kind of Scotland that all can be proud to call home.

The Presiding Officer: The First Minister will now take questions. The next 58 minutes are not about making mini-statements; they are about posing clear questions and providing answers on the issues that the First Minister's statement raised. I invite those members who wish to ask questions to press their request-to-speak buttons. Mr Swinney has about four minutes.

Mr John Swinney (North Tayside) (SNP): I thank the First Minister for his statement and for the advance copy that he made available to us.

I give a warm welcome to a number of the measures that are in the Government statement.

The introduction of the Gaelic language bill, the determination to have a strategic transport authority and the commitments to strategic environmental assessment, to proportional representation for local government and to the abolition of national health service trusts are all welcome. Of course, they formed part of the Scottish National Party's election manifesto. We are glad that the partnership has taken some good ideas from the SNP. We will be able to support other commonsense measures in the fullness of time.

I am disappointed that the First Minister's statement said nothing about the measures that the Government intends to take to guarantee the payment of compensation to hepatitis C sufferers who have been contaminated as a result of errors in the national health service. I am also concerned about the absence of any reference to measures that the Government intends to take to tackle poverty. That was a notable absence.

I have three specific questions for the First Minister. First, the First Minister was long on detail on every aspect of his programme, with the exception of the economy. We have had 40 years of low economic growth and we now have zero economic growth—the lowest economic growth rate in Europe. The Government's breakthrough measure is to modernise the laws of personal bankruptcy and diligence. That will hardly stimulate economic growth in Scotland. It tells us all that we need to know about the Executive—it is high on ambitions but has no powers to deliver the real economic change that people require.

The First Minister said that Governments could not legislate for economic growth. However, real Governments can legislate to reduce business burdens, deregulate and cut the business costs that companies in our country must endure. What specific measures that his Government has not tried in the past four years will the First Minister introduce in the next four years to deliver economic growth of which this country can be proud?

Secondly, the Government says that it will tackle crime and disorder by reducing violent and drug-related crime and cutting reoffending on the very day that it is announced that violent crime and drug crime are at a 10-year high. Will the First Minister give Parliament a commitment today that he will increase not only the number of operational officers but the total number of police officers on Scotland's streets? That would reflect the consensus that exists among the SNP, the Conservatives and the Liberal Democrats on the need for a real-terms increase in police numbers within Scotland.

Thirdly, will the First Minister take this opportunity to respond to the comments made by

a number of his Westminster colleagues over the weekend? They made remarks to the effect that the introduction of proportional representation for local government would be calamitous for the Labour party's power bases in Scotland and that they would do everything in their power to derail the measure. Will he take the opportunity to tell those Labour MPs that PR for local government is a devolved matter and that his Government is determined to introduce it? Will he give a guarantee to Parliament that his Government will do so in time for the 2007 elections? Quite simply, will he tell those Labour MPs to mind their own business?

The First Minister: I believe that the policies of the Labour party are generally in the best interests of Scotland, but I certainly have no intention of putting the internal interests of the Labour party ahead of governing Scotland. I give an assurance that we will see through the commitment that I have given today.

On the other more important issues that Mr Swinney raised, I am delighted that Scottish Labour and the Scottish Liberal Democrats will have the opportunity—which he will not—to introduce the measures that he welcomed at the beginning of his question. I look forward to making the right decisions on abolishing NHS trusts, introducing secure status for Gaelic, introducing a strategic transport authority, introducing strategic environmental assessments and reforming local government.

It is critically important that we have the resources to do those things and that the Parliament operates effectively, instead of on a collision course by trying to secure further constitutional change. We need to focus on the people's priorities and deliver on the issues that Mr Swinney welcomed as well as on the other issues that I have outlined.

If Mr Swinney disagrees that the investment of £1 billion a year in Scotland's transport infrastructure, the development of infrastructure projects and the development of a better approach to the transport system in Scotland would have an impact on the Scottish economy or on jobs or on business, he is not listening to Scottish business or to the Scottish people.

If Mr Swinney disagrees that introducing enterprise education into every school in Scotland, creating an entrepreneurial culture and allowing all young Scots to be ambitious and realise their ambitions, would help not only Scottish business or the young people themselves but Scotland's growth rate, he is not listening to Scottish business or to the Scottish people.

If Mr Swinney disagrees that Scottish business benefits from the stability that we currently enjoy,

from our low rate of unemployment and high rate of employment and from all the other benefits that we receive from being part of the current UK macroeconomic system, he is not listening to Scottish business. We will grow the Scottish economy not by having a constitutional battle with London but by investing in skills and in Scotland's transport and infrastructure. We will build on the conditions that allow Scottish businesses to grow.

In a similar vein, if Mr Swinney does not believe that tackling crime on our streets, creating opportunities for our young people, improving our education service and creating jobs are the things that will tackle poverty, he is very wrong indeed. To lift people out of poverty, we need an education system that serves all our children, in particular our looked-after children, who have been failed by the system in the past. We need to have a situation on our streets whereby people who live in deprived communities do not have to put up with the crime and antisocial behaviour that currently blight their lives. That will help to tackle poverty. By creating jobs and growth in our economy, we will do more to tackle poverty than any of the measures that Mr Swinney might want to outline.

On hepatitis C, we will see through our commitment from the previous Administration by pursuing the case that we are making to ensure that there is some compensation for the victims of hepatitis C.

Finally, let me answer Mr Swinney's point about police on the streets. There is no point in increasing the number of police officers in Scotland if they spend more time in the courtroom and less time on the streets. That is why—and on 1 May the Scottish people recognised this—we need more than election slogans from the Opposition parties about more police officers on the beat. We need real reforms that will put police officers back on the beat and give them the opportunity to do the job that they want to do. There will be an increase in the number of Scotland's police officers, but there will also be a dramatic increase in their operational effectiveness. That will do more to tackle crime than will any Opposition election slogan.

David McLetchie (Edinburgh Pentlands)

(Con): I thank the First Minister for providing an advance copy of his statement to Parliament.

The size of the challenge facing the Administration has been graphically illustrated by today's appalling crime figures, which I understand did not merit any discussion at today's Cabinet meeting and which show just how ineffective Labour and the Liberal Democrats have been in tackling such a serious problem.

Will the First Minister tell us why, with the ink barely dry on the Criminal Justice (Scotland) Act

2003, which was passed at the tail-end of the previous parliamentary session barely three months ago, we now need another bill to tackle antisocial behaviour? If the First Minister is so concerned about that issue, why did he not support Conservative amendments to the Criminal Justice (Scotland) Bill that would have toughened up the whole approach to youth offenders? One example is the use of electronic tagging that the First Minister now says is necessary but which he and his colleagues voted down during stages 2 and 3 of that bill. Is it not true that the phoney criminal justice debate that we had during the election campaign was an attempt to manufacture artificial differences between Labour and the Liberal Democrats for the purposes of the election campaign rather than a serious attempt to address the problem? We all know that both parties are equally inept on justice issues.

We could do with a legislative load in the new parliamentary session that is lighter than that which we had in the previous one. However, once again it looks as if quality will be sacrificed for quantity. When will the First Minister realise that it is not the quantity or length of bills passed by the Parliament that will restore public confidence, but sensible measures that improve the quality of life for people in Scotland? That does not always mean a plethora or torrent of legislation, as the late Mr Dewar often pointed out. For example, if we really want to improve the performance of the Scottish economy, then instead of all the management-speak and gobbledegook in the partnership agreement, why do we not do the simple thing and cut business rates to England's levels and slash business's burden of regulation and red tape?

I recommend a similar and radical approach to our public services. Our health and education services need genuine devolution of power that would give patients and parents more choice while trusting the professionals to deliver for them. Why is the First Minister moving in the opposite direction from the Prime Minister and taking power away from our hospitals rather than giving the option of genuine independence as foundation hospitals?

In education, if the First Minister is really as keen to devolve power as he says he is, will his plans reduce the figure of more than £1 billion of education spending that is still in the hands of local authorities throughout Scotland and that never reaches the classroom?

For all the partnership agreement's tedious length and occasional flash of worthiness, the Parliament will agree that it is a timid document that fails to address the fundamental reforms that are necessary to improve our public services. If the First Minister and the Scottish Executive want

to succeed, they will have to be a good deal braver than that.

The First Minister: As we are in a new parliamentary session, it might be time to hear a new speech. If Mr McLetchie had paid any attention to my statement on the programme, he would have noticed that there was no reference to quantity. All the way through my statement there were full references to the content and quality of the bills that we will introduce. Mr McLetchie might be surprised to find that there might be slightly less legislation, but it will be good legislation on the people's priorities, as we promised. It will happen and it will happen quickly.

It is a bit rich for the party that complained all the way through the passage of the Criminal Justice (Scotland) Bill about the size and length of that bill, and about how complicated it was, to criticise us for not including in it many more measures, which would have added to its length and complexity. The difference between the tokenistic stunts and amendments that the Conservative front bench proposed on these issues in the previous session and our proposals in the antisocial behaviour bill is that our proposals will be workable. They will work in practice and will be effective in the streets.

I do not agree that raising the issue of crime and antisocial behaviour on Scotland's streets is part of a phoney debate. It is not phoney for those old-age pensioners who are trapped in their homes every night and cannot go to their local park because of how the local youngsters would treat them. The debate is not phoney for local youngsters who want to enjoy their own community but cannot do so because people of their own age ensure that the local environment is not fit to allow them to relax and enjoy the parks and leisure spaces of an evening. It is not phoney for us to raise the issues of sentencing and consistency and the need to tackle them in year 1 of the session. The debate is not a phoney one but a very important one that needs to be tackled properly, accurately and factually by members.

Finally, on business support, the proposal to cut business rates, to which Mr McLetchie referred today, was made during the recent election campaign. At the election, the people of Scotland rejected the Tory proposal, which was supported by the Scottish nationalists, to cut support for business, training and skills and the budgets of our enterprise companies and to reduce business rates instead. That would be wrong and it was wrong in the eyes of the people, who voted on 1 May for investment in training, skills, transport, research and business support. That investment will turn round the Scottish economy's growth rate. The turnaround will not be made by cutting such investment for a short-term gain in tax cuts for a few.

Robin Harper (Lothians) (Green): I welcome the commitments to proportional representation, strategic environmental assessment—which is most welcome—and a nature conservancy bill. The commitment to transport infrastructure between Aberdeen and Airdrie is a good start, but it might usefully be extended to between Muckle Flugga and Melrose.

One or two things have regrettably been omitted from the Executive's proposals. After a regrettably short education consultation, many people in Scotland, particularly in education, might have wanted to see a greater commitment to giving a more central role in Scottish education to the arts—music, drama and art—and technology and design than we have at present. Commitments to such areas remain minimal in some places, particularly with regard to outdoor education and education in the outdoors.

Finally, I want to ask whether an omission in the introduction to the partnership agreement is a Freudian slip, a deliberate omission or simply an awful mistake. The penultimate paragraph states:

"We will evaluate all new spending commitments for their economic and social impact and value for money."

The final paragraph states:

"Our commitment to the environment is demonstrated in every section of this Partnership Agreement."

In education, the commitment to the environment is certainly minimal. However, the environment was missed out of the evaluation for spending commitments. Is that a mistake, a Freudian slip, or a deliberate omission?

The First Minister: I regard the impact on the environment as a key social impact and it should also be a key economic impact. That thread runs through the partnership agreement, which sees the environment not as an add-on but as a central part of the assessment that we make of our policies, legislation and spending. Therefore, there has been no awful mistake and certainly no omission, but an integration of the assessment of the impact on the environment and the long-term sustainability of our policies, which runs right through our policies and assessment of economic and social impacts. That is why those sentences go together in the document.

Robin Harper underestimates the impact of the education proposals that we are about to pursue. Several proposals were not included in the partnership agreement, for the obvious reason that it could not contain everything. Those proposals were announced as part of the budgets for the next three years and will make a difference in the arts, sports and the other areas of school activity that he mentioned. Not least of our proposals is our commitment to introduce free music tuition for every primary school pupil by primary 6. That is a

fundamental change from a situation that has deteriorated in recent years. That will start to make the difference in developing young people's talents.

It is important to seize other opportunities, too. By releasing head teachers, teachers and parents to be more creative in the planned education for children, we have an opportunity to see more flexibility in the school curriculum, more opportunities for creative activity and less of a determination to pursue a formal educational agenda that has been restricting in its opportunities for young people in recent years. The proposals that I mentioned again in my statement to reform the curriculum and to free up those opportunities for young people will make the difference that Robin Harper wants. By developing the creative talents of our young people, we can fully develop their academic abilities and allow for other achievements. Only by recognising that will we move significantly forward.

Tommy Sheridan (Glasgow) (SSP): I heard the First Minister talk in his statement about creating a Scotland to be proud of. However, I do not recognise in his statement the priorities that the Executive should address. Does he agree that we live in a country that is more unequal now than it was four years ago? We live in a country in which one in three of our children lives in poverty and one in four of our pensioners struggles to make ends meet each week. We live in a country that is blighted by low pay, yet in a speech of 30 minutes, the First Minister did not mention poverty, low pay or inequality.

Is the First Minister really concerned about creating a Scotland to be proud of? Should it not be a Scotland that is fairer and more equal? In that respect, will he agree to reform the utterly unfair council tax system, which rewards the wealthy and the well paid, but punishes pensioners and ordinary workers? Will he accept that if he is concerned about tackling poverty and inequality in the next four years, he should prioritise the abolition of an unfair tax system that adds to poverty and inequality in Scotland? Will he agree to the abolition of the unfair council tax, or is he too concerned with defending those who are already wealthy and well off?

The First Minister: Like some other speakers, Mr Sheridan should be a little more honest and not refer to the abolition of the council tax as if we could abolish tax systems and somehow still secure local government services. He failed to explain how he would fund schools, the opportunities that young people need and the facilities in the community that would allow young people to develop out of poverty and to have opportunities in life that allow them to take themselves and their families forward.

I am not here today to address the chamber with a statement on the Government's programme for the next four years and our legislative programme for the next 12 months by using a series of slogans and buzz words. I am here to talk about the actions that will make a difference, which do not include renationalising the Royal Bank of Scotland, which Mr Sheridan proposed two days ago. That would leave people in Scotland out of work and probably out of a bank account, too. The actions that will make a difference will be in our education service and our health service and will tackle crime and disorder on our streets. Mr Sheridan needs to get on the side of the people in Scotland who need better services, who need our streets cleared up and who need to be protected by the forces of law and order. They will get that from the Government and they should get that from the Scottish Socialist Party, as a parliamentary party.

The Presiding Officer: We move on to quick questions and answers on single issues.

Mrs Margaret Smith (Edinburgh West) (LD): I welcome the record investment that is to be made on health and agree that that investment has to be matched by improved service delivery. Primary care is one of the key parts of the national health service and many people are concerned at the lack of progress towards the GP contract. What will the impact on the programme of reform be if GPs do not agree to the contract?

Will the First Minister outline what community health partnerships will mean in practice? Will we see extra funding being taken out of the acute sector and being put into primary care? Will we see a true devolution of power to the people at the front line and to communities that are affected?

The First Minister: I will try to answer all the questions briefly before you stop me at some point because of time constraints, Presiding Officer.

We hope to go to a ballot on the GP contract in the next two or three weeks. If the ballot is successful, a bill will be introduced to progress the issue.

We are determined to abolish national health service trusts to get rid of the layer of bureaucracy that was created by the Tory Government. We want to ensure that there is more devolution inside the health service, not more centralisation. The community health partnerships of primary care teams that are based around GP surgeries and teams of health workers who work with GPs are central to the delivery of health services at the local level. Those partnerships will ensure that we can take a more preventive approach to health rather than one in which most of our attention and activity is focused on the acute sector. Given that that is a significant policy shift, I have no doubt

that it will take time, but in that important shift we will see the money follow the solution.

The Presiding Officer: In fairness to the First Minister and other members, I will take only one single-issue question from members from now on.

Rhona Brankin (Midlothian) (Lab): I welcome the fact that the First Minister stated explicitly that growing the Scottish economy is the top priority for the Executive. Does he agree on the importance of research, development and commercialisation of the bioscience sector? Does he further agree that it is somewhat ironic that the Opposition parties that spent the past four years ginning about red tape are now urging legislation on the economy?

The First Minister: The people who criticise us for not legislating enough on the economy are the same people who will criticise us for having too much legislation on the economy, but that is part of the problem that we have at times in the chamber.

We need to ensure that we do the right things to help to grow the economy. In the same way that we will do that in respect of transport and skills, we will improve the research and development base of the Scottish economy. We need to drive up productivity and ensure that we take ideas and research from our universities and turn them into viable commercial products. We also need to ensure that we promote those products overseas and give our companies the best possible opportunities to increase their exports—all those measures are critical.

It is right to say that our bioscience sector is one of the major opportunities for the Scottish economy today. Our intermediary technology institutes will be one way in which we will ensure that the bioscience sector is a success.

Roseanna Cunningham (Perth) (SNP): It is astonishing that only one line in the First Minister's statement referred to Europe. Given the changes in the European Union that are currently being debated at European level, is that not negligent? Will he indicate precisely how he will ensure that the Executive and the Parliament can respond to the impact of the EU on Scotland and to the challenges that Europe poses? Surely the First Minister does not intend to leave the question of Europe to others elsewhere.

The First Minister: We have had a significant impact on the debate in the European convention in respect of the role of the devolved regional and national legislatures in the European Union. Recognition of that impact can be seen in the central role that Scotland plays in the organisation of the legislative regions across the EU. The Administration will continue to play that role and we will continue to be involved in that debate.

There is a need not only for the member states of the European Union to retain their important role in a union of member states—not a federal or united Europe. It is important that Scotland and Catalonia, Bavaria and the other important integral parts of member states have the opportunity to influence decisions about European legislation in advance of those decisions being made and that we have the opportunity to challenge those decisions once they have been made.

Lord James Douglas-Hamilton (Lothians) (Con): Is the First Minister aware that, in Scotland, there is an assault on a member of school staff roughly every 15 minutes? Given those circumstances, will he review and remove the target for exclusion reduction?

The First Minister: First, I should point out that the target for exclusion reduction has been misrepresented. No head teacher or teacher anywhere in Scotland should misread that target as a demand from, or desire by, anyone in national Government in Scotland to keep in the classroom or in the school children who are causing havoc and who are therefore creating difficulties for the other children. To portray that target in such a way is a serious misrepresentation.

However, we must also tackle school indiscipline. Although there are serious problems with school bullying and with individuals who disrupt classrooms, we also need to tackle a certain culture that exists in many schools. That is why we are introducing a comprehensive programme of action that will not reduce the number of school exclusions artificially, but will reduce school indiscipline itself. I am sure that our new Minister for Education and Young People will talk soon about that key objective.

Mr Richard Baker (North East Scotland) (Lab): I was pleased to stand on Labour's manifesto, which pledged to alleviate student hardship further through a review of the level of student bursaries. I am also pleased that the First Minister referred to that policy again this afternoon. Will he tell us more about the Executive's plan for that review?

The First Minister: A number of areas need to be reviewed, and we will address them systematically in the course of this parliamentary session. We need to review the level of student bursaries, the level of family income at which such a bursary becomes available and the level of income at which students repay their student loans. We must also ensure that more and more students in Scotland have the financial support that will allow them to continue their education. Although such things cannot be done overnight, I believe that we can make a difference. I hope that, in the course of this session, we can respond to

concerns that have been expressed by existing and future students and their families, and that we can make more resources and back-up available to students who might suffer from financial hardship.

Richard Lochhead (North East Scotland) (SNP): Although I welcome the First Minister's commitment to creating sustainable rural communities, is he aware that, as of today, not one penny of the £50 million of emergency aid that he announced in January has been paid to anyone in our fishing communities?

Moreover, will the First Minister respond specifically to the alarming comment that the UK fisheries minister Elliot Morley made earlier this month in Derby to an English fishermen's organisation? He boasted that "not a penny" has been paid to the Scottish fishermen and went on to say:

"I'm not sure it will be paid".

Will the First Minister give a commitment to investigate whether the Department of the Environment, Food and Rural Affairs is trying to block European aid to Scotland?

The First Minister: I have no intention of giving any commitments to Mr Lochhead, given his history of total misrepresentation of negotiations and the situation with Scottish fishermen. Indeed, that history has been widely criticised by more responsible members in the chamber, as well as by Scottish fishermen.

We need to take a much more targeted approach to the matter. Over the next few months, we will have a difficult job in ensuring that the long-term interests of Scotland's fishing communities are addressed in the reforms and debates that are taking place. We have set ourselves the objective of implementing a package of compensation that is the biggest ever, not just for Scottish fishermen, but for anyone else per head in Scottish society. We will also ensure that, later this year, the right decisions are made in the long-term interests of Scottish fishing communities. That is what we will do.

Patrick Harvie (Glasgow) (Green): Given much of our media's unfair portrayal of our young people as out of control, chaotic criminals who make the lives of others unbearable, does the First Minister regret in any way that the most substantial reference to young people in his speech was in relation to young people as criminals? Does he agree that, as politicians, we should be talking up the achievements and contributions to society of our young people, and is such an approach consistent with slapping electronic tags on them?

The First Minister: Where does one start?

Monitoring young people electronically is significantly better than locking them up, if it is

better for them and ensures that they can stay in the community. People will know where those young people are, and they can be monitored to ensure that their behaviour becomes more acceptable.

It is not only young people who are involved in antisocial behaviour or the problems that communities face; many adults are involved in antisocial behaviour. Moreover, it is not only the parents of the young people who are involved in antisocial behaviour who are involved—other adults are, too. We need a comprehensive approach. My statement and the partnership agreement cover increased opportunities for young people at school; increased opportunities and facilities for young people in the community; increased opportunities for young people at college and university; increased opportunities at work through the apprenticeship programme; increased opportunities for young people's volunteering to be rewarded through a national recognition scheme; and increased opportunities for young people to get jobs. It is simply untrue to say that such an approach denigrates young people. The Government and Parliament have a duty to clamp down on the criminal behaviour that blights our communities, and we need to give young people the opportunities that they deserve and want. At the same time, we need to clean up our communities so that they can live in peace.

Elaine Smith (Coatbridge and Chryston) (Lab): Will the First Minister give details about specific policies in the programme for tackling poverty, deprivation and inequality? For example, will policies be proofed for their impact on such matters, as they will be proofed in respect of the environment? I am curious as to whether there is an inherent assumption that, given that economic growth is the top priority, it will lead automatically to the eradication of poverty, deprivation and inequality without direct Government intervention.

The First Minister: I believe that the policies that we have outlined to create more jobs, deliver higher economic growth, secure more opportunities for young people and improve our education service and our transport systems will lead not only to the creation of more jobs, but to poverty being tackled. In particular, I believe that education is a key route for young people to get out of poverty and deprivation and to give themselves the best possible chance in life. It is critical that we improve education in the schools that underperform most, because they contain most of the young people in question. Such young people deserve a better start in life than they currently have.

It is important that we make the right choices for our resources, which is why I mentioned a technical bill on free school meals to tidy up

legislation and ensure that those who currently benefit from free school meals have the opportunity to continue to do so. It is also important that we do not support free school meals for people who do not need them precisely because we want to tackle poverty. *[Interruption.]* I say to Mr Sheridan that we want public resources in Scotland to be targeted to ensure that poverty is tackled. They should not be spread right across the board so that people who do not need subsidies are given them. Our Administration is serious about tackling poverty in Scotland—Mr Sheridan's policies would be very wrong.

Murdo Fraser (Mid Scotland and Fife) (Con):

In view of the First Minister's welcome statement that he wishes to see the creation of conditions for economic growth, will he assure us that the Executive will not support legislation in this Parliament for third-party rights of appeal against planning decisions? Such legislation would be vigorously opposed by the business community and would do nothing to support economic growth in Scotland.

The First Minister: We are committed, in the partnership agreement, to consulting on improving public involvement in the planning system; that is exactly what we intend to do.

Robert Brown (Glasgow) (LD): The First Minister outlined in considerable detail his plans to speed up the court and children's panel systems. Does he agree that the public is best protected by diversion of children and young people from crime in the first place? Will he confirm that the basic priority is adequately to resource children's panels and hearings to do such a job? Will he say how that will be done?

The First Minister: We need a balanced approach. We must, as part of tackling the wider problems of crime and behaviour in our society, ensure that the right systems are in place to deal with the very small minority of young people who cause problems, and we must ensure that young people who need to be referred to children's panels because they have been involved in minor offending or have social problems have a decent panel system that can serve their needs. The right follow-up is required to allow them to get a better start in life—such things are important.

It is critical that we ensure that young people have in our communities the opportunities, support and recognition to encourage them into other activities. The issue is not just about ensuring that young people who are off the rails, or who are heading off the rails, are diverted into other activities or into confronting their behaviour, nor is it about ensuring that they are punished for their behaviour. It is about ensuring that those young people avoid getting into such situations in the first place, which not only requires public institutions,

local government, national Government and public bodies to provide facilities and opportunities for young people, but requires their parents—one or two parents—to ensure that those young people have the best start in life. We have a responsibility, as a Parliament and as a society, to say to all parents that they have that responsibility.

I hope that if we strike the right balance in ensuring that parents take more responsibility, in tackling the small minority of serious offenders, in ensuring that those who are either minor offenders or are starting to get into the system have better support, and in ensuring that the vast majority of young people have the right opportunities to divert them from crime in the first place, we will have the right package in place to ensure that our young people avoid getting into a life of adult crime.

Carolyn Leckie (Central Scotland) (SSP): Can the First Minister tell me what agreement he refers to in relation to the agenda for change for national health service workers? Was his statement not disingenuous given the current position of major trade unions? Given that there are many losers in the agenda for change—not least in terms of unsocial hours, overtime payments and worse protection arrangements—will the Executive use in full its devolved powers to agree and negotiate a settlement that is acceptable to NHS workers in Scotland? As part of that, will the First Minister—as he should—propose measures to ensure for NHS workers a minimum wage that is equivalent to the European decency threshold, and a maximum 35-hour week?

The First Minister: I hope that the member is aware that the minimum wage in the Scottish health service is above the national minimum wage. That is a good measure that we introduced and which should receive support throughout the chamber. It is important to recognise that additional investment in improved pay for anybody who works anywhere in the public sector runs alongside change, reform and modernisation to improve the service for those who need to benefit from it—whether they be parents and pupils, patients or the victims of crime. Investment must go with modernisation and reform. I believe that when we do that—as is being done through the agreed programme of the agenda for change—we will see a better health service as a result.

Christine May (Central Fife) (Lab): I welcome the First Minister's earlier answer that locally based solutions were the ideal ones to ensure that antisocial behaviour is tackled effectively. Can he assure Parliament that he will take account of projects such as the Drugs and Alcohol Project Levenmouth, which he visited recently? That project, uniquely, works with young people of school age who are either substance abusers or who live in families of substance abusers. It also

works to great effect with the courts on the pilot drug treatment and testing orders in reducing antisocial behaviour and low-level crime.

The First Minister: Yes—that project in Levenmouth is inspiring. It deals with a relatively small number of people, but it transforms lives that were in a dreadful state. The people who work there deserve every credit for their activities. The young, and some not so young, people who are trying to get themselves away from a life of addiction also deserve every credit for the efforts that they are making—many of them successfully—to improve their lives and, in some cases, the lives of their immediate families.

I think that we got many things right in relation to drugs in Parliament's first session. Measures such as the new legal framework; treatment and testing orders; the new Scottish Drug Enforcement Agency and the work that it has done to improve seizures of drugs; and the targeted efforts to ensure that we get the big drugs barons, seize their assets and repay those assets into the community were all very effective and important. However, a serious job must still be done in Scotland on rehabilitation services. A fresh and urgent priority for the second session of Parliament and this devolved Government is to ensure that rehabilitation services throughout Scotland become better than they are now and that they are not only more effective but more extensive. That is a particular issue in some parts of Scotland, such as the north-east. I certainly intend to see that through.

Nicola Sturgeon (Glasgow) (SNP): I welcome the commitments in the partnership agreement to expand the NHS work force, but I refer the First Minister to the NHS Quality Improvement Scotland report that was published yesterday. It states:

"Staff shortages continue to raise patient care risks."

In the light of that report, will the First Minister outline what initiatives he will take, not only to create extra staff posts in the long term but, much more immediately, to fill existing staff vacancies in our hospitals in order to ensure that we have adequate and safe staffing levels throughout the health service?

The First Minister: I think that Miss Sturgeon is aware that a range of initiatives are in place to try to secure more nurses in our hospitals and elsewhere, and to secure more doctors and dentists. Health boards are pursuing specific initiatives for different parts of Scotland and the Executive is pursuing initiatives nationally. I would be happy to write to Miss Sturgeon to remind her of those initiatives, if she wishes me to do so.

It is important to recognise that we do not need only to fill vacancies in the short term, but that we must increase the overall work force of the health

service in Scotland, which is exactly what the partnership agreement will do. We do not need legislation to achieve that; instead, we must ensure that we put sufficient resources into the health service. The resources that will be provided in the next four years will provide the opportunity to increase the work force, but the resources must be matched with reforms in the health service to ensure that it is as effective as possible.

John Swinburne (Central Scotland) (SSCUP): I thoroughly enjoyed the First Minister's statement on the Executive's programme—much of which I agree with—but it seemed to contain a sin of omission. Twenty-five per cent of the population of Scotland are senior citizens, but "A Partnership for a Better Scotland" contains 79 words appertaining to senior citizens. There seems to be an imbalance—a quarter of a million people of my generation live below the Government's poverty level, but that does not seem to be worthy of a mention from the First Minister.

The First Minister: I will make two points. First, I believe that we made great strides in the previous session of Parliament by ensuring that the quality of life for Scotland's pensioners was significantly improved through free personal and nursing care, free local bus travel and the central heating initiative. However, I believe that we must keep up the momentum, which is why it is important that we have a national concessionary travel scheme for elderly citizens. To achieve that, we must put in place a national transport authority, which we will do step by step during the next four years.

Secondly, it is important that we recognise that although many of the Executive's proposals might not be of direct or immediate financial benefit to pensioners, they will have a major impact on pensioners' lives. If the proposals for tackling crime and antisocial behaviour that I outlined in my speech will have more impact on one group of Scottish citizens than on any other, that group will be senior citizens. I look forward to John Swinburne's support for Parliament's adoption of those proposals.

Mrs Nanette Milne (North East Scotland) (Con): I welcome the First Minister's NHS waiting-time targets for 2005 of six months for in-patient treatment, 26 weeks for out-patient treatment and 48 hours for access to GPs, nurses and health care professionals. Can he explain how he will achieve those targets?

The First Minister: We will achieve the targets through the commitment to investment and reform. We must increase the capacity of the service and we must ensure that it is reformed so that it can deal with people more quickly and effectively. That is why, in the past 12 months, we have concentrated on bringing down the longest waiting

times. As everybody expected, that approach—which all members called for prior to the change in policy—has led to an increase in the total number of people on waiting lists. However, the approach will ultimately mean that people who have been waiting for months and months for important operations—all members meet such people regularly—will have their operations done within the target time.

The experience of the national waiting times unit, hospitals, health boards and GP practices in driving down the longest waiting times will stand them in good stead as they move the waiting times down even further towards the targets—in fact, they are guarantees—that we have set.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I welcome the First Minister's commitment to free dental checks—which is on page 10 of the partnership agreement—as will my constituents. The NHS dental service in Caithness, Sutherland and Easter Ross is in a state of near crisis. One of the problems is that the Conservative Government, in its infinite wisdom, shut down the Edinburgh dental school, which is why we are short of about 500 dentists. Does the First Minister recognise that that shortage might undermine the laudable policy of introducing free dental checks? What proposals does he have to address the problem?

The First Minister: The Deputy First Minister says, "Loads", which is a good answer.

We need to ensure not only that we are providing the right incentives for dentists, but that the charging and repayment systems for dentists are right, especially in our rural communities, where a problem in the financial arrangements appears to be leading to dentists' no longer finding normal work in the national health service attractive. We also need to ensure that we address the capacity problem.

In the partnership agreement, we propose initially to ensure that we make additional provision in Aberdeen. However, we need to take a comprehensive look not just at the north-east, but at the whole of Scotland, to ensure that people have the opportunity to study to become dentists, to graduate and to move out into the community. I do not want to be perceived as wanting to turn potential students away from Scotland, but our dental schools are heavily used by an underprovided-for service in England, so we must ensure that we do not act in isolation to improve the opportunities for people to study to be dentists. We must also ensure that people in England have the same opportunity, thereby perhaps freeing up some places in our Scottish dental schools.

Dr Sylvia Jackson (Stirling) (Lab): Will the First Minister give an assurance that the legislation

for the regulatory framework for water and sewerage services will involve a radical review of water and sewage treatment, and that what will come from it will be the necessary investment that is sorely needed in some rural areas?

The First Minister: The proposals that will come forward will be designed to sustain the substantial investment that is taking place to ensure far better standards of water and sewerage systems throughout Scotland. We will also ensure that there is an efficient and effective system for the longer term. The proposals will be published by the Minister for Environment and Rural Development in due course.

Fiona Hyslop (Lothians) (SNP): Does the First Minister agree that it is important that we have a responsive and listening Government? The additional learning support legislation that he has announced causes some concern among parents who feel that they have not so far been listened to in the consultation process, and there are serious concerns about the implications of the record of needs proposals. Does he agree that special needs legislation needs special care? Will he give his personal commitment that the record of needs proposals will not compromise provision for special needs children?

The First Minister: I hope that the member recognised in my statement the sincerity of my view that all children with special needs—not just looked-after children, to whom I referred specifically—must receive the best possible quality of education to ensure that they have the best possible start in life and that they have every opportunity to develop their talents. I know from experience how important that can be for youngsters in many parts of Scotland. I also know how important it is that those youngsters and their parents have choice in their education provision.

For some, a mainstream education service is right and for others a specialist education service is right. That choice is fundamental and I defend it. It is also important that we listen to the consultation responses that we have received on the proposals that were made earlier this year. It is because we are listening to those responses and because we will consider carefully the final proposals that we will make that we do not plan to publish a bill on additional support for learning in the next few weeks. We will take our time to do it properly, and there will be further informal consultations of those who have an interest. We will thereafter produce proposals that, I am sure, will be fully debated in the Parliament at a later stage.

Phil Gallie (South of Scotland) (Con): The First Minister stated that he saw no need for further constitutional change. Has he studied the European convention's draft proposals? If so, what

impediments does he see in them to the wishful statement that he has made today?

The First Minister: As I said, the European convention's proposals and the proposals that will come from the European Commission in relation to improvements in the way in which it conducts its business will not satisfy every suggestion that I have made over the past two years about improving the way in which devolved Governments can participate in the European Union. However, there will be some improvements—not only in the European convention's proposals, but in the proposals on improved procedures that will come from the European Commission.

They will be important changes that will represent a big shift for some of the other European Governments that are not by nature decentralising Governments. There is a mixture of Governments in the European Union: some do not wish to give extra powers to their devolved Governments; others are like the UK Government, which has been keen to support our proposals. I hope that we can go some way towards improving our engagement, then take the opportunity to do so.

Mr Gallie is welcome to debate the constitutional status of institutions elsewhere, but we in the Scottish Parliament should stand up for Scotland and do the right thing.

Johann Lamont (Glasgow Pollok) (Lab): I welcome the First Minister's comments on the importance of strong and safe communities. Does he agree that there are serious concerns in our communities about the impact of drug dealing, not only on those who are drawn into the misery of drug abuse, but on those who have to live with the misery of having drug dealers as neighbours? In developing further action in relation to drug dealing, will he examine in particular ways in which private landlords whose tenants are involved in such activity can be made to take their responsibilities seriously?

The First Minister: We have all come across problems that have been expressed consistently by people who are suffering in certain situations. One such situation, which seems to crop up time and again, relates to people who have bought a council flat in a stairway in which other flats, having been bought and sold, are being rented out to people who have been accused of selling or trading in drugs, and who are causing havoc in that stairway and the local community. That issue requires urgent attention, not just in relation to crime that is currently taking place—which we need to clamp down on—but in relation to the right of the people in a stairway to demand a certain degree of action from landlords who, by renting out their property, abuse their property and the people who live nearby.

Mr Jim Mather (Highlands and Islands) (SNP): Given that, at the recent annual dinner of the Confederation of British Industry, Gordon Brown said that the debate on tax has moved from harmonising internal rates to tax competition and being competitive in a global economy, why does the First Minister believe that Scotland can progress without the power to compete on tax?

The First Minister: The Chancellor of the Exchequer would have made that comment because he was proud of the fact that Scotland and the rest of the UK enjoy one of the lowest business tax regimes in Europe. I hope that Mr Mather will welcome that situation.

Bristow Muldoon (Livingston) (Lab): I welcome what the First Minister said about health reform, especially the intention to reduce unnecessary bureaucracy in the health service and to put the patient at the centre of decision making. Does he agree that decision making has in the past been too centralised and that patients and front-line practitioners have not been sufficiently involved? Will he give a commitment that the Scottish Executive will not tolerate such an approach from the health service, even in advance of new legislation being passed?

The First Minister: I hope that health boards throughout Scotland will take seriously the agenda that we have set out. In many parts of Scotland, that agenda is working well. Clinicians from various backgrounds are working together in an integrated way to deliver a package of care that is bringing down waiting times, saving lives and ensuring that people have the quality of care that they expect in the 21st century. Our agenda is not simply to do with removing a layer of bureaucracy; it is to do with ensuring that in our hospitals, GP practices, local health care co-operatives and community health partnerships we have groups of professionals working together in an integrated health service that puts the patient, rather than the system, first.

The Presiding Officer: That concludes questions to the First Minister.

Dennis Canavan (Falkirk West): On a point of order, Presiding Officer. I thought that I heard you say that, following the First Minister's statement, members would have an opportunity to question the First Minister, but not to make mini-statements. You said that four minutes would be allocated to the leader of the SNP and the leader of the Tory party. However, in effect, both of them made mini-statements in their four minutes, which is longer than the amount of time that some of us are given to make a speech in this place.

In the first session of Parliament, I pointed out that our standing orders provide for all members to be treated equally by the Presiding Officer, but

that does not seem to be happening. It seems to be that the standing orders are being breached as flagrantly in this session as they were in the previous one.

The Presiding Officer: I was perfectly satisfied with the questions that Mr Swinney and Mr McLetchie asked. The debate seemed to me to be balanced. If you look at the print out of who spoke in the debate, you will find a pretty good image of the Parliament's composition. As I said earlier, it is not possible to strike a balance in any one debate in the Parliament; it is a matter of swings and roundabouts until we reconsider the standing orders. I think that you will find that there is more than a cut for you between now and the recess.

Subordinate Legislation

Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 2003 (SSI 2003/244)

Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 2) (Scotland) Order 2003 (SSI 2003/245)

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is a debate on motion S2M-61, in the name of Malcolm Chisholm, on the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 2003 (SSI 2003/244) and the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 2) (Scotland) Order 2003 (SSI 2003/245). As there have been requests from Opposition parties for the minister to take interventions to clarify points of detail, I intend to compensate him fully for such interventions in his allocation of time.

15:31

The Deputy Minister for Health and Community Care (Mr Tom McCabe): Today's debate concerns two emergency orders that ban the harvesting of king scallops in waters off the west coast of Scotland due to the presence of amnesic shellfish poisoning—ASP.

As members are no doubt aware, ASP can be a serious risk to human health. Since monitoring for ASP began in 1998, Scottish waters have been subject to frequent and widespread closures, particularly in the spring and summer months when the algal blooms associated with the toxins occur most frequently. The cause of those blooms is still largely unknown, although a number of factors, including increases in sea temperatures, have been suggested.

However, the impact of the presence of ASP and other toxins that affect shellfish is very clear. The extent of closures in previous years has resulted in considerable disruption to fishing activity, and although fishermen are often able to redirect their activity to areas that remain open, the imposition of closures again this year will be a source of considerable frustration and disappointment to the scallop industry.

Nevertheless, it is of paramount importance that we do all that is required to protect public health. It is equally important that our response is proportionate to the risk and that we continue to work with the industry to develop informed practices that help us to protect the industry's

reputation and, wherever possible, minimise the disruption to trade.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): We all acknowledge the need to protect public health. However, is the minister aware of a letter from Paul Gallagher—a scallop fisherman—which appeared recently in the *Fishing News*? That letter pointed out that, over the period during which the current regime has been in force—namely, the past four years—there was a gap of 10 days between the catching of scallops that tested positive for ASP and the closure of the box from whence they came. That means that a huge quantity of scallops that apparently were a risk to public health has been consumed. Is the minister aware that Mr Gallagher has estimated that 9.6 million meals of such scallops have been consumed? Is he also aware that there has not been a single case of ASP, despite 9.6 million meals of apparently bad scallops being eaten over the past four years?

Mr McCabe: I confirm to Mr Ewing that I was not aware of that letter. However, I am aware—and will mention later in my speech—that there are inspections before the product goes to market. The industry is required to ensure that the product that it takes to the market is safe for human consumption.

I fully appreciate the industry's concern about the actions being taken, but responsible people in the industry—and the vast majority of people in the industry are fully responsible—and responsible politicians will pay heed to the advice that is issued, which raises questions about the potential impact on public health. I do not underestimate for one moment the extent to which these occurrences impact on the industry's capacity to earn the people who work in it a living.

The orders before the Parliament today are a consequence of the sampling and monitoring regime for algal toxins, which is the responsibility of the Food Standards Agency Scotland. As an independent, non-ministerial Government department, the agency has the unique legal power to publish the advice that it provides to ministers. Under European Community legislation, all member states are required to have a monitoring programme in place and to close waters affected by algal toxins when certain limits are exceeded. Specifically, in the case of ASP, if monitoring reveals that the maximum toxin level of 20 micrograms per gram has been reached, action must be taken.

Stewart Stevenson (Banff and Buchan) (SNP): The limits are complex: a level of 250 micrograms of domoic acid per gram in the whole animal is stipulated in the European legislation. An interesting point relating to scallops after spawning was made by Doug McLeod during the Rural

Development Committee meeting on 8 October last year. Spawning causes the scallops to lose weight, but the amount of domoic acid in scallops in an area affected by algal bloom remains the same. Therefore, although the actual amount of domoic acid remains the same, the concentration rises.

Is the minister aware that the present methods of assessing the risk to the public are based on poor statistics, and that the level of 25 micrograms of domoic acid per gram, which forms the basis for closure, is based purely on research on mussels that was undertaken in Canada 20 years ago and which is increasingly irrelevant to scallops and to the health of the human population that eats them?

Mr McCabe: I am aware that the Food Standards Agency is involved in a variety of research programmes that are aimed at refining the science. I am also aware that the agency is interested in doing all that it can to minimise the incidence of closures.

I have mentioned some of the obligations under European law. As part of its monitoring programme, the Food Standards Agency regularly monitors 40 coastal sites and a network of offshore boxes around Scotland for algal toxins. That monitoring and surveillance work for marine bio-toxins is carried out by Fisheries Research Services at the marine laboratory in Aberdeen, which is the United Kingdom's national reference laboratory on these matters. The marine laboratory regularly participates in trials with other laboratories throughout the EC to ensure that consistent standards are being applied across Europe in monitoring for the toxins.

As I said, I am aware that the Food Standards Agency has a number of research projects under way on various shellfish issues, including algal toxins. The agency has indicated its support for any industry-led initiatives that are aimed at ensuring a proportionate response to the public health risk.

Recent experience has demonstrated that it is unfortunately very hard to predict the duration of the toxic events and, consequently, how long any prohibition may have to remain in place. However, the sampling programme is designed to ensure sufficient flexibility to undertake targeted sampling in affected areas. The purpose of that is to ensure that prohibitions remain in place for no longer than is absolutely necessary.

Richard Lochhead (North East Scotland) (SNP): The minister indicated that some research was under way. Could he take a few seconds to outline the specific nature of that research? Can he tell the Parliament whether any of that research relates to the synergy between naturally occurring

acids and the acids that lead to scallops being deemed toxic?

Mr McCabe: I am not in a position to give specific details on the research, but I am happy to write to Mr Lochhead with the information.

It is important to emphasise that, just as toxins take some time to accumulate in the flesh of shellfish, in the case of scallops they also take some time to disappear. Judgment on the frequency of sampling in affected areas must therefore take account of the level of toxin in the animal at the time the last sample was taken.

Another important point when dealing with such potentially dangerous toxins is the rapid and effective communication of up-to-date information on the closure or the reopening of production areas. To support that, the agency issues weekly reports on its sampling activities, which are made available to the industry and other interested parties via its website and through local environmental health offices. The information includes details of all new and existing closures as well as details of those areas that are open to fishing or subject to precautionary advice.

It is in the best interests of the industry to ensure that it is aware of the status of any given production area in which fishing activity is planned. Failure to obtain that information not only puts public health at risk, but carries the risk of enforcement action. It is worth mentioning at this point that even when production areas are unrestricted the industry has an obligation to ensure that the products that it places on the market are safe by carrying out regular end-product testing.

In the days leading up to this debate, I received a considerable number of representations from members whose constituents are directly affected by these orders. I assure members such as Tavish Scott, John Farquhar Munro and Alasdair Morrison—and, indeed, the industry—that the Executive will continue to discuss their concerns with the Food Standards Agency and that we are keen to work with them to develop the most proportionate response possible to these occurrences.

Fergus Ewing: Will the minister give way?

Mr McCabe: I am about to sum up.

The orders represent measures to protect consumers from amnesic shellfish poisoning as required under European law.

I move,

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 2003 (SSI 2003/244) and the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No.2) (Scotland) Order 2003 (SSI 2003/245) be approved.

15:42

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I hope that it is in order for me to begin by mentioning Rhoda Grant, who served in the first session of the Scottish Parliament and is not with us today. I know that she made a solid contribution to the Rural Development Committee, particularly in respect of the matter that we are debating. We look forward to seeing who replaces her on the committee, especially as I understand that in Labour MSP circles it is known as the sin bin. Perhaps if Rhoda Grant had come third rather than second in the election she might have aspired to ministerial office. Sadly, that was not to be.

Today's debate concerns an issue that has been debated often in committee. I welcome the opportunity to raise it in the chamber, because at stake here is the future of the scallop industry in Scotland. The Rural Development Committee has had the benefit of advice from fishermen throughout Scotland, from so-called scientific experts, from European officials and from the FSA. It is abundantly clear that unless we reach a fair solution to this problem with all the bodies involved the future of scallop fishing in Scotland will be at risk.

I quoted from a letter from Mr Paul Gallagher, a scallop fisherman who has lobbied the Parliament about this matter. He has demonstrated that between the time when a scallop is caught and removed from the sea and the time when it tests positive for amnesic shellfish poisoning and the box closes there is a gap of about 10 days. During that period, scallops continue to be fished and eaten. Mr Gallagher has worked out that, over the relevant period of approximately four years, if an average of 30 boxes were closed each year, 30 times 50 tonnes—or 1,500 tonnes—of scallops that were supposedly above the limit were consumed. On the basis of a portion size of three scallops per meal, he has computed that 1,500 tonnes represents 9.6 million individual meals of scallops from areas where some scallops have proved to be over the limit. If 9.6 million such meals have been consumed, why has there not been one reported case of amnesic shellfish poisoning?

Like the minister, we all support public health measures and believe that we must take a responsible approach. However, on the basis of the existing evidence and the figure of 9.6 million meals to which I referred, it seems abundantly clear that the statistical likelihood is that someone should have become ill during the four years in which this regime has been in force. That has not been the case. The only logical conclusion is that the existing regime is far more stringent than is necessary to protect public health.

I hope that this Parliament acts on argument rather than assertion—unlike the situation that I observed over the last four years. If the Parliament believes that it should proceed by reasoned argument, the only conclusion will be that the current regime is unnecessary and—what is more—a serious threat to the livelihood of fishermen.

Many of us doubt the requirement for the existing rule, but that rule is about to be tightened. The regime will be replaced by a regime that the FSA apparently recommended last October and November when it came before the Rural Development Committee. The new regime will impose limits that are four or five times more stringent than the one that has produced no cases of proven illness out of 10 million meals. What will be the effect of that? According to Hugh Allen of the Mallaig and North West Fishermen's Association, the effect will be to close down the scallop industry. The FSA has proposed an exemption from the directive, which would require either tiered testing or whole-product testing. However, the way in which that would operate would require fishing boats to sail every week to every box, sailing 500 miles just to get a sample and incurring massive extra cost and a massive reduction in the profitability of each boat. Under the new regime, boxes will not remain open until it is proven that the scallops there are perhaps lightly affected. They have to be closed unless there is evidence that the scallops are not infected. Fishermen will have to fish all the boxes to bring back scallops for testing. Only if that is done in between one and seven days will the scallop box be allowed to stay open.

It is clear what is required. The minister must meet the Scottish Scallop Fishermen's Association, which met yesterday, I understand. I hope that the minister and his colleagues Mr Finnie or Mr Wilson will meet the industry. I hope that the minister will undertake to do that to find a way forward. The research that the Scottish Executive Environment and Rural Affairs Department said was to be commissioned into the biochemistry of scallops must be commissioned. I understand that that research has been blocked by the FSA or, at least, that the FSA is dragging its feet—despite the fact that it was instructed many months ago and the fact that the need for research was demonstrated last October, at the very latest, in this Parliament.

The methodology on which this ridiculous, more stringent testing regime is based is absurd. It assumes 12 scallops per portion—complete nonsense. It assumes that evidence applies to scallops when the evidence came not from scallops from the west coast of Scotland, but from mussels from the coast of Labrador. What is that about? How on earth can any scientist draw

conclusions on whether or not Scottish scallops are safe to eat when all the evidence comes from another species altogether? That species has different biology, different habits—it does not move—and different scientific reactions involving the differing chemicals such as domoic acid.

There needs to be scientific research and there needs to be discussion and debate. Until those things happen, there must be no regime that is more stringent than the current one. I invite the minister to undertake that no more stringent regime will be put in place until all the things that the industry is calling for are put in place.

15:49

Mr Ted Brocklebank (Mid Scotland and Fife)
(Con): It was a Dr William Butler, writing in the 16th century, who said of the garden strawberry:

"God could have made a finer berry had he chosen. But doubtless God never did."

I am sure that he would have said exactly the same thing about pecten maximus—the king scallop. I can think of nothing in marine gastronomy that comes anywhere near the flavour of the Scottish scallop. When virtually the entire west coast scallop fishery was closed down in 1999, it was not only a personal culinary tragedy, it was obviously—as scallops represent up to 22 per cent of the total landing value, and 10 per cent of the catching centre jobs, in the Highlands—a very real tragedy for those whose livelihoods were affected by the ban.

No one could defend diseased shellfish reaching the marketplace. Apart from being a public health hazard, they could cause massive damage to Scotland's reputation for quality seafood.

Let us look at the facts. Toxic algal blooms are a worldwide phenomenon that has caused problems in many countries other than Scotland. According to my research, amnesic shellfish poisoning was first detected in United Kingdom waters in 1996, not 1998. Most incidents of poisoning occur in summer and although symptoms are unpleasant, they are rarely fatal. As we have heard, the only recorded case of ASP occurred in Canada and it concerned mussels rather than scallops. No case of ASP has ever been recorded in Scotland.

It is suggested that someone would have to eat more than a dozen affected scallops to suffer any ill effects. I do not come from the part of the country that Mr Ewing comes from, where three scallops constitute a meal; where I come from, we take rather more. I do not wish to sound frivolous, but as scallops cost more than £22 per kg—that is, more than £1 each—any health hazards would appear to be confined to gluttonous millionaires rather than affecting normal scallop eaters.

There are other measures apart from the wholesale closure of scallop fishing grounds that we can use to protect against the possibility of poison. Surely the introduction of end-product testing, which the Scottish Fishermen's Federation proposed in February 2000, offers a possible solution. Experience shows that processing scallops removes the toxin. End-product testing would not only benefit the industry, but better protect the public health. Surely the commonsense time to test the product is when it enters the market. That would be better than introducing still further crudely defined closures, which the orders propose.

If ASP is detected, an entire arbitrary production area must be shut down and fishing for scallops in that area becomes illegal. However, it has been proven that very high and very low levels of ASP can be found in the same area on the same day. Therefore, the outright ban on scallop fishing is as illogical as it is unnecessary.

Irish scallops taste almost as good as Scottish ones. The Irish, who have also had problems with ASP, have introduced end-product testing. In December 1999, the European Union accepted that end-product testing was compatible with European law. If such a regime is legal under EU rules and is deemed acceptable for the people of the Republic of Ireland, why does it not satisfy the Scottish Executive? After all, on other contentious EU legislation on fisheries, the Executive seems all too keen to jump to Europe's tune.

Until a decision is made about a more sensible way to tackle the problem, we should be able to expect the Food Standards Agency and the Executive to get their act together to provide financial assistance to those who are under the most severe pressure, particularly those on the west coast. Passing the buck on compensation back and forth is simply not acceptable, especially when, as we have heard, communication appears to have broken down between the industry and the Government.

Let us be clear on one thing—if the ban continues for much longer, irreparable damage could well be done to a shellfish industry in the west of Scotland that is worth £10 million a year. It is vital for the economic health of our vulnerable coastal communities that support for those most seriously affected is forthcoming. I urge that the banning orders be lifted as soon as possible.

15:54

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Food safety measures are essential to protect the public—no one would argue against that. However, they should be used sensitively and in accordance with the potential

risk. In the case of scallops, the expertise of people in the industry must be used in the process.

The orders that we are considering will close off great sections of the western seaboard, particularly the Inner and Outer Minch, because of the high levels of toxins that have been found in scallop samples. Debate is likely to revolve around the new tiered testing system that the FSA is introducing. Members will recall that we had a long debate about whether that new system should be implemented. The industry has reluctantly decided that it would prefer the tiered testing system to the system of whole-animal testing that was previously in place. The tiered testing regime may not be perfect, but the alternative is that we comply with yet another European directive by closing a fishery whenever a whole-animal test for ASP toxins reaches 20 micrograms per gram. Such closures seem to happen regularly.

ASP and the closure of areas of sea bed have been the subject of a recurring debate since the start of the Scottish Parliament. The issue is difficult to square. On the one hand, the FSA must work within the legal framework that is set by our European commissioners and must ultimately carry the Government's responsibility for protecting public health. On the other hand, the scallop industry is struggling to survive. The current ASP testing regime creates uncertainty, which in turn affects future investment and viability. It has a particular effect on scallop farmers and divers, who arguably constitute one of the most environmentally sustainable sectors within the seafood industry.

It is generally accepted that we cannot argue against specific orders, but the blanket restrictions that today's orders would put into effect demonstrate clearly that the system is not working. The proposed new two-tiered system, which is supposed to improve matters, is likely to increase costs for both the FSA and the industry. Of the FSA's current budget, which is in the order of £5.7 million, £1.4 million is spent on testing for ASP. The new system is likely to cost a great deal more than that.

Legitimate questions must be asked about the accuracy of the figures. First, the original factor for risk associated with ASP was calculated from an incident of poisoning that occurred in Canada in 1987. That poisoning was traced to mussels from a single estuary off Prince Edward Island. Given that the poisoning did not occur in scallops, it is only right that the Executive should consider new research into the trigger levels for ASP in scallops. Secondly, as we have heard, the trigger level for ASP is calculated from a portion size that is based on 12 scallops. I believe that that is excessively cautious. It may be possible and quite acceptable

to consume 12 mussels, but I personally would find it quite difficult to consume 12 scallops.

As I said at the outset, we all want to support the industry. While legislating on food safety measures that are essential to protect the public, we should also consider the plight of the fishermen, who are trying to exist in difficult circumstances. We should support their pleas as well.

The Deputy Presiding Officer: We move to open debate. I will call as many as I can of those members who have asked to speak.

15:58

Mr Alasdair Morrison (Western Isles) (Lab): I am happy to contribute to this discussion on orders that we will approve later today and which directly affect the fishing grounds immediately adjacent to my constituency of the Western Isles.

I totally agree with everything that the Deputy Minister for Health and Community Care said about the need to protect public health. I am sure that, as Tom McCabe conscientiously goes about discharging his duties under his portfolio in the Health Department, he will take account of other aspects of the issues that help to inform the decisions that he takes. However, members will appreciate that, as the orders concern waters on the west coast of Scotland, I will obviously take a constituency perspective on the matter.

In the past two years, Western Isles fishermen have caught and landed some 10 million scallops, which have been processed in the Western Isles. Those scallops have been consumed by some of us in this chamber and by people throughout the United Kingdom and across the important markets of the European Union. Since the current testing regime was put in place, not one batch of those 10 million scallops has been recalled. I am sure that that fact will not be lost on the minister.

I appreciate and support the need for in-depth and accredited scientific research into the complex issue of the threat from ASP. I also appreciate that it will take time to come to conclusions on such a complex issue. Some members have not acknowledged that the previous Executive put its money where its mouth was and contributed financially to scientific study. That research is needed and will confirm that the current testing regime safeguards public health—which is the primary concern of the Deputy Minister for Health and Community Care—as well as the reputation of our scallop industry.

In the tempestuous international marketplace, the reputation of a food industry sector can be ruined in a moment. We have seen that all too often over the past few years. As responsible

politicians, we have a duty to protect not only consumers, but the men and women who fish and earn a living from the scallop industry.

I was pleased to hear Tom McCabe say that he wanted to develop the most proportionate response to the occurrences of ASP. The current regime is proportionate and sensible and it allows the scallop industry to continue to thrive. Like other colleagues, I believe that the European Commission's proposals would have a disastrous effect.

I am certain that, when Tom McCabe was appointed Deputy Minister for Health and Community Care, he did not for a moment believe that his first contribution on health matters would be on fishing and fishermen in the Western Isles. I know that he takes seriously the responsibility of protecting the health of Scots and other consumers in the United Kingdom and beyond. I will support the approval of the orders, as should every responsible politician.

I extend an invitation to the minister to come to the Western Isles, with officials from the Food Standards Agency—or any other official who has a locus in such an important area—to see for themselves how fishermen, processors, environmental health officers and other professionals work efficiently and effectively to protect the public from ASP.

16:02

Eleanor Scott (Highlands and Islands) (Green): We have to be clear on what we are talking about. We are talking about scallops, which are a quality product, particularly when they are harvested by diving—a much more sustainable method than dredging, which is not environmentally sustainable and is much more damaging.

We are talking about a product that is eaten and about the potential effect of toxins in that product. I would be the last person in the world to compromise on food safety, but we need only to test the bit that we are eating. That is why I support end-product testing. If we tested rhubarb in its entirety, the oxalate in the leaves would probably mean that the stems could not be sold as food. We have to be sensible. We are talking about a research project to find out not how much domoic acid is in our shellfish, but whether there is a hazard to health.

We know that amnesic shellfish poisoning is associated with algal blooms, which are a recurring and increasing phenomenon. We should not just roll over and let those blooms continue to occur. I hope that, if it is not already happening, the minister will institute research into why those algal blooms are recurring and whether some of

our practices in our marine and offshore environments are contributing to them. Global warming, which has been mentioned, might also be a factor and there might be other factors that we can control. We should not just accept as a fact that our scallop industry will be on such a rollercoaster because of the algal blooms. Will the minister institute a programme of research into the prevention of algal blooms, thereby stopping amnesic shellfish poisoning being an issue in the first place?

16:04

Stewart Stevenson (Banff and Buchan) (SNP): I regret that it was not Jamie McGrigor who was entertaining us from the Tory side of the chamber. I hope that that does not indicate—given that the issue relates partly to the gonads of scallops—a permanent emasculation of the former Tory fisheries spokesman. However, I congratulate Ted Brocklebank on his maiden speech. I look forward to many a happy joust with him on the subject of fishing over the next four years, or however long he may last.

In the opinion of the Scottish ministers, the circumstance that gives rise to the orders is that scallops in the designated area may be affected by the toxin that causes shellfish poisoning in human beings and so may create a hazard to human health if they are consumed. That goes straight to the nub of the issue. Indeed, there is considerable ambiguity in the European regulations. The original directive—91/492/EEC—was, interestingly, based on an official's visit to Japan, where he saw a different kind of scallop being used and prepared in an entirely different way.

The later directive—97/79/EC—under which the order is being made, does not seem to require the kind of testing that we are considering for shucked scallops, for example. The directive has, of course, enabled the introduction of a new regime with tiered testing. However, as the then Deputy Minister for Health and Community Care, Mrs Mary Mulligan, told the Rural Development Committee in a letter of 23 December 2002, that regime is not mandatory. I hope, indeed, that it will not be mandatory and that it will simply not be introduced.

There has been no incidence of any kind of illness from scallops in Scotland. Two illnesses can arise from the consumption of scallops that are contaminated by domoic acid: gastrointestinal difficulties and loss of memory. I think that the latter happens occasionally in the chamber, so perhaps there is a real problem after all—perhaps the minister can tell us whether he eats scallops and from where he got them.

I regret that the minister did not take as many interventions during his opening remarks as might have enabled the large number of outstanding questions to be responded to. I hope that he will view his future contributions in a different light. I will just suggest to him a few of the questions that he might address in his closing remarks.

What timetable is there for research into scallop portions? Reference was made to correspondence between the FSA and various European institutions, but have the European institutions made any substantive response following the meeting of the Rural Development Committee on 19 November 2002, which was some six months ago? It is important that we significantly influence the European approach to the whole issue, which is not so much about health as about the problems created for the industry by an over-rigid, over-regimented approach to risks to human health.

The Deputy Presiding Officer: Mr Stevenson, my apologies to you for not giving you notice that you were in your final minute, but you are now over time.

Stewart Stevenson: I am obliged. I know that you are always very tolerant towards my contributions, Presiding Officer.

I have one final question that I would like the minister to address. Exactly what research has been going on since the Rural Development Committee's various meetings on the subject last year? How much of the research is being funded by the financial instrument for fisheries guidance? I ask that because I believe that the Europeans, who are inflicting the directive on us, should bear some of the financial burden of the research that we have to undertake.

16:09

Dr Elaine Murray (Dumfries) (Lab): I congratulate the Deputy Minister for Health and Community Care on his appointment and on his first speech in his new role. Over the past 18 months, I have not kept up with the issue with which the orders deal, but before that I had two and a half happy years as a member of the Rural Affairs Committee and then the Rural Development Committee. I certainly never heard it referred to as a sin bin and I had no idea that I was in the sin bin—but I know now, as they say.

Fergus Ewing paid tribute to Rhoda Grant for her tremendous work. She is a former MSP who is sadly missed by Labour members. I was well aware of the work that she and John Farquhar Munro did on the issue.

The minister will be aware from other members' speeches of the concerns about the testing regime. It is necessary and correct that public

safety must be paramount and I will support the orders for that reason. However, we know that the toxin tends to be concentrated in parts of the scallop that are not generally consumed. I certainly would not fancy eating the gonads of scallops.

I would be grateful if the minister advised the chamber whether the testing regime has had further consideration in the European Union, what role the Scottish Executive has had in any such discussions and what conclusions have been reached. As we have heard, the concern is that the results do not reflect accurately the toxicity of the edible portion of a scallop. Confidence in the research is necessary.

I echo Eleanor Scott's concern that the primary causes of the toxin and the toxic algae might be environmental factors, such as the by-products of fish farming or fertilisers that are washed in.

Maureen Macmillan (Highlands and Islands)

(Lab): Perhaps the member does not know of the research by Dr Kenneth Black of Dunstaffnage marine laboratory. Dr Black produced a paper, funded by the Executive and the Transport and the Environment Committee, that concluded that it was unlikely that fish farming caused ASP.

Dr Murray: That is a reassurance, but some environmental factor must be the cause. Until we identify the cause of the problem, the scallop fishing industry will continue to be threatened by its recurrence. It is important to undertake research to ensure that we understand better the root cause.

The Deputy Presiding Officer: That caught me short. There is time for a brief speech from Rhona Brankin.

16:12

Rhona Brankin (Midlothian) (Lab): I, too, welcome Mr McCabe in his new role as Deputy Minister for Health and Community Care. He might not know that we have something in common. I think that my first appearance as deputy minister with responsibility for fishing was on amnesic shellfish poisoning, but I cannot remember—it may have been on paralytic shellfish poisoning. That was a joke, by the way. That experience in front of the Rural Affairs Committee was fascinating.

I will talk about the importance of the shellfish industry to Scotland. This morning, I attended a Sea Fish Industry Authority and Seafood Scotland briefing. The other members who attended will understand the importance of the shellfish sector to the whole Scottish fishing industry. The sector is a major area of growth when the white-fish sector is under extreme pressure.

Fergus Ewing referred to the 9.6 million scallop

meals that are eaten. Unlike him, I do not represent a sea-fishing community, but I represent people who eat shellfish. I admit that I, too, contribute in a small way to the 9.6 million scallop meals that are eaten.

Wherever we live, we are all concerned about the future of the Scottish fishing industry. The shellfish sector's development is a vital part of that industry. If just one person died as a result of amnesic shellfish poisoning, that would spell disaster for the scallop sector. If we want to protect the scallop fishery, we must protect the consumer. If consumer confidence in scallops is damaged, the industry will be damaged. We must ensure that continuing, high-quality research informs our regulations and that consumer safety is paramount. I welcome the minister's comments and ask all members to support the orders.

16:14

Mr Jamie McGrigor (Highlands and Islands)

(Con): I congratulate Ted Brocklebank on an excellent maiden speech and I thank Stewart Stevenson for his concern about my well-being.

The other day, I was in a restaurant in the west Highlands where an Italian tourist asked me what he should eat from the menu. "Try the Scottish scallops or the local prawns," I said, "You simply cannot beat them." "Oh," he said, "I cannot eat the scallops or I will get the amnesiac poisoning and forget where I am and which lady is my wife." Although that might seem amusing, to many scallop fishermen, farmers and processors it is no laughing matter.

The scallop industry is hugely important in terms of income and employment to our remote communities. The product used to have a reputation that was second to none. Today, after four years of a testing regime and Liberal-Labour, the product lies in tatters. Cheap, inferior, foreign imports are taking over what were once firm Scottish markets. Despite scallop fishermen's efforts to comply with the new rules, they are going down the tubes. The regulations are unfair and unnecessary.

In a members' business debate on the problems of the scallop industry on 10 February 2000, I pressed Susan Deacon, who was the minister with responsibility for health at that time, to allow an end-product test that would

"ensure both public safety and a future for the scallop industry."

Susan Deacon replied that the monitoring of the internal programme was

"a carefully thought out and long-standing programme that meets our EU obligations as well as protecting public health."—[*Official Report*, 10 February 2000; Vol 4, c 1059 and 1070.]

That shows how, as usual, the Scottish Executive puts EU obligations before the interests of Scottish fishermen.

We have seen that happen throughout every aspect of the fishing industry and despite all its current problems. It is probable that the Scottish Executive is under instructions from Tony Blair. Why else would the Executive blindly follow EU directive 91/492, as amended by EU directives 97/61 and 97/79? Why, when the so-called science is based on an outbreak of ASP in mussels in Canada, will the Executive not stand up for Scottish scallop fishermen and a product that has not harmed anyone in Scotland or anywhere else?

I ask the minister to tell the chamber what the Executive has done to discover the cause of ASP in scallops. What has it done to discover the cause of the algal blooms, which is where the toxins come from? What research has it commissioned into the biochemistry of the scallop to try to ascertain the level at which the synergy of domoic, aspartic and glutonic acids becomes toxic—or, indeed whether there is such a level?

The Executive has had four years to do all that, but all that has happened is that the FSA has used three-quarters of its budget in an ever-more complicated programme to track down a disease that does not occur in Scotland. Meanwhile, the scallop industry is much worse off than it was four years ago. Its income has been slashed without any form of compensation being made.

It is dangerous and expensive to go fishing. If we want a Scottish fishing industry, the Executive should provide it with the encouragement that it needs rather than be concerned in the main with meeting its EU obligations.

16:18

Richard Lochhead (North East Scotland) (SNP): I, too, welcome Tom McCabe to his new position. I am sure that, when he saw the topic of his first debate in the chamber, he was brought back down to earth with a bang. The issue is complex. It is one that has taxed the Parliament for the past four years. Indeed, one of the first investigations that was undertaken by the Rural Development Committee in 1999-2000 was on this issue. The committee returned to the issue at the end of the last session and it has also been the subject of members' business debates, other debates and numerous parliamentary questions. Here we are again, at the beginning of a new session, discussing the same issue.

Despite the fact that we have been having this discussion for the past four years, the issues remain virtually the same today. We must resolve the situation, as it is not only a health issue, as

some members have referred to it, but an economic issue. The fishing industry is facing difficult times. If we consider where some of the scallop boats are based, we see that they are based in fragile, coastal economies in which the few remaining jobs in the scallop sector could not easily be replaced if they were to go.

Fergus Ewing referred to a letter that was published in *Fishing News*. It is a fascinating letter, as it contains an analysis of the ludicrous situation that we face in respect of the testing regime for ASP. The fact is that it takes 10 days between the scallop being sent away for testing and the box being closed. Meanwhile,

"28,800,000 scallops with supposedly dangerous levels of ASP have been caught, processed and consumed in the last four years with not one case of any ill effect."

The SNP will send a copy of the letter to Tom McCabe. I hope that he will read it, digest some of the issues that it contains and respond to them in a positive manner.

The fact that we are still talking about undertaking new research in 2003 when we first discussed the issue back in 1999 shows how slowly the wheels of this machine seem to move. We have been waiting for four years for this research to be carried out. Indeed, we are asking the same questions now in May 2003 that we asked four years ago, and only now has a minister stood up and told us that new research is being carried out, even though he does not know its exact nature. However, the research is the crux of the matter. We have to get to the bottom of this problem, because it would be unfair to impose such a ludicrous regime on a small sector of the fishing industry if there might be no justification for it.

At a meeting of the Rural Development Committee in the previous parliamentary session, my colleague Stewart Stevenson unveiled the fact that the majority of the FSA's resources—the vast bulk of its budget of a few million pounds—is spent on dealing with and policing this issue. However, I saw an edition of "Panorama" a few days ago, which investigated what is happening, particularly in Holland, with the importation of frozen chicken fillets to the UK and Scotland. The programme discovered that, after water was injected into chicken fillets, beef and pork protein was also injected to hold that water in order to boost the profits of the massive multinationals. We know that the FSA in Scotland should be turning its attention to many other issues. In fact, I have written to the Minister for Health and Community Care on the matter that I just mentioned, and I hope that ministers will speak to the FSA about its priorities.

This issue is another stark illustration of how European bureaucracy grinds some of our key industries to a halt. Indeed, it has taken us many

years to reach even this point because we have to wait so many months between the key meetings in Brussels that examine the issue in a European context. The FSA has to hear back from those committees, after which the matter comes back to ministers. Any other issues that might be raised have to go back and be discussed at reconvened meetings. On it goes, taking years and years. The Rural Development Committee asked ministers to use this matter as an example when setting out how issues should be addressed in Europe. I hope that they will do so.

I also hope that, the next time that Tom McCabe discusses this subject in the chamber, he brings us some good news for a change. I hope that he continues to discuss the issue with Ross Finnie, who also holds views on it. After all, it relates very much to attempts by the Minister for Environment and Rural Development to develop our rural economy. We should take that matter into account.

The SNP will support the motion, because that is the responsible approach to take, but we are utterly confident that, once the research that has been called for today has been carried out, the minister will return to the chamber to explain that the existing regime—never mind the proposed regime—is far too stringent and should be lifted.

16:22

Mr McCabe: First, I want to dismiss Mr Ewing's falsehoods about Labour members' views about the membership of the Rural Development Committee. His remarks were inappropriate and I hope that, having had time to consider them, he will think about withdrawing them.

Mr Ewing asked us how we will proceed with this matter. I assure him and the chamber that we firmly intend to proceed through a reasoned and objective consideration of scientific advice. Indeed, that is the only responsible way of proceeding. The matter has been treated that way before, and we will continue to take that approach.

It is important to point out that the industry is working closely with the FSA to develop appropriate measures. I cannot stress that too strongly. We should all encourage such developments. It is irresponsible to suggest that ministers could under any circumstances ignore scientific advice from the FSA. The public would be right to be concerned by such behaviour; indeed, all responsible politicians in the chamber would be concerned if ministers ignored such objective scientific advice from the FSA.

Fergus Ewing: I do not think that any member has argued any of the premises that the minister has outlined. Scientific advice must be accepted, but what is the scientific advice that underlies the

current regime? If more research proves that the 20 micrograms per gram test is overprotective, will the Scottish Executive and the FSA argue that the level should be raised?

Mr McCabe: Perhaps Mr Ewing is a victim of his own rhetoric. It certainly sounded to me that he was advocating that we should reject firm scientific advice, and I am sure that a number of members interpreted his comments in the same way.

Obviously, we have received advice that it would be dangerous for the public to consume the product in question when it contains such levels of toxins. We, and no doubt the FSA, would be happy if scientific developments led to a view that the acceptable level of toxins could be raised and the food would still be safe for human consumption. I am sure that if the continuing scientific work produces such a view, ministers and the FSA would be only too happy to endorse it.

Mr McGrigor: Does the minister accept that 90 per cent of the toxins that are found in scallops are in the gut and the mantle of the scallop, which are the pieces that are thrown away, and that if one bought a fish from a fishmonger in the round, with its guts still in it, one would hardly cook the fish with its guts inside? Is not this an example of the nanny state? Are we really discussing something that is designed to help the industry?

Mr McCabe: A member has just appropriately mentioned that we were not protected from BSE by a nanny state. Even if the figure that the member mentioned is correct, we should concern ourselves with the other 10 per cent of toxins that would damage human health. It is not responsible for the member simply to try to ignore that issue.

It is safe to say that there will always be disagreements about where lines should be drawn in respect of how precautionary it is necessary to be in protecting public health, but there is no doubt that public health should and must be protected.

In addition to ensuring that we meet our obligations under European Union law, the two orders that are before us introduce measures that are intended to protect the public from the risk of amnesic shellfish poisoning. ASP has the potential to cause nausea, vomiting, diarrhoea, abdominal cramps, short-term memory loss, hallucinations, confusion and seizures. Members have referred to an incident in Canada that tragically resulted in an individual's death.

Mr Brocklebank raised a number of points, specifically on end-product testing. When I spoke earlier, I said that end-product testing is in place, but I do not think that we have received any advice that it would be safe simply to rely on it as the sole measure of protecting public health. I am not sure whether Mr Brocklebank is advocating an end to

pre-harvest testing. If he is, he will understand that our view is that that would be highly irresponsible; if he is not, I am happy to restate that the aim is to minimise the need for it.

Mr Brocklebank: Perhaps the minister could address the point that I made—that if end-product testing is compatible with European law and is acceptable in Ireland, which also has a scallop industry, why have we in Scotland uniquely decided that we do not want it?

Mr McCabe: My information is that, in Scotland, we do all that is required to try to ensure a consistent approach to the problem across the EU and to comply with our obligations under European law.

A number of points have been raised that require clarification. The FSA has not blocked the proposed toxicological study, but wishes to liaise further with SEERAD and the scientists to ensure that the study reaches its intended objectives.

There was a question about portion sizes. A portion size study has been passed to the Commission for consideration by the industry itself, and that move is supported by the FSA.

Mr Morrison made a number of points. Like Mr Ewing, he would like me to speak to the industry and perhaps visit the Western Isles. I would be more than happy to consider taking up that invitation.

Eleanor Scott and Elaine Murray mentioned research. Research into the causes of the phenomenon is on-going. The phenomenon occurs throughout large parts of the world and we play a part in worldwide research.

Mr Stevenson made a number of detailed points and I will be happy to write to him with information on them. I mentioned that a possible side effect of ASP is memory loss. Perhaps Mr Stevenson has over-indulged in a certain kind of scallop, as he said that I did not take a number of interventions. That was not my impression of my opening remarks. Apart from one proposed and inappropriate intervention when I was winding up, I think that I took all the suggested interventions.

Jamie McGrigor made a number of points. I have to say that many of them were ill informed. He painted a depressing picture of the industry. Information indicates that the value of the industry is increasing year on year, so the picture of doom and gloom that Mr McGrigor painted this afternoon is, according to the information that I have available to me, inappropriate and inaccurate.

In summary, this is a consumer safety measure that is intended to prevent the harvesting of king scallops, which could pose a serious risk to public health. Although the industry will clearly be disappointed, protecting consumers must be our

priority, which is why I have today recommended the adoption of the two orders.

Charity Law Reform

The Presiding Officer (Mr George Reid): The next item of business is a statement by Margaret Curran on charity law reform. The minister will take questions at the end of her statement, so there should be no interventions.

16:31

The Minister for Communities (Ms Margaret Curran): I welcome the opportunity to make a statement to Parliament today about charity law. The topic is new to my portfolio and I welcome it, as charities are vital to our communities in Scotland. Charities deliver a wide range of services and their work with disadvantaged and marginal groups plays a key part in achieving greater social justice in Scotland. It is therefore essential that we enable charities to operate in a climate of trust and respect by providing firm and fair regulation in which the public can have confidence.

I am sure that members are aware from the press of the case of Breast Cancer Research (Scotland). I share public concern that money that was donated for charitable purposes has not been used as would have been expected. That has the potential of undermining charities in Scotland. I will not comment further, as the case is—as I am sure members are aware—sub judice. However, I pledge to the Parliament that I will, as the new minister with responsibility for charity law, look carefully at the issues raised by the case as I develop proposals for the charity legislation to which we are committed in the partnership agreement.

The Executive's response to the McFadden report—published at the end of last year—contains responses to all the recommendations in the report as well as setting out our plans for the way forward. We accept the thrust of the report—that there should be better regulation of and support for charities in Scotland.

Our plans will for the first time provide charities and the public with an up-to-date register of Scottish charities and a central source of support and advice for charities, their trustees and the public. We also plan to create the office of the Scottish charity regulator—OSCR—whose functions will include the routine monitoring of charities, for example through scrutiny of annual accounts. That will directly address a gap in regulation that has been a cause of concern for some time.

The Executive is working hard on the many tasks that need to be done to bring OSCR into operation as soon as possible. We have been carrying out a location review in accordance with

our policy of bringing the benefits of public sector jobs to the whole of Scotland. I will shortly announce where OSCR will be located and the regulator and other staff will be appointed swiftly thereafter.

The new regulator will be an agency of the Scottish Executive. The agency model is an established and effective way to deliver regulatory functions and its use means that we do not have to wait for a legislative opportunity to set up a regulator but can do so quickly. Our target is for OSCR to be operational as soon as possible and we will take swift action to move things on.

Those arrangements will deliver—and deliver soon—a more robust regime of regulation that will build on the wide powers available to ministers under existing legislation. Some of those powers have been exercised in the past few days by the Scottish charities office. I most certainly do not rule out putting the regulator on a statutory footing if I consider that to be necessary; I will give the matter detailed consideration as the regulator begins to take effect.

The changes that we are putting in place are designed not only to encourage and support the work of charities but to reassure the public that their money and support is not abused. To that end, OSCR will have teams that are engaged in monitoring, supervision and investigation. Close working within the agency will enhance its ability to intervene effectively and to stem potential difficulties before they become serious.

More serious matters will be pursued rigorously and action will be taken as necessary. Where necessary, the regulator will take civil proceedings in the courts on behalf of the Scottish ministers, for example to suspend trustees, to appoint a judicial factor to manage a charity's affairs, or to freeze a charity's funds in order to protect them. Where it is possible that criminal activity is involved, the regulator will refer the case to the Crown Office. It will be crucial that the investigations section of the regulator's office includes the expertise necessary to make judgments about appropriate actions and referrals, which is why the staff of that section will include a fiscal nominated by the Lord Advocate.

OSCR will take over and build on the good work of the Scottish charities office. It will have enhanced resources to allow it to carry out monitoring and to gather intelligence that might lead to the earlier detection of problems. OSCR will provide for the first time a central authority in Scotland that will receive and monitor charities' annual accounts. That will be done under ministers' existing powers to require charities to supply their accounts without payment. OSCR will also publicise the obligation on charities to make their accounts available to anyone who requests a copy and will seek charities' consent to include

copies of accounts that are sent to it on a publicly accessible database. Transparency is important if we are to provide the public with information and give confidence. Ministers will wish to consider carefully whether we should make that a statutory matter.

There might well be a case for tightening other areas of charity law. Public charitable collections are often the first point of contact between charities and the public, which is why it is important that the public should have confidence in the way in which collections are carried out. A framework for regulating cash collections exists at a local level, but the requirements are not always understood or enforced. OSCR will carry out a range of tasks to facilitate and encourage better local arrangements for public charitable collections.

The existing regulations do not cover collections by direct debit or standing order, which are sometimes called tabard collections. Fundraisers who use such methods should abide by codes of good practice. We have said that, in principle, local authorities should be able to regulate collections of promises of money. Such a measure would require a change in primary legislation, which I will consider.

The definition of a charity is key to deciding which bodies receive the benefits of charitable status and thus fall to be regulated. We agree with McFadden that the current definition of a charity is outdated and that a new UK-wide definition would be desirable. No such definition was in prospect when the McFadden commission carried out its work, but one is now. The Cabinet Office strategy unit report on charities and the wider not-for-profit sector offers a modernised definition based on the principle of public benefit and a wider range of purposes that encompasses, for example, the promotion of human rights and the advancement of amateur sport. The strategy unit's definition reflects the spirit of the McFadden recommendations.

The new definition would apply in Scotland through decisions of the Inland Revenue, but I do not want to rule out legislating for charitable status to be conferred in Scotland by the regulator, using either the same definition as the rest of the UK or a different one. However, we must bear in mind that the Inland Revenue would be an important part of the scene. Eligibility for tax relief, which is a reserved matter, is central to the viability of many charities and a key attraction of charitable status. As McFadden recognised, if a different definition were introduced in Scotland, we could get into difficult and confusing territory, with the possibility that different categories of charity would operate here. We must work through those issues, working closely with the charities sector.

I want to be abundantly clear that we are committed to legislation—I am deeply committed to it. The consolidation and updating of existing statutes is, to my mind, essential. We are on record as saying that legislation is required to introduce a new legal form for charities—the charitable incorporated organisation—to extend trustees' investment powers and to improve the procedures and powers of the charities nominee.

Further review might result in proposals to put the register of charities on a statutory footing and to extend the powers available to the regulator. As I have said, those extended powers might include the power to grant charitable status.

I am committed to better and more robust regulation of charities in Scotland. In the best interests of charities and the public, I will ensure that the new regulator that Scotland needs and deserves is put in place as quickly as possible. Experience will determine exactly what will be in the legislation that we introduce, and the new Administration will give further consideration to that. However, as I have made clear, I will not hesitate to legislate for a statutory regulator if I consider that to be necessary. We see our plans and the development of legislation as complementary. We believe it to be in the best interests of charities and the public for us to ensure that our plans are put into operation as early as possible.

The Presiding Officer: We have 19 minutes for questions, so they should be kept tight. I repeat my earlier caution that this is a time not for mini-statements, but for crisp questions and clear answers.

Linda Fabiani (Central Scotland) (SNP): I welcome the fact that the issue has been put back into the social justice portfolio. We were concerned when it was shifted into the justice portfolio and disappeared without our hearing much about it. However, the minister's statement was very much along the same lines as the speech that was given by the Deputy Minister for Justice just before the end of the previous session. Legislation has not yet been programmed, despite the fact that, in 1999, the Lib-Lab coalition promised to review charity law and that, in 2002, it promised to introduce legislation.

All that we are being offered now is a non-statutory Government agency—a regulator—as a holding measure that can be set up quickly. If the regulator can be set up so quickly, why was that not done in the previous session, rather than as an interim fix now that public interest has been raised because of the Breast Cancer Research case? The consultation has been well carried out and the sector is calling for legislation. What is the Executive's timetable? When will it commit to legislation on charity law in the Parliament?

Ms Curran: I welcome Linda Fabiani's support for the issue's being shifted to the communities portfolio. I re-emphasise my commitment to working in the field and my recognition of its significance. Members will know that the previous Executive gave much attention to the matter and consulted widely. It set up the McFadden commission and, once the commission had reported, it engaged properly—as it should have done—with the commission's conclusions and looked to carry its work forward.

We are now at an appropriate stage to move swiftly, with the establishment of the agency. Members will see that the proposed legislation is not in this year's legislative programme. However, through the work of the agency and the work that is being undertaken to establish the exact basis of the legislation, we can look forward to moving as effectively as possible to legislating. The policy and timetable that we have set out will allow us to ensure that the legislation is comprehensive and as effective as possible. I am sure that Linda Fabiani would welcome that.

Bill Aitken (Glasgow) (Con): Despite the answer that she gave to Linda Fabiani, and although we can all have 20:20 vision with the benefit of hindsight, I ask the minister to agree that the proposed action might, with advantage, have been taken much earlier. She will accept that the vast majority of charities operate in a perfectly satisfactory manner. In such circumstances, great care and sensitivity must be shown, and the Executive must ensure that any regulatory regime is not over-intrusive to the extent that the individuals on whom we all rely and who make a tremendous contribution to charitable causes throughout Scotland become discouraged. That is a problem especially for those who operate within the smaller charities.

Ms Curran: I welcome Bill Aitken's comments. This is an opportune moment to pay tribute not only to the many charities in Scotland and the work of the many volunteers associated with them, but to those who donate to charities throughout Scotland, as they contribute so much to our well-being as a nation. I hope that recent events do not undermine confidence in the sector. We should remind ourselves that wrongdoing is a minority activity in the sector and we should retain our confidence in the sector. I hope that the Parliament can take the opportunity to do that today.

Our attempts at regulation are meant to be balanced and effective to ensure that public confidence is retained and that the charity sector works effectively. That is why engagement with the sector has been so significant.

When we announced the setting up of the regulator, our policies were warmly welcomed by

many in the sector as a sign that things were moving in the right direction. I am open-minded about the evidence relating to the need for legislation to enshrine our policies and provide the proper framework. It is proper that we do that in a balanced and measured way so that we achieve what all of us want to achieve: an effective charity sector that protects the interests of the public—particularly the donating public.

Jackie Baillie (Dumbarton) (Lab): I welcome the establishment of OSCR, which was recommended by the McFadden commission. However, I believe that it needs statutory underpinning across its functions. The problem with the Scottish charities office is that it is reactive rather than proactive, as it relies on complaints being made.

We are in danger of unintentionally causing gaps in the system. What is a likely time scale for the bringing to Parliament of legislation to ensure that we do not have such gaps? Further, what is a likely time scale for defining charity in law, given that the current statute is 400 years old?

Ms Curran: I am sure that Jackie Baillie welcomes my comments, particularly as I do not rule out there being a statutory underpinning. I intend to consider that issue carefully as I am determined that the legislation that we introduce—not in the coming year, but as soon as possible, as I have indicated—will be the result of proper consideration of the basis on which the regulator should operate and the associated legislative framework. That will ensure that the office works properly.

I am sure that Jackie Baillie will be glad to know that, as part of my homework in preparation for today's statement, I read the comments that she made in the previous debate on this subject and that I am quite clear about her views on this matter. I hope that we can modernise all that surrounds charities in Scotland and take this opportunity to make sure that our approach is comprehensive and ensures that the sector is modernised and made suitable for the 21st century. We must work in partnership with the key organisations that know a great deal about this area and ensure that we contribute to bringing about a charitable sector that is appropriate for a modern Scotland.

Donald Gorrie (Central Scotland) (LD): The issue of how soon something is to be done is critical. The recommendations in the McFadden report were widely supported in the sector but the Scottish Executive's response to it was extremely feeble, as I made clear to the minister—one of my lot—who was then responsible for the matter.

Following the production of two excellent documents in London by the Cabinet Office

strategy unit and the Treasury, the English are now way ahead of us, even though we were ahead of them at the time of the appointment of McFadden. There seems to be a clear agenda and it would be useful if we could get on with it rapidly. I take courage from the fact that the minister left out the words "in due course", which were included in her written text and hope that that means that we are about to get on with it.

Ms Curran: Donald Gorrie tempts me. I assure him that this minister is not feeble and am pleased that he welcomes the fact that a Labour minister is in charge of the matter. I also assure him that I will give considerable energy and commitment to driving the policy forward. I will communicate his regards to Jim Wallace at the next Cabinet meeting.

I left out the words, "in due course" because I wanted to signal that I am determined to move on the issue. It is time to speed up what we have been doing in relation to charity law reform. I am committed to the establishment of the agency but I want to examine the work that has been done and the evidence of those who think that the agency will not go far enough. That way, I can ensure that what we come up with is effective and robust and that it delivers the balance and the confidence that I have already spoken about. I am confident that the work that we have already done will allow us to move swiftly.

Tricia Marwick (Mid Scotland and Fife) (SNP): The regulator will be able to carry out only the functions of the ministers, the Scottish charities office and the Lord Advocate that are prescribed in our inadequate charity legislation. Is there anything in the minister's statement that would have prevented the problems relating to Breast Cancer Research?

Ms Curran: We must consider all the evidence in that case. I do not want to play any political games with it, because I want to ensure that we develop the robust system of regulation that everybody expects that we will be able to develop.

I am advised that the case is in court because of the Scottish charities office's work. We need to develop that work. There is no doubt that there is an argument that we need to legislate and develop more robust regulation. I will consider the evidence in the Breast Cancer Research case and other cases in which we feel that the system has not worked properly or moved effectively enough.

The increased resources that will be allocated to the regulator, the connection with the Crown Office and Procurator Fiscal Service and the other measures that are being put together move us in the right direction. They allow us to establish the evidence that we need to be able to intervene in cases that give us cause for concern. However, it

is perfectly clear—and I have said—that we require legislation to move that further on.

Margaret Mitchell (Central Scotland) (Con): I welcome the minister's commitment to consider tightening the law on public charitable collections. It is vital that the public have confidence in those collections.

On the definition of charity, will the minister clarify whether the new definition, which will be based on public benefit, will have an impact on the charitable status of Scotland's independent schools?

Ms Curran: I wish to give attention to that matter. As I develop proposals for the new definition, I will consider the impact on independent schools. As my responsibility for charity law is new, I do not wish to be pre-empted on the matter.

Scott Barrie (Dunfermline West) (Lab): I welcome the statement from the minister and agree that we need to act on the recommendations that are contained in the McFadden report.

As the minister perhaps knows, Moira Adams is a constituent of mine. Her endeavours over many years have resulted in the case of Breast Cancer Research reaching the courts. Miss Adams holds an immense amount of information. Will the minister therefore agree to meet me so that she can hear at first hand what problems individuals face under the current law when they try to expose alleged maladministration within registered charities and why it is vital that the current law and system of regulation be updated?

Ms Curran: I am aware of Scott Barrie's interest in the matter. I believe that he raised it with Jim Wallace who, I recall, discussed matters relating to the case. I may have to be careful of the sub judice rule in relation to particular cases, but I would take great interest in considering causes for concern about the law and how it currently operates. I would be happy to meet Scott Barrie on the proviso that I would have to be careful about some of the legal issues. However, I am sure that he appreciates that.

Patrick Harvie (Glasgow) (Green): I do not want to push the minister on a question that has already been raised, but does she agree that there is a strong case for considering whether private schools—which, as the name suggests, are run principally for private, not public, benefit—should not have the right to qualify for charitable status under the new definition?

Ms Curran: I appreciate Patrick Harvie putting on record his views on the matter, which are clear. However, I give him the answer that I gave to Margaret Mitchell.

I make it clear to Parliament that the definition is of some concern. To break the mould a bit, I acknowledge what Linda Fabiani said about Parliament having considered the matter for some time. The will of Parliament is clearly to move on it. I genuinely wish to implement the will of Parliament on the matter and will give proper consideration to the range of issues that will be raised in that connection.

Mr Keith Raffan (Mid Scotland and Fife) (LD): I do not expect the minister to comment on the case of Breast Cancer Research. However, does she agree that there is a need for urgent action on commissioned payments? Will she undertake to consider that urgently? Will she also prove that she is not feeble by giving a firm commitment that, once the case is no longer sub judice, there will be a full public inquiry into Breast Cancer Research to explain why the Executive was alerted to the problem four and a half years ago and took so long to take action? We need the case to be exposed to public daylight, in the interest of public confidence in charities and how they are run in Scotland, and we look to the minister to ensure that that happens. Will she meet me too?

Ms Curran: I always end up with a lot of invitations after making statements to Parliament. I would be delighted to meet Keith Raffan. I appreciate the energy and commitment with which he speaks and I understand the drives that lie behind that. I have to be careful about what commitments I make about the case in question, as I am sure he appreciates.

I never anticipated that I would be encouraged to demonstrate my lack of feebleness, but I am more than happy to continue to demonstrate that. I absolutely understand the will and mood of Scotland and of the Parliament on the need to move swiftly on this matter. I pay tribute to the work of Jim Wallace—even if Liberal Democrat members do not—as significant progress has been made in this area and much consultation has been undertaken. The McFadden report was commissioned and we responded to it. Things were delayed for one or two reasons—there were some disputes and some disagreements within the sector—but we will now move on. Sometimes we have to take our time to get things right and I think that that is what we shall do.

Margo MacDonald (Lothians) (Ind): I declare an interest: I am patron of the Scottish Breast Cancer Campaign. My parliamentary office assisted Moira Adams in taking her case against Breast Cancer Research to the appropriate authorities.

I am interested in the implication that I think I detected from the minister when she said that she would consider the charitable status of private schools. She could, in theory, come to a different

conclusion on that matter from that of her counterpart at Westminster. Were that to prove the case, would it pose any difficulties with regard to establishing what constitute organisations with charitable status in Scotland, as opposed to campaigning organisations?

Ms Curran: Margo MacDonald knows that I would never wish to give my colleagues in England any difficulties whatsoever. We have a package of proposals, which I think have been—

Mr Brian Monteith (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. Could you ask the minister to speak towards the microphone rather than the questioner, so that we may all benefit from hearing her answer?

The Presiding Officer: The acoustics in this hall are poor, so if the minister could assist in that way, I would be grateful.

Ms Curran: I apologise. I was trying to be polite by addressing the questioner directly. It is quite difficult to do that, however. I will try to balance the direction in which I face. I ask Margo MacDonald to forgive me. I am not turning my back on her. Others may have done so, but I will not.

Members: Oh!

Ms Curran: That was a cheap shot—I apologise.

Charities will now quite properly be dealt with under the communities portfolio. There is some degree of overlap with the justice portfolio and I will keep up the appropriate contacts. I would like to develop a consistent and comprehensive policy and legislative framework that allows us to achieve what we want to. I will give due consideration to the facts that are presented and I will be happy to meet people to discuss the information or evidence that they wish to give to me.

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome the minister's statement. Will she confirm whether she intends to assess the work and the effectiveness of OSCR? If so, will she involve all interested parties and agencies in that assessment? Does she intend any such assessment to lead to legislation?

Ms Curran: I am happy to confirm that that is absolutely my intention. We will establish the agency because we think that it will have a significant impact on the charities sector. We will examine the effectiveness of the work being done and that will inform our views as we prepare legislation. I am happy to meet people with concerns about the operation of the agency so that it operates as effectively as possible. If the agency does not properly address what we need it to address, that should be reflected in legislation.

The Presiding Officer: That concludes questions to the Minister for Communities. I apologise to the three members who were not called.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): On a point of order, Presiding Officer. Am I right in saying that standing orders require a reasonable balance in the selection of questions between members of Executive and non-Executive parties? If so, could you explain which side of the fence the contributions of Mr Raffan and Mr Gorrie come from, and whether they display the good will and mutual trust that I believe are referred to in the partnership agreement and are the hallmark of the new relationship between the Liberals and their Labour counterparts?

The Presiding Officer: You should have listened to my remarks earlier in the day, Mr Ewing. I said that it is swings and roundabouts until the summer recess. I will strike a balance over time. Under the current standing orders, that is the only way in which to proceed. I urge members such as Mr Ewing to consider the overall picture during a week, rather than one specific instance. It is not possible to balance all parties within, for example, the 18 minutes that we had for questions today.

Decision Time

17:00

The Presiding Officer (Mr George Reid): There is one question to be put as a result of today's business. The question is, that motion S2M-61, in the name of Malcolm Chisholm, on the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 2003 and the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No 2) (Scotland) Order 2003 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)
 Baker, Mr Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Mr Rob (Highlands and Islands) (SNP)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (SNP)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Mr Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 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)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)

The Presiding Officer: The result of the division is: For 78, Against 14, Abstentions 1.

Motion agreed to.

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (Scotland) Order 2003 (SSI 2003/244) and the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No.2) (Scotland) Order 2003 (SSI 2003/245) be approved.

The Presiding Officer: That concludes decision time. I ask members who are leaving the chamber to do so quickly and quietly.

Dental Services in Grampian

The Deputy Presiding Officer (Trish Godman): [*Applause.*] Thank you.

The final item of business today is a members' business debate on motion S2M-43, in the name of Richard Baker, on dental services in Grampian.

Motion debated,

That the Parliament welcomes the proposals for a dental outreach centre outlined by the new Scottish Executive in *A Partnership for a Better Scotland*; recognises that there are huge challenges in addressing the shortage of NHS dental services in Grampian; further welcomes the fact that all 10 postgraduate training places in local dental practices have now been filled, and welcomes consultation on the further development of dental training in Aberdeen.

17:03

Mr Richard Baker (North East Scotland) (Lab): It is a great pleasure to make my maiden speech in the chamber this evening and a great privilege to have secured the first members' business debate of this session on such an important issue. Poor access to dental services in Grampian and many other parts of rural Scotland is a problem that the Parliament will have to address.

As this is my first speech, I would like to take a moment to say that I am proud to have been elected to represent North East Scotland. I have not succeeded a Labour member in that position, but I would like to pay tribute to Elaine Thomson for her work in representing Aberdeen North in the previous session. Over four years, she worked tirelessly and achieved a great deal for her constituents on issues such as the future of the energy industry in the north-east. I am sure that members from all parties would like to thank her for her efforts and wish her the best for the future.

I look forward to fighting our region's corner in the Parliament. It has already become clear to me that there are a number of issues on which members for the region work across party lines. Access to dental services is one of those issues, and I am pleased that my motion has received cross-party support. It is a great concern to all of us in the north-east that there are such evident problems in access to dental services in the region—especially access to national health service dentists.

That is a problem throughout Scotland. The number of dental graduates who opt to work in the NHS has fallen from 70 per cent to 60 per cent over the past 10 years. Although there are vocational training initiatives in Scotland, students too often choose to work south of the border once they qualify.

There is a particular problem because of the low

number of dentists who provide NHS treatment in the north-east. In the most recent report of the Scottish Dental Practice Board, from 2000-01, it was noted that some 63 per cent of children and 48 per cent of adults were registered with an NHS dentist. Those figures are below the national average for Scotland, which are 65 per cent and 50 per cent respectively. Since that time, the number of available dentists who practise in Grampian has fallen and many primary care dentists have moved away from NHS treatment to private insurance schemes for patients.

The Executive's action plan for dental services in Scotland shows that nearly 25 per cent of children are not registered with a dental practice, leaving them with no on-going dental care at all. That needs to be put in the context of the particular problem in Grampian, where there is one dentist for every 3,600 people. That compares with one dentist for every 2,300 people in central Scotland. In Aberdeenshire, there is one dentist for every 5,000 people. I welcome the proposal in the partnership agreement to introduce free dental checks. For that to happen effectively, we must first ensure that people have access to dentists.

I have spoken today to Robert Donald, who is the chairman of the Scottish dental practice committee. He told me of the shortage of dentists throughout Scotland and pointed out that the Highlands share many of Grampian's recruitment problems.

The fundamental problem in Grampian is recruitment and retention. Many posts for dental staff remain vacant. If that trend is to be changed, we will have to attract more dental undergraduates and postgraduates to the area. From my experience, people who come to Aberdeen to study enjoy living in the area and often stay or return to work there. The challenge must be to foster that environment for dental students.

A start has been made. A golden hello package has been introduced by the Scottish Executive with some £270,000 being allocated to Grampian. Those who are recruiting postgraduates to work in Grampian have had particular success this year. For the first time ever, the Aberdeen vocational training scheme for newly qualified dentists was filled before that of other more centrally located schemes, with all 10 postgraduate places in local dentists' practices being filled.

Brian Adam (Aberdeen North) (SNP): Is it not true that 10 is a totally inadequate number to fill the number of vacancies in the area, which is somewhere between 30 and 40? Steps should be taken by the Executive to expand the number of postgraduate training places in the area.

Mr Baker: It would be good if the member were to welcome the efforts and the progress that are

being made. For the first time, we have all those postgraduate places filled. If the member listens intently to my speech, as I am sure he will, he will see that we are already making progress in providing further postgraduate training places in Aberdeen. That is what the announcements in the partnership agreement were about. Last year, a pilot student outreach scheme proved very popular. Final year students from Dundee were attached to practices in Grampian. I welcome the commitment in the partnership agreement to the £4 million dental outreach centre in Aberdeen. That will address some of the points that Brian Adam makes.

The proposal for consultation on further development of dental training in Aberdeen is also welcome. This is an opportune time for that consultation, as key stakeholders meet next week in Peterhead to discuss future plans for dental training in Grampian. It is important that the consultation process is robust and considers all the options. One of those options is the proposal for a dental school in Aberdeen. I believe that the University of Aberdeen has already indicated that it would be willing to be involved in such a scheme. The proposal needs careful consideration. It should be discussed with those who are already involved in providing dental training in the city. I believe that the right decision has been made in developing further postgraduate training first, so that we can gauge its impact.

Without doubt, only a start has been made in addressing the problems of dental service provision in the region and, more generally, of recruitment of dentists in rural areas. I am sure that those will be key issues throughout this session of Parliament. I urge the Executive to make swift progress in encouraging the development of the outreach centre in Aberdeen to ensure that it is adequately resourced, and to listen to the views of those involved in dental service provision in Grampian when considering what further developments will be required in providing additional training. I hope that the general spirit of broad consensus on this issue continues as we all work to ensure far better access to dental services for people in Grampian and throughout the north-east.

The Deputy Presiding Officer: Thirteen members wish to take part in the debate. I will try my best to get everyone in. If members stick to three minutes, we might manage to do that.

17:10

Mrs Margaret Ewing (Moray) (SNP): I congratulate the Deputy Presiding Officer on her appointment.

I welcome the opportunity to speak again about the issues that affect dentistry in the Grampian

area. This is not the first time that such issues have been raised in the Parliament—they were raised many times during the Parliament's first session. We acknowledge that there are similar problems in many parts of Scotland. We see the issue not just as a local matter but as a problem that needs to be addressed at a more fundamental level.

I congratulate Mr Baker on raising the matter and on discussing it in his maiden speech, but that is as far as I will go. Members of all parties from throughout the Grampian region have consistently highlighted the problem for more than four years. Although the Executive published its dental health plans in 2000, there has been no progress. I have a file of correspondence on the subject from my constituents and from dentists that is at least a foot thick.

My criticism of the motion—and the reason why I did not sign it—is that it seems to imply that everything is coming up roses. Mr Baker might think that the roses in question are red roses. I am not sure what planet he is on, because there has been no fundamental improvement in dental services in the Grampian area.

I want to highlight a few issues. Not a single practice in Moray is taking on new NHS patients. In my area, there is a very high number of defence personnel. The 18-month reregistration rule means that servicemen and servicewomen who have worked in the Lossiemouth or Kinloss area and are sent somewhere else on a two-year tour of duty cannot reregister when they return to Moray because they have been away for two years.

Increasingly, general practitioners and accident and emergency units are being inundated with patients with dental problems. I have with me letters that I received this week from the Maryhill practice in Elgin. The GPs have written to me and to Grampian Primary Care NHS Trust about the number of patients that they have to see. They say that the reason for that is not lack of dental hygiene but lack of provision. This week, I also received a letter from a pensioner in Cullen. He was told that he was no longer an NHS patient and was given six telephone contact numbers about where he could register. The practices that were likely to accept him were in Aberdeen and Banchory. Those seem to be the only practices that are taking on people such as pensioners. Is that how we treat our pensioners? Anyone who knows Cullen will know that it is not the easiest place in which to look for public transport.

The problem is that the golden hello and the other measures that the previous Executive used to tackle recruitment and retention are not working. I recommend that, once the Health and Community Care Committee is re-established, it

should put dental provision throughout Scotland high on its agenda, so that we can come up with cross-party ideas to ensure that patients are not so sorely neglected.

17:14

Mrs Nanette Milne (North East Scotland) (Con): First, I congratulate Richard Baker on securing the debate. I welcome the opportunity to discuss NHS dental service provision in Grampian and the serious and growing problem of recruiting and retaining dentists in that area. As the oldest new girl in the recent intake of north-east MSPs, I am happy to support the motion from its youngest member. Although I do not imagine that such happy political consensus will endure for the next four years, it is vital that we all work together on an issue that is of such importance to the people of north-east Scotland.

The timing of this discussion is opportune, as it comes just ahead of next week's dental healthfit conference, which is being organised by NHS Grampian. The conference will consider the current pressures on the system and the forces and drivers for change within dental health, with a view to planning Grampian's dental services in the medium to long term.

From speaking to local dentists and from reading some of the papers that have been prepared for next week's conference, it would appear that, although Grampian's problems are many and complex, the major issue facing the service is, as Richard Baker said, the recruitment and retention of dentists within the area. As we have heard, against a Scottish average of one dentist to 2,700 patients, Aberdeen has one dentist to every 2,900 patients, while the more rural Aberdeenshire has only one dentist per 5,000.

Despite the clamour from several politicians for the provision of a dental school in Aberdeen, local dentists do not seem to see that as the solution. The existing dental schools in Dundee and Glasgow would already be training enough dentists to supply local demand if the dentists could be persuaded to remain in Scotland and if they could be attracted to the more peripheral areas such as Grampian. Several inducements have already been tried, with varying levels of success.

Many graduates wish to practise where they have trained, so the outreach centre promised by the new Scottish Executive for undergraduate training in Aberdeen is to be welcomed. If that were coupled with good postgraduate facilities in the area, a lifelong learning continuum could be established which, it is reckoned, could go a long way towards retaining good young dentists within

Grampian. A good postgraduate centre could provide resources for all members of the dental work force and would become the backbone of vocational and general professional training, which will undoubtedly assume increasing importance in time to come.

I welcome the Executive's commitment to consult on the further development of dental training in Aberdeen, but I suggest that consideration should focus primarily on the provision of postgraduate facilities within Aberdeen rather than the provision of a further dental school for undergraduate training.

17:17

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I am pleased that dental services in Grampian are the focus of the first members' business debate in the new session and I congratulate Richard Baker on securing it—he and I have something in common in that we both chose improvement of dental services in the north-east as the subject of our first members' business debates. I chose the issue as the subject of my first members' business debate on 30 November 2000, so I am delighted that real progress is now being made.

I said during that debate that the focus of my concern was on the difficulty of attracting dentists to areas of rural Scotland in the north and the north-east. Two and a half years ago, I said:

"When I pressed health authorities to provide information on the level of NHS dental provision in the north-east, I was amazed to discover that no such information exists—no one could tell me how widespread the problem of accessing an NHS dentist in rural Aberdeenshire is."—*[Official Report, 30 November; Vol 9, c 614.]*

It has taken two and a half years of campaigning, but everyone now knows exactly how widespread the problems are. As we have heard tonight, Aberdeenshire has only one dentist for every 5,000 people, compared with one for every 2,900 in the city of Aberdeen and a Scottish average of one for every 2,700 people.

It is true that the Scottish Executive has introduced grants and allowances to try to address the problem. However, the rules state that a dentist who has completed vocational training must apply for a position within three months of completing that training, which is not the most effective method of attracting people back to the profession.

Two and a half years ago, I suggested that there were two solutions to the problem. First, the target of 120 graduates per year had to be increased. I said that, because Scotland produced up to 160 graduates before the Edinburgh dental school was so disastrously closed by the Tories—perhaps

Nanette Milne will remember that—we needed merely to restore to that level the number of dentists who were being trained each year. That could be done by establishing a link with the Dundee dental school, which would bring trainee dentists to the north-east in the first place.

Secondly, I said that we need properly to fund a core service, with full funding for check-ups, fillings, extractions and dentures, because the fees that are associated with NHS dental services were outdated. I was pleased to be able to ensure that those proposals reached the Liberal Democrat manifesto for the recent election, together with a firm proposal to establish a new school of dentistry in Aberdeen. I was fortunate to be directly involved in the partnership negotiations between the Labour party and the Liberal Democrats, so I was determined to ensure that those commitments survived; I am delighted that they did. I am also pleased to see Tom McCabe as the Deputy Minister for Health and Community Care—our to-ings and fro-ings on the issue were most interesting.

The partnership agreement says that we will "design appropriate award measures" to "encourage preventive dentistry" and that

"We will expand the capacity of dental training facilities in Scotland by establishing an outreach training centre in Aberdeen."

We will also consult on the need for a dental school. That level of commitment is exactly what is needed to solve the problem; I am delighted that we have an agreed solution and I have every confidence that real action will follow.

In conclusion, I welcome the opportunity that is presented by tonight's debate on the motion to confirm the agreement between the Labour party and the Liberal Democrats to address the shortage of NHS dentists in Grampian by practical measures. Two and a half years of campaigning have paid off.

17:20

Shiona Baird (North East Scotland) (Green): I welcome every move that is being made to encourage the development of dentistry services in the Grampian area. I am, however, more concerned about the practical side of things—I cannot imagine what it must be like for someone to have to travel 50 miles with raging toothache and then to have to sit and wait for ages to get any emergency treatment. Such a state of affairs is intolerable and those of us who live in more built-up areas cannot appreciate the amount of suffering that is going on.

There are two approaches at the moment. First, the holistic approach seeks to develop much better dental health from infancy through better

diet, free school milk and encouragement to drink water instead of fizzy drinks, although I would not go down the road of putting fluoride in the water as a form of mass medication.

There is a more immediate point. I am new to Parliament and am aware that we spend an awful lot of time talking, but I would like to feel that we could achieve something. I will therefore leave it up to members to say whether what I am about to suggest is feasible and could be enacted quickly. What about mobile dental units? They can get out and about easily, they cover huge areas and their staff can cover many patients. I ask the minister whether such units are a possibility and, if so, whether something could be done quickly.

17:22

Maureen Macmillan (Highlands and Islands) (Lab): A mobile dental unit was tried in Caithness and Sutherland, but the working time directive made it almost impossible to operate. By the time the dentist got to a village, he had run out of time to work. Perhaps mobile dental units could work in less remote rural areas, but they have not so far been a success in the north of Scotland.

A combination of problems affects rural areas. First, dentists can earn more outside the NHS; private practice has been established in the Highlands for the past 10 to 15 years. Secondly, it is obvious that dentists do not want to practise in rural areas—whether in private practice or in the NHS—so we have to find out why and what is keeping them in the cities.

There is a tremendous recruitment problem in the Highlands. There are six general dental practitioner vacancies in Nairn, Fort William, Inverness, Dingwall and Kingussie. Highland Primary Care NHS Trust, which is recruiting salaried dentists, has four vacancies in Inverness, Sutherland and Caithness. That trust has tried everything—it has advertised overseas and has received some applications from non-European nationals. However, those dentists must sit equivalence examinations that are set by the General Dental Council. The trust is also receiving an increasing number of calls from people who are concerned about its lack of success in attracting dentists to the Highlands.

The problem is snowballing and the golden hello of £10,000 that is paid over two years has not attracted a single extra recruit to the Highlands. We must therefore consider what we have to do to get dentists to move to rural areas. I feel that salaried posts are part of the way forward. Highland NHS Board is compiling for submission to the Executive a bid for the development of senior posts within the dental service. Its objective is to ensure that patients have improved access to

specialist services. Recruitment would also benefit because there would be increased opportunities for career development in the Highlands. I urge the Executive to make a positive response to that bid because it is one of the ways forward. If we can have a real career structure for salaried NHS dentists in the Highlands, we might be able to attract more dentists. Other solutions have been offered that perhaps partly answer the problem, but the problem will get worse unless we get to the root of it.

17:25

Richard Lochhead (North East Scotland) (SNP): Colleagues from all parties will not be surprised to learn that every time the sun shines in Banchory, Mike Rumbles puts out a press release in *The Deeside Piper and Herald* to take the credit.

I congratulate Richard Baker on securing his first debate, which is on such an important issue. There has been a cross-party campaign for the past four or five years to bring the issue to the attention of ministers. In particular, I give credit to the many dentists who first called the cross-party meeting that I, Mike Rumbles, Brian Adam, David Davidson and others attended and which kicked off the campaign a few years ago.

As previous speakers outlined, I say to the minister that NHS dentistry in Grampian faces a crisis. Only four of 30 practices in Aberdeen accept NHS patients and only three of 27 in Aberdeenshire do so. Many thousands of people are being disenfranchised from the service. Perhaps one of the most startling statistics is that, as of today, over 54 per cent of people living in Grampian are not registered with any dentist, NHS or private. Therefore, as far as we can make out, 54 per cent of people in Grampian do not go to the dentist.

The situation gets worse every month. In January, 776 people fell off the NHS lists in Grampian. Seven hundred and five fell off in February, 1,673 fell off in March and 1,502 did so in April. There is a separate figure for people who have been deregistered because dentists have retired or moved away from the area, which means that between January and May another 6,863 patients in Grampian fell off the NHS lists. The situation is so bad that about 1,000 people phone the local helpline every month in Grampian to try to find out where they can get access to an NHS dentist. The situation is now so chronic in Aberdeen, for example, that only one or two practices accept children as new patients on the NHS lists. That is surely a serious issue for all members, but especially for the Minister for Health and Community Care, given that we want to get children to attend their local dentist.

Mike Rumbles *rose*—

The Deputy Presiding Officer: Mr Lochhead is in his final minute.

Richard Lochhead: The short-term solutions are not easy—there has been more cash, but it has not had a tremendous impact. However, I think that we are talking about the long-term issues and we all welcome the possibility that there might be an outreach training facility in Grampian in the not-too-distant future.

Several dentists have proposed another short-term solution to the problem, which is the recruitment of dentists from overseas. In the past few months, one dentist has brought over five Spaniards. Several Scandinavians are about to start working in practices in Aberdeen. There exist in other European countries surpluses of dentists who are looking for practices in which to get experience to start their careers. It is a matter of our getting them to come and work in North-east Scotland and, indeed, elsewhere in Scotland. That means that we must extend to overseas dentists the golden hello, in order to try to get them to come here, and we must also offer them the facility to go back to their own countries perhaps three or four times a year. We must also give support to existing dentists in Grampian to train the new dentists who come from places such as Scandinavia and Spain, because at the moment the existing dentists are not compensated for taking time out of their practices to train overseas nationals who come to work in Grampian.

Finally, I call for a survey of the situation in Grampian. As other members have mentioned, there is a lack of available information. There must be flexibility in the available funding and we must get the training facility up and running as soon as possible. We must make recruiting from overseas an absolute priority so that we can start addressing as soon as possible the gaps in NHS dental provision for adults, children and—as Mrs Margaret Ewing said—senior citizens.

17:29

Nora Radcliffe (Gordon) (LD): I add my welcome to the Deputy Presiding Officer in her new role, and I add my thanks to Richard Baker for giving us the opportunity to discuss a problem that has been on-going for many years.

I first became aware of the problem at least 10 years ago when I worked for the then Grampian Health Board in a community liaison team and had to find NHS dentists for people who had moved into the area or who had moved house within the area. The task was difficult at that time, but at least we could usually find a dentist for people to sign up with. The situation has, however, become steadily worse. A few weeks ago, a dentist in Keith

retired and the people from that dentist's list now have no NHS dentist with whom to sign up. It is hard to overstate the frustration and anger in having to say to constituents, "I'm sorry; I can't help. The service isn't there."

The blame cannot be laid at the health board's door, because it has made strenuous efforts to deal with the problem. It has explored the option of salaried dentists and it has advertised, but received no responses. The health board has also implemented the golden hello. As Richard Lochhead said, the board has tried to facilitate the recruitment of dentists from other European Union countries, but Grampian is still 40 or 50 dentists under strength.

Other matters give us cause for concern, such as the age profile of existing dentists. Many are within four or five years of retirement, which means that the situation will become even worse. We must examine the number of dentists who are being trained and, as we train more and more female professionals, we must ask whether we have factored in fully the need to take time out for childbearing, because that matter has not been fully addressed in the dental profession or in many other professions. Young dentists might prefer the opportunity to have a salary to setting up in practice, which has a business side that might not be attractive to them. Questions have arisen over how NHS dentists are remunerated and the limitations that that imposes on the way in which they work, which could be a disincentive to dentists who want to use modern techniques or do more preventive work.

Shiona Baird highlighted some of the good ancillary measures that can be taken to promote oral health. Many of them are being taken and we should do as much as we can on that, because such action is immediate and does not have the built-in delay of training more dentists.

Apparently, about 90 per cent of professionals settle within 70 miles of where they finished their training, so I welcome the commitment to beefing up dental training in Aberdeen, because that will help our part of the world. The crisis exists now and the solutions are largely for the medium-to-long term, but the sooner they are started, the better.

17:32

Dr Elaine Murray (Dumfries) (Lab): I congratulate Richard Baker on his maiden speech and I congratulate Trish Godman on her first debate as a Deputy Presiding Officer. Richard Baker must have wondered why somebody from Dumfries signed his motion and whether it was a slip of the pen or the mouse that added my name to it. I do not know much about dental services in

Grampian, but I can empathise with people there, because the situation is replicated throughout Scotland outwith the central belt, as members have said.

I will say a few words about the equivalent situation in Dumfries and Galloway, which has one dentist for every 4,000 people. I had extensive and helpful communications with Mary Mulligan about my constituents' problems, which resulted in five salaried posts being made available last summer. Although those posts were advertised throughout Europe, we have had not one single applicant for them. We have had one new dentist in the past couple of years. He came from Scandinavia and he did not last long. When he saw the state of my constituents' teeth, he returned home.

Only two dentists have lists open in Dumfriesshire—one is in Lockerbie and one is in Sanquhar, which takes people north of Auldgirth. My family and I have no dentist and my children have not had a dental check-up for two and a half years. Even if I overcame my fundamental dislike of private health care, that would not make the situation much better.

An emergency service has operated between 10 am and 12 pm on Sundays for the past few months. It has received 1,150 emergency calls and it received 43 calls on the first three Sundays of May. That service is pressured, because it relies on dentists to give up their free time on Sundays to operate it. As Jamie Stone said, although we might welcome the idea of free dental checks, we do not have a dentist to go to for those checks at the moment.

Last night, I watched with interest "Frontline Scotland", which discussed the case of the engineer and doctor asylum seekers who want to work in this country. I note that the Scottish Executive is pressing the Home Secretary to allow asylum seekers who have rare skills to work during the time that they are waiting for their claims to be processed. If dentists who seek asylum in this country came to Dumfries and Galloway, I am sure that we would welcome them with open arms and, indeed, with open mouths.

17:35

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I, too, congratulate Mr Baker and all the new members of the Parliament who have contributed so eloquently to the debate. The retreads like me can cope for themselves.

One Sunday, when the Rev Ian Paisley was delivering a sermon, he described graphically the condition that awaited those members of his congregation who would not ascend to heaven but would go to the other option. He said: "There will be a wailing and a gnashing of teeth." At which

point, one of the congregation said: "But, Reverend Paisley, I have no teeth." To which came the answer: "Teeth will be provided." That suggests the problem that we face: what sort of dental service will be provided over the next four years?

Mr Baker rightly highlighted the problems that some of us have raised over the past four years. The solutions, however, have not yet been found. I want to make some positive suggestions to Mr McCabe, which I hope he will pursue—indeed, I made them to his predecessor.

Why are the golden hello payments so restrictive? Why is the group of people who are entitled to receive them so narrowly defined? Surely if we want to attract dentists to provide NHS dentistry, we need to create the widest possible choice from which to draw the widest possible group of people.

We heard earlier this afternoon about the intimations of discontent within the partnership relationship. However—if the partnership is still to be called a partnership—it appears from the partnership agreement that we are to have free dental checks before 2007. Will all dentists, including all those who do not provide NHS dentistry, provide free checks, or will those checks be provided only by those who operate in the NHS? If the latter is the case, the interesting question for the minister is how the policy will be delivered.

Is not the main problem the vast discrepancy between NHS and private rates? A similar problem arises under the legal aid system, whereby legal aid is not available to many people. Why do we still have the 18-month rule and how on earth can that rule be applied to children under five? We register for life with our general practitioners, so why register for such a restricted period with a dentist? Surely that ludicrous rule has to be changed.

I commend the excellent provision for young children in Highland that is led by the public health department. I hope that such provision will be taken up elsewhere. Like Elaine Murray, I am not sure of the details of dental provision in Grampian, but surely fizzy drinks should not be sold in schools anywhere in Scotland. Surely sponsorship arrangements between schools and purveyors of chocolate should be banned. I will be interested to hear whether Mr McCabe agrees with that point.

My final point concerns dentistry in sparsely populated areas. My dentist, Mr Gill, provides dentistry to more than 1,000 patients in the Ardnamurchan area. He retired to the area from Liverpool and is a fine fellow. However, he earns too little to access commitment payments, seniority payments or even assistance with

continuing professional development. I put Mr Gill's case to the minister's predecessor. I hope that Mr Gill and others who are trying to provide a dental service in sparsely populated areas in Grampian, Highland or anywhere else will receive a better deal than they did under the previous shower—I mean, previous lot.

17:39

Mr David Davidson (North East Scotland) (Con): I welcome the Deputy Presiding Officer to the chamber. I hope that she has an easy ride. Moreover, I congratulate Richard Baker on securing the debate. The issue has been dealt with on a cross-party basis for some years now and I hope that that will continue to be the case. Tonight's members' business debate is a good way of dealing with the issue, as members will not try to take lumps out of Tom McCabe too early in his career as the Deputy Minister for Health and Community Care.

As other members have pointed out, we need to get dentists into community practice across Scotland, particularly in rural areas. At the end of last week and throughout the weekend, I received a rash of e-mails, letters and telephone calls about the fact that the dentist in Banff has given up his practice. That follows the news that my dentist in Stonehaven has given up. As a result, his partner has had to wind down the work that he does, which has taken out a practice in Peterculter on the edge of Aberdeen. We have had problems in Ballater and Banchory—the list goes on. The coalition Government has to address what is a major issue as soon as possible.

If the problem is in attracting dentists, surely the solution starts with postgraduate training. If we can attract people into postgraduate and supported training in a practice in a particular area, they will stay if they are given career opportunities. Although Dundee dental school is about to double in size and intake, the question is whether a postgraduate training facility in Aberdeen would be able to attract many of those young graduates into practices in the Aberdeen area.

There are other problems. For example, will dentists who provide training places be supported in giving up time from their list work? Brian Adam asked why there are only 10 postgraduate training places. If we are short of 30 dentists but can fill those 10 places, the obvious answer is to expand the number of training places where possible.

As for EU-trained dentists, I proposed a solution to that problem to Grampian NHS Board last week. Indeed, some of my colleagues have heard me talking about the matter. If golden hellos can attract local dentists and provide some flexibility, that is fine. However, if there is no flexibility to

provide EU-trained dentists with accommodation, subsistence and other forms of support, they will not come here to train. If they are going to work as salaried dentists, why cannot the health board give them interest-free loans? In the absence of any suggestions from the Scottish Executive, the health board—bless it—is considering that option. Devolving such power to the local health board would benefit everyone by allowing it to focus on such services.

We will also need to support dentists who provide the training. At the moment, they have to carry out private dental work to make a living and to pay for new equipment and so on. That is frightening people off from buying practices. Indeed, it is a terrible problem for my dentist, 82 per cent of whose work load is NHS related. If he goes, that will not just increase the work load of other dentists, but enormously reduce access, particularly for children.

Community dental officers can deal with the housebound, the disabled and children. However, there are not enough of them and they are not being allocated enough resources. A friend of mine who is a community dental officer could fill every hour of every day for the rest of her life with work and still not catch up. I ask the minister to consider how we can use such officers.

17:43

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I congratulate the Deputy Presiding Officer and welcome her to her new post. I also congratulate Richard Baker on a superb maiden speech and the other members—Nanette Milne and Shiona Baird—who spoke for the first time and made elegant and thoughtful contributions.

Let us not muck about: the problem is absolutely huge. During the election campaign, access to NHS dentistry was possibly the biggest issue in the Thurso area. All the candidates came up against it time and again at hustings and meetings and on doorsteps. We cannot underestimate the problem. Although it has been around for a while, it has increased almost exponentially over the past year or so.

Members have made some helpful suggestions. I will not add any more. We will need to deal with the matter through working together, thinking laterally and coming up with imaginative solutions to the problem. As I have said, we should not underestimate how massive the problem is.

In the far north, there have been anecdotes about people removing their teeth with pairs of pliers. I do not know whether such stories are true. Nevertheless, we can be certain that the current problem will become much bigger in years to

come. After all, over a number of years, a rotten tooth will become an abscess or far worse.

The poorest in our society will lose out, because people with the least income will be more inclined to cut out the option of going private, which means that they and their families will suffer. As a result, we must all take the matter incredibly seriously.

Margaret Ewing made the eminently sensible suggestion that the Health and Community Care Committee should consider the matter as soon as possible. The committee should work with the minister. I have talked about lateral thinking and imaginative solutions—that is the way forward. There must be a partnership.

I welcome the wonderful innovation of the axis of Mike Rumbles and Tom McCabe, which is completely unknown in the Parliament. One might almost talk about a pact of steel. I think that political miracles will now happen. Seriously, however, we must take action.

Mr Fergus Ewing was allowed to start with a joke, so perhaps I may conclude with one. A constituent of mine from the village of Portmahomack had a heavy night on the drink and went out on a coble, which is a boat, to get lobster pots. He was ill with the drink and I am afraid that, with the slow, oily swell off Portmahomack, he was sick and his false teeth went over the boat's edge—this is a true story. For a joke, the skipper took out his own teeth and, without the ill fellow seeing him, put them on a hook and let down the line. He said that he had a bite, pulled up the line and said, "Look, Murdo. I have your teeth." An astonished Murdo looked at the teeth, said, "Och, they're no mine," and threw them back.

17:46

Stewart Stevenson (Banff and Buchan) (SNP): I, too, congratulate Mr Richard Baker on securing such an important and timely debate. We tend to forget how much progress has been made in dentistry over the years. Indeed, the first dental register was established only in the late 1930s. My first dentist had no qualifications whatever in dentistry but had been put on the register on the basis that, over 20 years, he had not killed too many people. I wonder whether we are heading back to a similar situation.

Something has been made of golden hellos, but I am cautious about their effect. For a new graduate, the golden hello is likely to be substantially smaller than their debts. The introduction of the graduate tax—or the abolition of tuition fees, as the Liberals would prefer me to say—is a strong incentive for graduates to consider posts outwith the United Kingdom.

Nora Radcliffe: Will the member take an intervention?

Stewart Stevenson: No—there is not enough time in three minutes.

We must try a great deal harder and consider substantially bigger golden hellos.

We have discussed the number of patients per dentist, but things are worse than what some numbers suggest. In Manchester, the figures are down to 1,200 patients per dentist. The basic problem is that there is a huge shortage of dentists throughout our islands. If a dentist has an opportunity of choosing where they will practise, will they practise in Aberdeenshire, where they will have to work four times as hard as they would in Manchester? They probably would not, unless they have an extremely strong attachment to Aberdeenshire.

Reference has been made to the difficulties of getting emergency dental treatment, which people are having to travel 100 miles to receive. Routine dental treatment is an equally big issue—people simply will not go for it.

I suggest that another problem is looming. David Davidson referred to what has happened in Banff. People are finding it impossible to sell on their practices, as no dentists are coming in to buy them. If that continues to be the case, people will not set up new practices. There is a downward spiral and a problem that will take many years to solve. There have been encouraging first steps, but we should not become complacent. I think that things will get worse before they get better, unless the minister can tell me otherwise.

17:48

The Deputy Minister for Health and Community Care (Mr Tom McCabe): Presiding Officer, I welcome the justified and warm response that you received at the beginning of the debate. I also welcome Richard Baker to the chamber and congratulate him on his speedy efforts to have such an important topic discussed so soon in his first term as an MSP.

During the previous session, the Executive pursued a commitment to providing an effective and accessible dental health service for all who wish to use it. We intend to underline that commitment by pursuing the aspirations that are laid out in the coalition partnership agreement and by keeping the need for incentives that attract and retain students and practising dentists within the national health service under constant review. I was proud to play a part in the work that led to that agreement and to work with my friend and colleague Mike Rumbles on it. I look forward to working with him and other Liberal Democrat colleagues over the months and years to come.

I recognise that there are significant problems with access to NHS dental services in some parts

of Scotland and that those need to be addressed in order to fulfil the commitments within the partnership agreement. In the primary care sector, in which around 90 per cent of dental patients are treated, most general dental practitioners are independent contractors who are free to choose whether to accept patients on the NHS. It is regrettable that in many parts of Scotland, including Grampian, there has been a reducing commitment to the NHS by some practitioners.

To address the situation in Grampian we have, since 2000, approved 8.5 whole-time equivalent salaried dentist posts, 5.5 of which have been filled. Grampian Primary Care NHS Trust continues to seek dentists for the three salaried posts in Moray, which will be located at Dr Gray's hospital, Elgin. We are assessing a further application for four salaried posts, two of which will be based in the Inverurie area and two in Westhill.

To achieve improvements in dental provision we need to have the people to deliver them—the right number of people with the right skills in the right place. There is no one answer to planning the work force and the associated service delivery. We recognise the need for a total-system approach, with more graduates, better retention packages—especially in remoter areas—a better contract for general dental practitioners to offer improved lifetime working conditions and trained support staff to undertake some of their duties.

Richard Lochhead: On short-term solutions, given that a number of overseas dentists have come to Grampian to work—there are surpluses of dentists in many European countries—is the minister willing to consider taking new measures to encourage that trend?

Mr McCabe: I will come to that matter later in my speech. There is a general acceptance that we will keep under review all measures that are necessary to improve the serious situation that exists in some parts of Scotland.

We have already agreed a target output for the dental schools of 120 graduates per year and we have the funding in place to implement that target. We will review that, given the obvious shortages that exist in Scotland.

In the coalition partnership agreement we have undertaken to expand the capacity of dental training facilities in Scotland by establishing an outreach training centre in Aberdeen. That should provide us with the potential to increase the number of dental graduates in Scotland by approximately 20 per year. In addition, we have given a commitment to assess the potential for a dental school in Aberdeen. I hear the assertions that Mrs Newman has made. I am sure that within that consultation and assessment those claims will be tested.

Mrs Milne: My name is Nanette Milne.

Mr McCabe: I am sorry. I apologise for getting Nanette Milne's name wrong. We are both new.

We are also now able to offer postgraduate vocational training places for all Scottish graduate dentists. We have put in place funding to increase significantly the number of trained professionals complementary to dentistry, to enhance the dental team.

As well as getting the numbers right, the quality of training is vital. Dentists can register to practise on graduation, but the NHS insists on one year's postgraduate training. In Scotland we have successfully piloted two-year general professional training and aim to increase the provision for all graduates of Scottish dental schools. We have increased the number of training posts in the community dental service to feed that service and to give more dental trainees experience of the needs of those who do not get treatment through the normal channels.

Planning the dental work force is also about having people and their skills in the right place. We need to ensure that dentists choose to live and work in all parts of Scotland. Members may recall that last year we put in place a £1 million package of measures to improve recruitment and retention of NHS dentists and to help to ensure that patients are able to access NHS dental treatment. Key measures include funding for a vocational training place for all new dental graduates; a £3,000 allowance for each new dental graduate taking a training place in areas, including Grampian, where access to NHS dentistry is extremely restricted; a £5,000 allowance over two years for dentists who have completed training and are entering substantive NHS practice, or a £10,000 allowance over the same period where the post is in one of the designated areas; developing and funding an education and support programme for all new dentists who have completed training; and grants of up to £10,000, based on the amount of NHS work, for dentists who establish new vocational training practices and offer a training place.

Earlier this year, we announced a further package of measures, which was developed in consultation with the profession and which included a new practice allowance for dentists based on their NHS earnings. We also doubled the remote areas allowance to £3,000. Mike Rumbles raised concerns about the time taken to apply for such allowances and David Davidson mentioned the golden hello. We are happy to review those matters in the light of the experience of the measures that have been put in place. I say earnestly to members that there is nothing to prevent us from continually reviewing the measures that are in place. There is a strong will to do so and to try to achieve our aspirations.

Members who represent rural areas, particularly Grampian, have made the point forcibly that dentists prefer to be close to the area in which they did their training. I stress that we take those concerns seriously. For example, we have encouraged the dental schools in Glasgow and Dundee to develop outreach training, which will give undergraduates experience in rural areas and hospitals. I assure Maureen Macmillan that we will continue to review the impact of all the measures, particularly in the Highlands.

We have put in place a number of other measures to encourage dentists to further their contribution to the national health service and to locate in areas where NHS services are underprovided. Those measures include grants under the Scottish dental access initiative and the provision of salaried dentists, which is important. The dental access scheme encourages dentists to establish or expand their practices in areas of high oral health need or in areas in which patients wish to be treated on the NHS but have difficulty finding a dentist who is willing to accept them. To date, £1.2 million has been offered to practitioners in Scotland under that initiative, £145,000 of which went to Grampian. We will encourage other dentists who are committed to the NHS to consider whether there is scope to expand their practices with the help of that capital grant.

On Richard Lochhead's point, I am aware of the issue of dentists from other European Union countries, six of whom, I believe, are located in Aberdeen. We will keep that issue under review—our minds are not closed to the possibilities that it provides.

This year, we have made £3 million available for practice improvements for dentists who undertake NHS dental services. Given the previous three years' allocations, a total of £10.3 million has been made available to encourage practice improvements. Shiona Baird mentioned mobile units. As part of our general willingness to review all initiatives that would improve the situation, I am happy to consider that issue.

I hope that the measures outlined above demonstrate to members our serious commitment to increasing NHS dental services. There is no room for complacency and we recognise that we must intensify our efforts to ensure access to services. We will continue to work with the profession and with NHS bodies in Scotland to develop further measures to achieve that aim.

Meeting closed at 17:58.

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