

MEETING OF THE PARLIAMENT

Thursday 15 January 2004

Session 2

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CONTENTS

Thursday 15 January 2004

Debates

Col.

EUROPEAN COMMISSION (WORK PROGRAMME)	4809
<i>Motion moved—[Richard Lochhead].</i>	
<i>Amendment moved—[Nicola Sturgeon].</i>	
<i>Amendment moved—[Phil Gallie].</i>	
Richard Lochhead (North East Scotland) (SNP)	4809
Nicola Sturgeon (Glasgow) (SNP)	4815
Phil Gallie (South of Scotland) (Con)	4818
The Deputy Minister for Finance and Public Services (Tavish Scott)	4820
Mr John Home Robertson (East Lothian) (Lab)	4825
Mr Keith Raffan (Mid Scotland and Fife) (LD)	4827
Mark Ballard (Lothians) (Green)	4830
Helen Eadie (Dunfermline East) (Lab)	4832
Mrs Margaret Ewing (Moray) (SNP)	4834
Alex Johnstone (North East Scotland) (Con)	4836
Frances Curran (West of Scotland) (SSP)	4839
Linda Fabiani (Central Scotland) (SNP)	4840
Pauline McNeill (Glasgow Kelvin) (Lab)	4842
Alasdair Morgan (South of Scotland) (SNP)	4844
Mr Ted Brocklebank (Mid Scotland and Fife) (Con)	4846
Nora Radcliffe (Gordon) (LD)	4848
Mr Alasdair Morrison (Western Isles) (Lab)	4850
Murdo Fraser (Mid Scotland and Fife) (Con)	4852
Michael Matheson (Central Scotland) (SNP)	4854
Tavish Scott	4855
Irene Oldfather (Cunninghame South) (Lab)	4858
FIRST MINISTER'S QUESTION TIME	4862
QUESTION TIME	4875
POINTS OF ORDER	4892
EMERGENCY WORKERS (PROTECTION)	4893
The Minister for Finance and Public Services (Mr Andy Kerr)	4893
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)	4898
Margaret Mitchell (Central Scotland) (Con)	4900
Robert Brown (Glasgow) (LD)	4901
Mr David Davidson (North East Scotland) (Con)	4904
Johann Lamont (Glasgow Pollok) (Lab)	4906
Alex Neil (Central Scotland) (SNP)	4909
Tommy Sheridan (Glasgow) (SSP)	4910
Christine May (Central Fife) (Lab)	4912
Stewart Stevenson (Banff and Buchan) (SNP)	4914
Margaret Jamieson (Kilmarnock and Loudoun) (Lab)	4916
Margaret Smith (Edinburgh West) (LD)	4918
Mr Brian Monteith (Mid Scotland and Fife) (Con)	4920
Linda Fabiani (Central Scotland) (SNP)	4922
The Lord Advocate (Colin Boyd)	4925
BUSINESS MOTION	4929
<i>Motion moved—[Patricia Ferguson]—and agreed to.</i>	
The Minister for Parliamentary Business (Patricia Ferguson)	4929
DECISION TIME	4930
MEDICAL SERVICES (WEST HIGHLANDS)	4934
<i>Motion debated—[George Lyon].</i>	
George Lyon (Argyll and Bute) (LD)	4934
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)	4936
Maureen Macmillan (Highlands and Islands) (Lab)	4938

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD).....	4940
Mr Jamie McGrigor (Highlands and Islands) (Con)	4941
Jim Mather (Highlands and Islands) (SNP)	4943
Dr Jean Turner (Strathkelvin and Bearsden) (Ind)	4945
John Farquhar Munro (Ross, Skye and Inverness West) (LD)	4946
Mary Scanlon (Highlands and Islands) (Con).....	4947
Rob Gibson (Highlands and Islands) (SNP).....	4949
Eleanor Scott (Highlands and Islands) (Green).....	4950
The Deputy Minister for Health and Community Care (Mr Tom McCabe)	4952

Oral Answers

Col.

FIRST MINISTER'S QUESTION TIME	4862
Cabinet (Meetings)	4862
Financial Services	4869
Fish Farming	4866
Higher Education Bill	4870
Oil and Gas Industry	4873
Prime Minister (Meetings).....	4864
QUESTION TIME	
SCOTTISH EXECUTIVE	4875
Council Tax (Second Homes).....	4879
Council Tax (Second Homes).....	4881
Council Tax (Second Homes).....	4875
Drink Driving	4876
East Lothian (Schools)	4885
Eco-tourism (Northern Highlands)	4890
Fisheries Agreement	4887
Glasgow School of Art	4886
Haymarket Station	4882
High Court (Appeals)	4878
Prescriptions (Terminally Ill People)	4877
ScotRail (Meetings)	4880
Skills Councils.....	4883
Teachers (Qualifications).....	4884

Scottish Parliament

Thursday 15 January 2004

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

European Commission (Work Programme)

The Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S2M-771, in the name of Richard Lochhead, on behalf of the European and External Relations Committee, on the European Commission's work programme for 2004, and on two amendments to the motion. Those members who wish to speak in the debate should press their request-to-speak buttons now.

09:30

Richard Lochhead (North East Scotland) (SNP): As convener of the Scottish Parliament's European and External Relations Committee, it is a pleasure for me to open the debate on the European Commission's work programme for 2004. The debate is the first one in the new parliamentary session in which the committee has been involved and it presents my first opportunity to open a debate for the committee.

Given that it is so early in the year, the committee felt that it was appropriate that we debate the European Union and, specifically, the European Commission's work programme for 2004 and its relevance to Scotland. I appreciate that the debate's title is not the most glamorous, but I assure members that the debate is important.

We are debating the issue because we must highlight to Parliament, the Scottish Executive and the nation generally many of the key issues that will be on the Commission's agenda in 2004. We hope to provide early warning of many of the issues that Europe will be taking forward, so that the parliamentary committees, MSPs and everyone else can investigate the impact of each proposal on Scotland and ensure that Scotland's interests are being taken into account and promoted. Of course, the committee is also keen to raise the profile of European issues in the Parliament. Unfortunately, it is difficult nowadays to get the media interested in European issues. I understand that there is now only one correspondent based in Brussels to represent the Scottish media corps.

It is important that our committee and other committees hold the respective ministers to

account on European matters. Earlier this week I met Jimmy Hood MP, the chairman of the European Scrutiny Committee in the House of Commons, and the chairs of other European committees throughout the United Kingdom to discuss the work of our committees. The House of Commons has a motto that states that good scrutiny leads to good government. I believe that all European committees throughout the UK, and specifically the Scottish Parliament's European and External Relations Committee, want to abide by that motto.

I hope that the debate on the EC's work programme will become an annual event that the Scottish Executive will sponsor, so that we can help to ensure that Parliament remains focused on EU matters. After all, 80 per cent of the legislative work for which the Scottish Parliament has responsibility is influenced by Europe. The recent Queen's speech in the House of Commons barely mentioned any legislation that was relevant to Scotland, but much legislation comes from Europe directly to the Scottish Parliament. The most recent time that the European and External Relations Committee counted, we found that 1,200 items in a year had come from Brussels to the Scottish Parliament. All committees will notice an increasing number of items on their agendas that relate to Europe. I hope that each committee will move towards regularly placing Europe on its agenda. Some committees, such as the Environment and Rural Development Committee, have made progress on that.

It is in the Parliament's interests to ensure that the EU adheres to the principle of subsidiarity and that the Commission directly consults Parliament. The Scottish Executive jointly submitted, with the UK Government, a paper on Europe to the convention on the future of Europe that argued that the Commission should directly consult the Scottish Parliament. Unfortunately, I understand that the Commission is not adopting that stance; it wants simply to consult the Committee of the Regions. I ask the minister, if he has the opportunity, to respond on that issue during the debate. Our committee—and, I am sure, all parties in the Parliament—wishes the Scottish Parliament to be consulted directly by the European Commission, which is what we all called for previously.

The EC will produce extended impact assessments in 2004, which will analyse not only the economic, social, environmental and regulatory impact of European legislation, but subsidiarity and proportionality in European legislation. I believe that everyone in the Scottish Parliament would welcome that and would want to pay close attention to it to ensure that EU legislation is produced at the most appropriate level.

I turn to what will happen in 2004, which will be an historic year for Europe and the EU. There will be enlargement of the EU on 1 May, when we will welcome 10 new member states—I will return to that issue. The European elections are in June and I am sure that we all want to encourage the people of Scotland to turn out in that election. A new Commission will be appointed later this year when the Prodi Commission retires, and new commissioners will be appointed. Perhaps the minister will say whether there are moves to propose names from Scotland for the new UK commissioners. We may also have the continuation of the intergovernmental conference and the adoption of a new EU constitution, should that come back on to the agenda. If it does not, Europe will have to revert to the Treaty of Nice.

The EC's programme for 2004 will attempt to achieve three key priorities: a stable European Union, stable growth within the EU and the accession of new states to the EU. To help to achieve those objectives, nearly 80 items of legislation or initiatives with huge relevance to Scotland will be produced in 2004. One example is a new financial framework for 2007-13, which will decide where all the money will go. Billions of euros will be at stake for rural communities, regional development, research and so on, so the framework will be critically important for Scotland. The European and External Relations Committee is investigating the impact on regional funding, given the UK Government's recent consultation on repatriating that funding to the UK.

A new external border management agency, which will help to manage immigration to the EU, will be created in 2004. That has a resonance for the First Minister's fresh talent initiative, which is designed to attract new people to Scotland—provided, of course, that the UK Government believes that we in Scotland will understand the immigrants' accents.

A green paper on public-private partnerships will be produced in 2004. Again, that issue is to the fore of political debate in Scotland—indeed, it is front-page news today. There will also be a consultation on the working time directive. Specifically, there will be a review of the opt-out that the UK Government secured for workers in the UK, who work longer hours than anyone else in Europe. If the review led to the removal of the opt-out, it would have implications for the Scottish health service and other sectors in Scotland. Europe will also continue to develop the reform of the common agricultural policy and the cod recovery plans, which are vital to our farmers and fishermen respectively.

I note that Alasdair Morgan, the convener of the Enterprise and Culture Committee, is in the chamber. He will be interested to know that the

Commission hopes to achieve in 2004 its aim of developing the knowledge economy in Europe, which means that it wants to reach a spending target of 3 per cent of Europe's gross domestic product on research and development, which has ramifications for the Scottish economy. Members of the Health Committee will know that the launch of a health card is on the agenda, which will give people easier access to health benefits in EU countries. There is also an aim to ensure greater uptake of environmental technologies, which is relevant to next week's debate in the chamber on the national waste plan.

EU enlargement will dominate the European agenda in 2004. On 1 May, eight new members from central and eastern Europe will join the EU: Poland, Hungary, the Czech Republic, Slovenia, Slovakia, Estonia, Latvia and Lithuania. Two countries from the Mediterranean will also join: Malta and Cyprus. It seems only a few years ago that the prospect of such countries joining the EU appeared to be a pipe dream. However, we are now only a few months away from that dream becoming reality. I am sure that we all welcome the appointment last week of an Estonian honorary consul to Scotland and hope that other states follow suit.

The Commission is committed in 2004 to pursuing negotiations with Bulgaria and Romania, which are likely to join the EU in 2007. It is also committed to producing a recommendation later in 2004 on the possibility of Turkey joining the EU, as well as preparing an opinion on Croatia's application to join the EU.

It is hoped that the 10 new members of the EU in 2004 will benefit soon from the EU's prosperity and stability. There will be a huge increase of up to 453 million citizens in the EU's population and a huge increase in the EU's land area. Enlargement will enrich Europe's history and culture, and it is anticipated that Europe's influence in the wider world will increase. It is important that Scotland joins the enlargement celebrations, which the European and External Relations Committee has discussed. The Irish are hosting a day of welcome on which all European heads of state and people from other organisations will be invited to Dublin. Perhaps the minister could indicate in his speech whether Scotland will be represented at that celebration. Our committee is certainly working on a number of initiatives to ensure that Scotland has celebrations at home to welcome the new member states into the EU.

The previous European Committee published a report in 2002 in which five challenges and opportunities arising from EU enlargement were identified. They were: the impact on trade; the impact on Scotland's share of European funds and subsidies; the impact on labour markets and social

policy; the impact on freedom, security and justice; and the impact on cultural, educational and other issues.

It is clear that enlargement offers Scotland opportunities. For example, there will be a bigger market for our businesses. In my constituency a company that makes pods in the form of bathroom units for hotel developments throughout Europe is opening its second factory in the Czech Republic, because it wants access to the new markets.

There will also be challenges, as there will be more economic competition. It will be cheaper for companies from non-EU countries to locate elsewhere in Europe and there will be competition for jobs and investments. An excellent booklet produced by the Scottish Council for Development and Industry details all the benefits, challenges and opportunities of enlargement for Scotland and provides background on all the new member states.

The European and External Relations Committee urged Scottish ministers to lead parallel trade missions to the new countries when they visit them on other, political business. It is unfortunate that after making a bright start in relation to the Czech Republic, the Executive does not seem to have planned any more visits.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Does Mr Lochhead agree that although the SCDI is planning trade missions to seven of the 10 new member states within the next year, it is equally important that the Executive concentrate on the huge opportunity that he mentioned in relation to infrastructure, transport and construction projects in eastern Europe, which I believe are worth €3 billion in Lithuania alone?

Richard Lochhead: Yes. I am delighted to agree with a fellow member of the committee.

The review of the 2004 work plan for Scottish Development International shows that it has plans for public-sector support trade missions to, among others, the Dominican Republic, Hong Kong and Portugal, but not to any of the 10 new member states such as Poland, the Czech Republic, Hungary or Estonia. Perhaps plans are in the pipeline, but we need to hear more about them. If the European and External Relations Committee does not know what is being planned, how can small firms in any of our constituencies know what is happening? How can they benefit from the trade missions, tailored market intelligence and so on? It is a shame that we do not have that information, because, according to figures published by the SCDI, the markets of central and eastern Europe are worth nearly £0.5 billion to Scotland, including £63 million in exports of office machinery to the Czech Republic, £21 million in whisky exports to Turkey and £17 million in exports from the chemicals industry to Hungary.

I welcome the start of the Executive's efforts to encourage trade, inward investment and new immigration, but much more needs to be done and ministers need to be seen to lead. The Executive should rest assured that the committee will be the first to congratulate ministers on their efforts and will support them in any way that it can.

I ask the minister to say something about the location of European agencies. I know that we will all be disappointed that Glasgow lost out in relation to the location of the European Maritime Safety Agency. The European Agency for Network and Information Security went to Greece and the European Chemicals Agency went to Helsinki. New agencies might be in the pipeline, such as agencies for defence and for minority languages. I urge the minister to tell us what is happening to secure the other agencies and perhaps to review why we were unsuccessful in securing the agencies that I mentioned, particularly the European Maritime Safety Agency.

I turn to the Irish presidency of the EU. I know that we all want to wish our friends and neighbours the Irish the best of luck over the next months of their tenure of the presidency. Naturally, there is much cross-over between their priorities and the Commission's priorities. We will all want to welcome today a number of initiatives. The Irish will host a conference in the spring in Dublin on conflict resolution, which will involve discussions on the role of civic society and non-governmental organisations. I am sure that we all welcome that, particularly the Presiding Officer, who I know has a particular interest in it. In April, there will be an EU-Africa troika meeting in Dublin to discuss strategies to tackle AIDS and poverty. The Irish will also host a major conference on HIV and AIDS in Europe and central Asia and a meeting with ministers from the Mediterranean countries.

I am sure that we all welcome the international slant that the Irish are putting on their six-month tenure of the EU presidency and wish them luck for all those agendas. Perhaps the minister will tell us whether Scotland will be involved in any of the initiatives or events to ensure that we make a contribution.

I return to the Commission's work programme. I urge members and committees to investigate all forthcoming legislation from Brussels to ensure that Scotland's interests are taken into account and that Parliament acts early so that we can influence the legislation that affects Scotland. I hope that ministers will agree to publish an analysis of this year's work programme and its implications for Scotland as that would help the Parliament and its committees. The committees could then turn to the good offices of the European Commission and European Parliament offices in Edinburgh and make contact with the EU to find

out more and to ensure that Scotland's voice is heard and that the Executive is scrutinised properly. The Scottish Parliament is establishing an office in Brussels on a pilot basis, which I hope will become a permanent feature. It will provide assistance to MSPs and committees to ensure that we have good intelligence and information from Brussels.

I move,

That the Parliament notes the publication of the European Commission's work programme for 2004, which is dominated by the enlargement of the European Union, and agrees that it contains a number of legislative and non-legislative plans of importance to Scotland.

09:45

Nicola Sturgeon (Glasgow) (SNP): This is an important debate in what will be a momentous year for the European Union. As Richard Lochhead said, it is the year of enlargement, European Parliament elections, a new Commission. Who knows? Perhaps it is the even the year when agreement is finally reached on a European constitution.

I congratulate the European and External Relations Committee on making possible the debate and on the excellent work that it is doing under Richard Lochhead's convenership. Like him, I feel strongly that today's debate should become an annual event and I hope that the Executive will commit today to making its time available each year in future to accommodate such a debate.

As the motion says, the Commission's work programme contains a number of legislative and non-legislative plans that are of importance to Scotland. Much of what we deal with in the Parliament is subject to European legislation or action in areas such as justice, health, the environment, agriculture and fishing. If we read the Commission's work programme in any detail, it becomes obvious how much the work of the European Union impacts on the Parliament's responsibilities.

The work programme is in two sections. The first is on the priorities that have been carried over from last year. There are 126 items on that list, 68 of which concern devolved matters. The second section comprises new proposals. Of the 147 items on that list, 52 relate clearly to devolved matters. Many other proposals that, strictly speaking, might relate to reserved matters will also have a significant impact on devolved matters.

It is important that we examine closely the work programme each year, first to ensure that the Parliament, principally through its committees, can exert influence on any proposals that we consider to be of relevance and importance to Scotland. As we all know, if we are to influence anything in the

European Union, it is vital that we get in early in the process. The Commission's programme is one of the first indications of what will be on the EU's agenda in future, so its importance cannot be overstated. The second reason why we have to pay it close attention is that that will enable us to scrutinise the Executive's actions in Europe on Scotland's behalf. As things stand, that is quite a difficult task for the Parliament to carry out effectively. In Europe—this is not a bad thing—much of the wheeling and dealing is done behind the scenes and the discussions that Scottish ministers or officials have with officials from the Commission, the Council or the UK delegation are not public. For us to be more effective as parliamentarians, we must know more about what the Executive's position is on European issues and how it intends to go about achieving the best outcomes for Scotland so that we can hold it to account.

Irene Oldfather (Cunninghame South) (Lab): Does the member accept that a crucial part of the work of the European and External Relations Committee is to do just that? The previous European Committee invited ministers regularly to tell us about what was happening in Council meetings and asked them to provide written information to back that up.

Nicola Sturgeon: That is exactly what I was coming on to say. In this session of Parliament we have made important strides forward. It is good to see ministers and officials appear before the committee and I hope to see more of that. The greater scrutiny of pre and post-Council agendas—not just by the European and External Relations Committee, but by the subject committees—is a step in the right direction. However, in my view more must be done, which is what the first part of my amendment says.

In relation to the Commission's work programme specifically, it would be helpful if the Executive were to publish each year a position paper outlining its objectives in relation to the work programme's contents and a strategy paper that details how it intends to achieve those objectives. If the Executive did that, the Parliament would have a much clearer benchmark against which to assess the Executive's performance. It might also draw the general public's attention to the importance and relevance of much of the European Union's work, which—we have to be realistic about this—is lost on members of the public.

Incidentally, such openness and sense of accountability should apply much more generally to the Executive's activities in Europe. For example, we read often in the newspapers of the importance for Scotland of the First Minister's role in chairing Regleg—the regions with legislative

power. However, the First Minister has never come to this Parliament and made a statement and been subjected to questioning on the role of that group or on the Executive's objectives for it, especially during the period of his presidency. I hope that the Executive will put that right.

The bigger question for Scotland to ponder in this debate relates to our proper role in Europe. The reality is that even an Executive that is doing its best and punching its weight in terms of influence in Europe will always have one hand tied behind its back because, ultimately, it has to be bound by the UK position on any issue. We know to our cost that when the Scottish interest and the UK interest do not coincide, it is Scotland that loses out.

There is no doubt that the situation within the devolved set-up could be better. An Executive that had more gumption than this one would not shy away from publicly articulating the Scottish national interest, even when it differed from that of the UK, and a UK Government that was less centralist in foreign affairs would not have a problem with allowing the Scottish Executive, when our interests are at stake, to lead Council delegations, just as in Belgium regional and community ministers lead when regional or community issues are under discussion.

Even then, Scotland would be at a disadvantage, because we lack the status of a member state and the votes that go with that to advance our view and, where necessary, to defend our national interests. Scotland should be independent in Europe, first, because that is normal and right, and secondly, because it is the only way in which, in an ever-more interdependent world, we can protect our national interests and ensure that we are able better to compete and take advantage of opportunities that open up, such as those that Keith Raffan mentioned.

Richard Lochhead is right that we should reflect on the fact that much of the Commission's work programme this year relates to enlargement, such as welcoming the 10 new states, continuing negotiations with Bulgaria and Romania and possibly entering into talks with Turkey and, beyond that, even Croatia. We should welcome the process of enlargement unreservedly, but we should not miss its significance for Scotland. As of 1 May, Europe will be a union of small states. Seven of the 10 new member states have populations similar to or smaller than that of Scotland. Malta is smaller than the city of Edinburgh, yet it will be represented at the top tables.

As those countries proudly take their seats at the top tables of Europe, we must not let Scotland remain on the sidelines or be relegated to the second division. We should raise our sights for

Scotland. We should demand for ourselves the place in Europe that those other small countries take for granted and out of which they get so much. That is why I move amendment S2M-771.2, to insert at end:

"and calls on the Scottish Executive to publish its position on the Commission's programme in order to inform the Parliament and Scotland about the aims and objectives that the Executive has in relation to it and to publish a strategy paper outlining how the Executive intends to achieve these, but considers that Scotland's interests in relation to the Commission's programme would be best represented if Scotland was an independent member state of the EU."

09:53

Phil Gallie (South of Scotland) (Con): I congratulate Richard Lochhead on the way in which he led for the European and External Relations Committee. I agree with most of what he said.

We welcome this debate, in particular because it gives Parliament the opportunity to learn of the Executive's aspirations and hopes and of the opportunities that it sees with respect to the work programme, as well as its concerns and intentions over measures that will directly affect Scotland. Much of what is planned falls within the remit of reserved matters, although there are areas of involvement—some might say interference—that fully encompass devolved issues. I will say more on those topics later.

We accept the wording of the motion, but in the interests of fact and reality our amendment should be made to it. Our amendment does not introduce an element of anti-European sentiment to the motion; it simply acknowledges the words of Elizabeth Holt, the voice of the European Commission in Scotland, at a recent meeting of the European members information and liaison exchange—EMILE—network that was held in this chamber to discuss the work programme. She emphasised that while the programme was not as extensive as previous programmes, it took account of the need for extensive work on acceptance of the European constitution. That is also recognised by Scotland Europa in its helpful assessment of the work programme for 2004.

In my contribution to the EMILE meeting, I pointed out that acceptance was far from decided, and that we should take that uncertainty into account when assessing the work programme. Happily, from my point of view and that of my party, I was proved to be right, and the constitution remains on the negotiating table. Perhaps members of most other parties, with the exception of new Labour members, would welcome that, since most wish to put the constitution to the people.

I acknowledge that the Commission will still have work to do in that area. It will almost certainly

try to bludgeon the wavering nations into accepting the constitution, which will give unelected commissioners immense power in running our daily lives. Effectively, it will turn this Parliament and the Westminster Parliament into democratic bodies with powers similar to those of local councils, in that our remit will be the implementation of centrally created legislation. At that point, Liz Holt's wish to extend the Commission's work programme in future years will have become reality. It will be the foundation upon which future business programmes of this Parliament are structured. For the moment, however, that does not form part of the Commission's 2004 work programme.

The point was made at the EMILE meeting that few of the measures in the Commission's work programmes meet its annual deadlines. A work programme completion rate of only 40 per cent was quoted. Irrespective of that, once created, the tendency is for the work load to spread into future years. On that basis, it is worth analysing the programme in depth, with the aim of teasing out those areas in which Scotland's interests can be promoted or damaged. No doubt there will be a range of views on which issues fall into which category. My hope for this debate is not only that Executive ministers will undertake investigations and clarify positions, but that the European and External Relations Committee will take on board items that have been highlighted for further scrutiny.

Like Richard Lochhead, I will add another level of uncertainty. The European elections that will take place this year will create the potential for change. Furthermore, in November there will be a wholesale clear-out of the Commission, which means that fresh minds will be applied to the work programme that will take us into 2005. Perhaps at that point there will be greater interest in this chamber in the next work programme.

As Richard Lochhead said, we have the momentous change of 10 new members coming into the European Union. We whole-heartedly welcome that, and we also welcome the possibility of Romania and Bulgaria coming into the European Union in the not-too-distant future. We also look to the day when Turkey and Croatia, which are currently knocking on the door, are considered fit for membership—perhaps particularly with respect to Turkey.

On the work list, I welcome the fact that the wish of the Italian presidency to abandon hall-marking has itself been abandoned. The Executive acted positively on that issue—a lesson learned, perhaps, from having missed the boat on herbal medicines.

One glaring omission that I do not applaud is the failure to address fraud. The situation whereby

certain departmental accounts have not attained audit approval for 15 years is totally unacceptable. Worse still is the situation whereby Commission employees who have constantly warned of fraudulent activity have been sidelined and sacked, while those with whom responsibility lay have been effectively promoted or moved sideward. I earnestly hope that the new Commission will treat that area as a priority, given the repeated failure of the outgoing Commission to deal with it adequately.

In addition to the accession states, the principal priorities are laid out as stability and sustainable growth. We could set an example on stability if those countries in the euro zone that signed up to the rules were to stick to them. I am thinking principally of Germany and France, which are in breach of the rules. I contrast their treatment with that of Portugal and Ireland when they were in breach. France got away with transgressing the rules with respect to the Scottish beef ban that it imposed in contravention of European law.

Growth is a major issue in the work programme. I point to the failures of the past two years, when growth has been a major issue. Over the past two years, the EU has run at a growth rate of less than 1 per cent. In the euro zone, the figure is less than half a per cent, which represents a downward trend. I wish the next European Commission much greater success in achieving the all-important objective of growth.

I have identified a number of specific issues, all of which are important: 2004/EAC/024; 2004/EMPL/036; 2004/REGIO/001; and 2004/FISH/003. However, the Presiding Officer will rule that I should now sit down, so I do not have time to go into detail on them.

I move amendment S2M-771.1, to leave out "is" and insert:

"was compiled on the presumption that the European Constitution would have been accepted and is now".

10:01

The Deputy Minister for Finance and Public Services (Tavish Scott): I was rather looking forward to Mr Gallie continuing that frame of analysis.

I thank Richard Lochhead and the European and External Relations Committee for introducing this debate on the European Commission's work programme. I also welcome Keith Raffan back to the chamber—a colleague whom we have all missed over recent weeks. George Lyon, the Liberal Democrat whip, is particularly glad to see the return of Keith Raffan.

I will deal briefly with the amendments and return later to the points that were made by

Richard Lochhead and Nicola Sturgeon. It will come as no surprise to Nicola Sturgeon that the Executive will not encourage Parliament to vote for the Scottish National Party amendment, because we oppose amendments that relate to independence. I will say no more about it—I am sure that many others will.

Mr Gallie was unable to be present for Denis MacShane's evidence to the European and External Relations Committee last week, when the Minister for Europe made it clear that, even had the new constitution been agreed by the IGC in December, it would not have come into effect before 2009. As Mr Gallie mentioned, the new European Commission will be appointed in 2004 and will take office in November. The Commission's work programme for 2004 was not predicated on the basis of the enactment of the convention of the future of Europe's proposals. The programme was, after all, published on 29 October 2003.

Mr Gallie might also wish to consider annex 3 on page 18 of the Commission's work plan, which states:

"The Commission ... also believes that the draft text can be improved in the Inter-Governmental Conference."

That hardly suggests that the work plan was constructed on the basis of precise knowledge of the final outcome of the discussions on the European constitution in the IGC. I therefore politely suggest that Mr Gallie's amendment is inappropriate. Mr Gallie may wish to reflect on that.

Phil Gallie: I thank the minister for his comments. I recognise that the constitution would not be implemented until 2009, but its implications are so vast that it will take a considerable number of years to prepare for its implementation. Liz Holt of the Commission has made that point and it is a point that, as far as I can see from its document, Scotland Europa also considers to be relevant.

Tavish Scott: Those observations do not hang together with the reality of the Commission's work plan. As Mr Gallie said, the constitution might be considered to be too ambitious in the context of the Commission's extensive work programme.

I welcome the point that is made in the introduction to the 2004 work plan, that

"the Legislative and Work Programme for 2004 is deliberately much more tightly focussed than in previous years. The Commission intends its programme to be as realistic as possible, both in terms of what it can deliver and the other EU institutions can absorb."

That is a theme that we would all recognise and encourage. I hope that Mr Gallie would accept that, given the fact that the Commission will change, given the forthcoming European elections—which he and Nicola Sturgeon have

mentioned—and given the length of time over which the constitution was to have been considered had it been passed, it is difficult to imagine that the constitution would be the Commission's main driving force.

The Executive has already organised a meeting to discuss the Commission's 2004 work programme. Mr Gallie mentioned the EMILE meeting on 8 December. I hope that a parliamentary debate and an EMILE meeting on the European Commission work programme can become a regular fixture in future, as Mr Lochhead requested earlier.

I will concentrate briefly on what is contained in the work programme, what it means to Scotland, and how the Executive plans to deal with those matters. The programme is shorter than those in previous years, which is understandable due to the fact that this is the final year of the current Commission; a new Commission will be sworn in later this year. Notwithstanding those events and, of course, the enlargement of the Council to 25 member states, the Commission's work programme is still ambitious, with several significant legislative and non-legislative proposals that are of importance to Scotland. We welcome the programme as a useful planning document.

The Commission's top priority for 2004 is the accession of the 10 new member states. The Commission is determined to ensure that the new member states are successfully and quickly integrated into the European Union. As I have said previously in the chamber—and as the Executive has said during debates in the chamber in the past six months—the Executive welcomes the accession and believes that enlargement will have many benefits for Scotland.

The Commission's second main priority is stability. The justice and home affairs agenda is one of the fastest growing areas of EU policy so, with its distinctive legal system, Scotland must keep fully abreast of EU developments in that field.

The third priority is sustainable growth, on which the programme proposes a review of the EU's sustainable development strategy and implementation of the EU water and energy initiatives, which were announced at the 2001 Johannesburg world summit. That agenda is important to the Executive, given its commitments in "A Partnership for a Better Scotland" on growing the economy and sustainable development.

The Commission's work programme is of real importance and we are determined to work positively and proactively to ensure that Scotland's interests are understood and are an active part of the considerations. We intend to draw on the Commission's work programme to help us to focus

and prioritise our efforts on the key short and medium-term issues that are likely to have a significant impact on people's lives in Scotland. We also intend to increase our direct engagement with the European Commission—I hope that that deals with some of the concerns that were expressed earlier. We will do that by meeting directly with Commission officials and Commissioners in Brussels. We will invite them to Scotland and we will provide them with information and details about Scotland's circumstances. We will ramp up our interaction with Scotland's MEPs through increased ministerial contacts, greater use of briefing sessions in Edinburgh and even more contact with MEPs and their staff in Brussels and Strasbourg.

Such face-to-face interaction with key MEPs and officials is extremely effective, given the café-and-corridor culture of Brussels—a point that was made by Nicola Sturgeon.

Mrs Margaret Ewing (Moray) (SNP): In the context of communication between the Scottish Parliament and the European Parliament, has the minister given any consideration to the establishment of a Scottish Parliament office? One person represents the Scottish Parliament in Brussels at the moment, but should there not be a direct office, which everyone could use as a point of contact?

Tavish Scott: I hope that Mrs Ewing will accept that that is rather more a matter for Parliament than for me. I visited the Scottish Parliament office the last time I was in Scotland House in my former life as—dare I say it—a humble back bencher. The office plays an important role, but Parliament should progress the issue; indeed, I am sure that the Presiding Officer has strong views on it. It may not be appropriate for me to suggest how that matter would be dealt with.

Richard Lochhead: Enlargement of the EU has been a big issue in the debate and will continue to be so. Will the minister give examples of any analyses by his department of the impact of enlargement on Scotland?

Tavish Scott: Such analysis is going on, rightly, across all departments of the Executive, not just in finance and public services. Enterprise plays a particularly important role in that regard, and analysis in the Enterprise, Transport and Lifelong Learning Department is on-going. Indeed, ministers are engaged in a number of activities—including seminars, workshops and practical engagement with the business community—on the needs of business and on spotting the priorities and opportunities that Keith Raffan commented on earlier. That work will certainly continue, and we shall provide a more detailed analysis of it in due course.

The Executive is committed to effective engagement on those and other issues. I should mention at this time the importance of the joint ministerial committee on Europe as a forum for formal discussion of strategic EU issues by UK and devolved Administration ministers. The JMCE, as it is known, is the major vehicle by which Scotland can maximise its influence on the UK line on strategic EU issues that are of importance to us.

Malcolm Chisholm, the Minister for Health and Community Care, is at the JMCE in the Cabinet Office at this very moment, discussing the implications of the working time directive on the UK and particularly on the national health service. I hope that members will recognise that as an illustration of the engagement of the Scottish Executive and Scottish ministers in ensuring that we achieve the best possible outcomes from those continuing discussions, which are of considerable importance in the context of the national health service.

The EU agenda that affects devolved matters is, as Nicola Sturgeon said, enormous, and the scrutiny of EU documents is a vital way of ensuring that proposals that come from Europe and in which there is a Scottish interest are picked up early. I want to encourage a team Scotland approach to that, involving the Executive, public and private sector organisations and the Scottish Parliament. As Richard Lochhead and other members said, that must include not just the European and External Relations Committee but all committees of the Parliament. That team Scotland approach can be beneficial to all avenues in Scotland in taking forward and assessing the work programme and in ensuring that we in Scotland get the best out of it. I congratulate the Environment and Rural Development Committee, the Health Committee, the Justice 1 Committee and the Justice 2 Committee on the work that they are doing on European matters. They are giving an example of how to mainstream European issues across the work of Parliament.

Governance is mentioned in the work plan. It is an important matter that several members have mentioned this morning. The impact assessment procedure, the minimum standards for consultation and the Commission's major programme to simplify EU legislation are all important, and those themes were key elements of the Scottish Executive's response to the Commission's white paper on governance. We are pleased that that is now being formally developed in the work plan that is being debated this morning.

The Executive is committed to being proactive on those issues. I congratulate Parliament on the

moves that it has made to mainstream EU issues into subject committees and I reiterate my call for a team Scotland approach to working together on those issues.

10:13

Mr John Home Robertson (East Lothian) (Lab): The motion asks Parliament to note the European Commission's work programme in a year of massive transition, in which a new European Parliament will be elected, a new Commission will be appointed and 10 new member states will come into the European Union. Given that the stated priorities are strategic and fairly obvious—namely, the accession of the 10 new member states, stability and sustainable growth—those objectives and the motion should not give rise to undue controversy, even if the motion is moved by Richard Lochhead, of all people. Inevitably, however, amendments have been lodged by the SNP and our old friends, the Tory party.

I know from long experience of European debates that the usual suspects are likely to take the opportunity to make the usual speeches about wicked foreigners usurping our sovereignty and stealing our fish. I see that some Conservative members are making sedentary comments. I think I know what is coming. I had certainly hoped to hear less on the little Englander theme here in the Scottish Parliament, but we still have our little Englanders on the right and we now have some little Scotlanders on the left. That is one of the things that we have to live with. We have to accept that Tories will be Tories, even when they are in permanent Opposition mode, as they are just now.

It is a funny old thing, but when the Tories are in Government they are realistic about Europe—Ted Heath was quite right to take the United Kingdom into the European Union. Incidentally, he was also right to understand the need for international management of fisheries.

Mrs Ewing: Is Mr Home Robertson now saying that he believes that Ted Heath was right to say that Scottish fishermen were expendable?

Mr Home Robertson: No. I think that he was right to understand that fisheries need to be managed internationally. Margaret Thatcher was very seldom right, but she was right to sign up to the 1986 Single European Act and John Major was right to sign up to the Maastricht treaty. Of course, the Tory party in Opposition always reverts to its quaint old prejudices: we will hear more of that today.

Margaret Ewing has raised the issue, so I would like to urge some caution on fisheries. As an east-coast constituency member and someone who was formerly a minister with responsibility for

fisheries, I am well aware of the difficulties that face our fishing industry. Our own scientists are warning of a serious danger to important fish stocks. We know that our fishing fleet—or parts of it—are part of that problem and our minister has negotiated a package that is designed to increase our catch of haddock and prawns while beginning a recovery plan for cod stocks. In those circumstances, although it is certainly legitimate to keep talking about ways to improve the package, I submit that threats to indulge in even more illegal fishing should be condemned. Everyone in Parliament should support the Scottish Fisheries Protection Agency in its mission to protect fish stocks around our coast.

Returning, as I should, to the Commission's work programme, the accession of 10 new member states is ambitious. It will be complicated, but it is certainly the right thing to do. I very much welcome the fact that the Executive is establishing good contacts with the accession countries in order to enable Scottish communities and Scottish companies to make links and to do business in those areas. We have a lot to learn, a lot to contribute and a lot to gain, so let us work at that positively. I hope that that will not be the end of the expansion of the European Union.

As other members on all sides of the chamber have said, it would be a good thing for the European Union to have a Muslim country as a member state, so I strongly welcome the United Kingdom's active support for Turkey's application for membership of the EU.

The Commission's agenda for stability and sustainable growth is ambitious but it is the right agenda for difficult times. Much of that agenda is obviously directed at big strategic issues such as freedom, security, justice and the EU's policy on external issues. We look to the Scottish Executive to ensure that Scottish interests are protected and promoted as that agenda is implemented.

I would like to touch briefly on one aspect of the work programme in which Scotland has a lot of ground to make up—legislation and enforcement on waste. Let us face it; there are parts of Scotland that can be described only as middens. We have hardly begun to minimise or recycle our waste and rubbish is dumped in our housing areas, in our industrial areas and even on our roadsides. If the European Union can help to make Scots stop polluting our own country, that will be fine by me. I hope that the Executive will support that agenda enthusiastically.

I have always been an enthusiast for the European project. Frankly, I would like to see Britain joining the euro as soon as that is feasible, and I hope that the European members of the North Atlantic Treaty Organisation will work together to develop an effective security

framework for the continent. It is clear that the best basis for peace and security in the region will be economic growth and security.

Phil Gallie: Is Mr Home Robertson concerned that growth in the euro zone is less than growth in Europe as a whole?

Mr Home Robertson: That is one of the current problems. It would be right for Britain to be in the euro zone, but the zone must stabilise and begin to grow. However, it is worth progressing the agenda and we should support it.

I do not, however, like the idea of a two-tier and two-speed Europe. If the EU is to work, we need broad consensus on the strategic way forward and we need a constitution that can deliver that strategy in ways that make sense in the different parts of the Union. I do not often agree with Phil Gallie, but I agree with his view that legislation and rules must apply fairly to all members. To take a topical example, if Portugal is subject to penalties to enforce economic rules, Germany and France must also be subject to exactly the same rules. It sets a bad precedent to exempt some countries just because they happen to be big and strong.

The Scottish Parliament is already taking the lead in developing the role of regions and small nations within member states. I know that the First Minister and all Executive ministers are taking that agenda forward. I regret the fact that the Opposition parties are stuck in their grooves; we have heard a bit of that already and I have no doubt that we will hear more of it. However, I welcome the uncharacteristically constructive line that Richard Lochhead adopted in opening the debate with his first speech as convener of the European and External Relations Committee.

10:20

Mr Keith Raffan (Mid Scotland and Fife) (LD): It has been said with considerable understatement that 2004 will be a far from normal year for the EU. Indeed, phrases such as "a dramatic new phase in the European Union's development", "a defining moment in the history of Europe" and so on have been rolling off many tongues.

As members have pointed out, the enlargement of the EU from 15 to 25 members marks the historic end of the post-war division of Europe that has lasted for 60 years. The European Community, which was conceived in the chaos and horror of the second world war and born as a means to end the Franco-German hostility that had been the source of no less than three wars in 100 years, is now about to dissolve the iron curtain.

This year, the European Commission's central task must be to make a success of enlargement

by integrating the new member states into the Union and extending the Union's policies and programmes to them. It must also ensure that the new member states have the capacity to spend Community money—in particular, structural funds—properly and effectively.

Although I might have put it more subtly, I agree strongly with Richard Lochhead's point that it is important that Scotland gain access to those new markets. I am disappointed that the Executive has not been more proactive in that respect. The SCDI has launched—and is launching—trade missions to six or seven states: it would help if ministers were involved in those missions. I might also add that the missions are happening rather late in the day and that it would have been better had they been sent a year or two ago.

Last September, I briefly visited Lithuania with the Westminster Foundation for Democracy where I met our ambassador. Our embassy in Lithuania has doubled in size over the past couple of years in order to prepare for enlargement. The ambassador told me that there will be, over the next five years, €3 billion-worth of infrastructure, transport and construction projects in Lithuania, which has—I should point out—a smaller population than Scotland. Anyone who has read Tom Devine's book on modern Scotland will know about the distinguished historic and strong links between Scotland and Lithuania. The most distinguished member of the Scottish Conservatives, Sir Malcolm Rifkind, embodies such links. Indeed, there used to be a Lithuanian school in Glasgow.

The exodus from Lithuania as a result of the Tsarist pogroms at the beginning of the previous century, the German takeover and then the Soviet takeover after the signing of the Nazi-Soviet pact brought a large number of Lithuanians to this country. What are we doing to build on such strong historic links with regard to trade and securing infrastructure and transport contracts? I hesitate to include construction projects in that, given Parliament's record in that respect. It is crucial that we show drive and energy to grasp this great opportunity. Similarly, we should remember that we also have very strong connections with Poland.

However, it is important not to raise expectations too high, especially when it comes to realising the Lisbon objectives. After all, we must remember that the additional contribution of the new member states will come to only 6 per cent of the EU's gross national product. That said, we must grasp this considerable opportunity.

I also hope that a united Cyprus will be admitted to the Union. Accession could provide a historic opportunity to resolve that conflict and division on the basis of the proposals that have been

submitted by the Secretary-General of the United Nations, Kofi Annan. To coin a phrase, I should say that enlargement is not an event, but a process. We look forward to the conclusion of the negotiations for the accession of Bulgaria and Romania in 2007 and to the Commission's opinion—which I hope will be positive—on opening accession negotiations with Turkey and Croatia. In that respect, I agree strongly with John Home Robertson's remark about the accession of a Muslim country to the Union.

Mike Watson (Glasgow Cathcart) (Lab): It is indeed good to see Keith Raffan back in the chamber—I am enjoying his speech. However, I am interested in his comment about the need to reunify Cyprus, which was set in the context of his hope for Turkey's early admission to the EU. Does he accept that until Turkey gets out of northern Cyprus, which it has occupied illegally since 1974, there can be no question of allowing its accession to the EU?

Mr Raffan: Obviously, the Commission's opinion on opening accession negotiations with Turkey continues to relate in some ways to the current pressure that the Turkish Government is applying to the parties that have been involved in the recent elections in northern Cyprus. I will not say that the Turkish Government is knocking their heads together, but it is trying to get them to work together. The Turkish Government deserves credit, support and encouragement for the recent moves that it has made in that regard and I hope that its approach will lead to a positive conclusion.

One key Commission project that has not yet been mentioned is the wider Europe-new neighbours initiative. I know that the project is close to the heart of the much-maligned President Prodi and it is helping to create a zone of peace, prosperity, security and stability in a circle of friendly countries beyond the new external sea and land borders to the east and south. The project contains elements of enlargement and I hope that it will lead ultimately to access—perhaps limited access initially—to the integrated market.

It has been pointed out that the project, which is fundamental to the Commission's on-going work, offers "everything but the institutions". Its whole aim is to avoid the creation of new European divisions and to encourage political, economic and institutional reform by holding out the carrot of closer economic links and access to the single market. The initiative, which covers the Mediterranean, the western Balkans, the Caucasus and central Asia, is important not least in stemming the massive in-flow of heroin through the countries of the former Soviet Union that border Afghanistan. Indeed, that will be part of the development of the new EU strategy and action plans on drugs, which will be the focus of a conference in Dublin.

I had hoped to comment on the constitution, but that will have to wait for another day. However, I will say that I am glad that the Irish presidency is going to do all that it can to take the constitution forward. I am also reassured by the comments of my Liberal Democrat colleague, Andrew Duff, who worked with Sir Neil MacCormick in the convention on the future of Europe and who believes that agreement on the constitution is much closer than had been thought. I am happy to end on that positive note and I hope that progress will be made on the constitution in the coming year.

10:27

Mark Ballard (Lothians) (Green): I welcome this opportunity to discuss the European Commission's planned work programme. Whatever concerns we might have about the unelected and undemocratic Commission, it is vital that the Parliament engage constructively with the European policy agenda. The EU has had a positive impact on pushing the environment up the political agenda. Indeed, the overwhelming bulk of environmental law that is currently in force in Scotland has originated in Europe.

I want to highlight one of the items on the European agenda that demands Parliament's attention—toxic chemicals. The registration, evaluation and authorisation of chemicals—or REACH—proposal is designed to replace about 40 existing regulations in order to bring consumer and environmental protection up to date. This is a once-in-a-generation opportunity to identify and deal with the risks that are posed by a wide range of chemicals, and the white paper that was adopted by the Commission in February 2001 promised that a strategy would be introduced to achieve that aim.

Scotland knows only too well about the widespread pollution of our environment by toxic chemicals. In recent weeks, we have seen worrying reports about toxins in farmed salmon, about dropping sperm counts in Scottish men and about exposure to a cocktail of dozens of artificial chemicals that every one of us has accumulated in our blood. That accumulation threatens everyone's health and Parliament must get a grip on the issue.

Phil Gallie: If all those toxic substances are getting into our blood, why on earth are we all living so much longer these days?

Mark Ballard: There is major public health concern about the impact on us of toxic chemicals in food, consumer and other products. For example, they might be involved in the rise of diseases of the immune system, such as ME.

The Commission has watered down its original plans under intense and sustained lobbying from

the chemicals industry. Although the REACH proposals contain many elements that we welcome, the draft law that was published in October 2003 is far weaker than was originally suggested.

Last year, the Westminster Government announced that at the start of 2004 it would consult on its position in the European negotiations. Last week, the First Minister acknowledged the issue and urged Scottish scientists to become involved. The Scottish Parliament also needs to become involved, which is why the Greens have lodged a motion that calls for a proper Scottish consultation on the matter. No details means no plans, which means no action. We need to hear from the Minister for Health and from the Minister for Environment and Rural Development on the issue.

The big issue, however, is that the unelected and largely unaccountable European Commission has acted on behalf of the producers of dangerous and polluting chemicals, rather than assume its duty to protect citizens from toxic chemicals. There are major shortcomings in the draft law that was published in October 2003. The chemical industry will be able to make its own assessments of the risks that are posed by certain toxins and, if it believes the risks to be acceptable, it will continue to produce chemicals including carcinogens, hormone disrupters and bioaccumulative toxins despite the potential availability at reasonable cost of less hazardous substances. We believe that if a risk exists that can be avoided, it should be avoided. That should be the basis for European Commission policy.

Chemicals that are produced in volumes of between 1 and 10 tonnes per producer—which account for about two thirds of chemicals on the market—will not be subject to strict controls. Producers will not be required to provide full safety information for consumers. That is not good enough from the Commission; Europe's citizens need that safety information. In addition, imports of chemicals into the European Union will not be subject to the same regulation as chemicals that are produced in the EU. That obvious loophole urgently needs to be closed. The Scottish Parliament must engage with that issue to ensure that the law is tightened up. It is not about having a European supernanny state; it is about the introduction of legislation that is in the people's, rather than the polluters', interests. Scottish ministers have recently been involved at European level in discussions on fishing. There is a great deal of scope for further engagement with the EU on all devolved issues, including environmental protection.

However, we must be wary of the problems that are inherent in the current structure of the EU. The

proposed chemicals directive provides a good example of what happens all too often: the European Commission's agenda is driven by powerful lobby groups such as producers' groups or the European Round Table of Industrialists. As I said, the Commission is unelected and largely unaccountable. The European Parliament, which is supposed to represent democracy in the European system, has been hamstrung by repeated reductions of its powers in practice, despite a theoretical increase in those powers. Time and again the European Commission has exercised its powers in negotiations with the European Parliament and has eliminated the democratic element. We must bridge the democracy gap and put the European Parliament, democracy and people at the heart of the European project.

The Greens appeal to MSPs of all parties to support the case for Scotland's playing a proper role in shaping the European chemicals directive to ensure that it gets tough on toxic pollution. We must recognise that there is within the European Union a significant democracy gap that must be bridged. We must have a Europe that is in the people's interests, not those of the polluters.

10:35

Helen Eadie (Dunfermline East) (Lab): I am glad that, in this debate and in many others, the Scottish Parliament has, by and large, shown committed and enthusiastic support for engagement with the European Union, which is vital and provides tremendous opportunities for citizens throughout Scotland and in particular for the business community. Our membership of the EU also provides an opportunity to raise wider issues. Much of the work on environmental issues, for example, has been driven by the European Commission, as John Home Robertson said. We should be glad of that.

I was a member of the previous session's European Committee—I am sorry that I am not still a member but, as we all know, it is impossible to do everything. I thoroughly enjoyed my time on that committee; I made good friends, both with members of the committee and with people outwith it.

Some of the work that went on at that time shaped the future and involved some of the issues that have been raised this morning. That applies particularly to the point that was made by Margaret Ewing on the establishment of an office in Brussels. I remember the debates that I had on that issue with Ben Wallace when we were committee reporters. Irene Oldfather will agree that, to begin with, Ben Wallace was not at all enthusiastic about establishing an office in Brussels. Eventually, he came on board and

agreed that we should have representation there, although he remained unsure about having an office. I hope that we will move on from having just representation and that we will have a proper, structured, established and better-resourced office. I welcome the fact that the Scottish Parliamentary Corporate Body has decided to resource the Brussels office as a trial, but if we are serious about trying to determine what is on the horizon, early intelligence is important to ensure that we are fully conversant with and engaged in the process. A well-known example is that we did not have early enough intelligence on the vitamins, minerals and food supplements issue—that raised issues for citizens throughout Scotland. We were too late to influence the debate in a meaningful and proper way.

There are about 73 different proposals in the European Commission's work programme and many of them will impact on the Scottish Parliament. They include a regulation on the European social fund from 2007, a communication on equality between men and women, a strategy on anti-discrimination, a Community action plan on organic farming, a thematic waste strategy, and a strategy on the sustainable use of pesticides. The latter issue was raised a moment ago and I agree that we need to understand the issues around toxic chemicals of any type.

As a member of the Parliament's Health Committee, I am particularly interested in the proposals on health that are included in the Commission's work programme. On food safety, the Commission plans to introduce a proposal to update the provisions of the regulation on novel foods. The Commission also recently launched a consultation on the implementation of the working time directive, which will impact on hospital doctors. We all know that many of the difficulties with the redesign of hospital services in Scotland are driven by the shortage of clinicians, consultants and others. We must keep an eye on what is happening with that.

Outwith the work programme, there are many important health initiatives at European Union level on issues such as the proposed directives on human tissues and cells, cancer screening, and patient mobility; the latter would allow patients to cross borders and enter other member states if there are no spare hospital beds in their country. There is the Community action programme for public health 2003-2008 and a public health strategy that focuses on issues such as the improvement of health information and knowledge in support of policy development. It also addresses questions about how the EU and its member states can respond positively to health threats such as bio-terrorism, and how health determinants such as cancer, heart disease and mental illness should be addressed.

On the proposed European centre for disease prevention and control, I think back to the establishment of the European Maritime Safety Agency. Kenny MacAskill and I were heavily involved in lobbying Government ministers to try to ensure that that agency came to Scotland. I fought for it to be on the east coast and he fought for it to be on the west coast. We must get an early bid in to the European Union to try to get the proposed centre for disease prevention and control here in Scotland, irrespective of whether it goes to the east or the west. I hope that we will work hard to develop that bid; the sooner we get it in, the better.

The work that is ahead is not just about the European ministers and Regleg with the First Minister—I am sure that all the jargon must confuse many people. I make a plea to the Parliament to be aware of and to understand the work of the Conference of Peripheral Maritime Regions of Europe. The word "conference" is a misnomer because the organisation has existed for 30 years. It encompasses countries throughout the European Union in the most peripheral and maritime regions, which have come together to determine and establish a standing conference. The CPMR has been responsible for, and successful in, lobbying heavily for policy initiatives that meet their aspirations. I hope that the Parliament will engage with those issues and that we will take up that opportunity as parliamentarians and not just as Scottish Executive ministers.

10:40

Mrs Margaret Ewing (Moray) (SNP): Like others who have spoken in the debate, I welcome the opportunity to discuss the European Commission's work programme for 2004. I hope that we can do this every year because, as has already been said, there might be changes later this year to the 2005 programme because of changes in the Commission.

I congratulate my colleague Richard Lochhead on his excellent opening speech on behalf of the European and External Relations Committee. He highlighted the principle of subsidiarity, which is not a code word for independence, much as all of us in the SNP want to achieve independence. Rather, it is a recognition of the importance of the Scottish Parliament in the European dimension.

Everyone in the chamber should consider carefully how the Parliament interacts with the European dimension. We are charged with the responsibility of implementing 80 per cent of the directives that come from Europe. That is substantial. I wonder whether we have the time in Parliament, outwith the committee where we have the most wonderful and extremely helpful staff, to discuss as many of the issues as will impact on

the daily lives of our people. As Nicola Sturgeon and others pointed out, we need an early-warning system of the importance of those directives. We must discuss them in detail, whether they concern toxins, fisheries, agriculture or whatever. We need the time to ensure that the Parliament can return a considered view to the Commission.

Phil Gallie talked a wee bit about the draft constitution. I know that it is coming up to the Burns season and that he is a good Ayr man, but instead of reciting "Tam O' Shanter", I am sure that he could probably recite by heart the draft constitution. That would certainly make a change at some of the Burns suppers.

I wish the Irish well in their presidency as they take over the task of trying to resolve some of the issues that surround the draft constitution. Colleagues such as Helen Eadie and others who served with me on the British-Irish Interparliamentary Body on behalf of the Parliament will know that I put on record the fact that I did not foresee a solution before Christmas under the Italian presidency.

The minister emphasised the importance to Scotland of many of the directives and proposals. John Home Robertson spoke a load of nonsense, but that did not surprise me because he has been stuck in that groove for years. I sometimes wonder what he would do with his spare time if he could not find ways to attack the Scottish National Party—he would need to take up another hobby.

I welcome back Keith Raffan, whom we have missed. I do not always agree with him in committee or in the chamber—or anywhere else—but it is good to have him back. Nora Radcliffe was his substitute on the committee and she did an excellent job in his absence. I thank her for her work.

The Scottish Parliament has a major role to play in the European dimension. We could underestimate ourselves and pretend that we are a wee bit like a local council that goes over to talk about this or a lobbying group that goes over and talks about that. We are an elected, legislative Parliament.

We talk about Regleg and EMILE and—here I agree with Helen Eadie—if we were to go down the High Street in Edinburgh just now and ask people what those words mean, I think that we would get blank looks. We know what the words mean, but we have to overcome the jargon of Europe. Part of the responsibility of the Scottish Parliament is to explain more fully the implications of European legislation, not only when we have the particular difficulties of the fishing and agricultural industries, but more generally.

Phil Gallie: In her earlier comments, the member referred to the mass of information and

legislation that is generated in Europe. She has just referred to that again, as well as to people's attitudes. Does she think that they would be absolutely gobsmacked, as I was in the European and External Relations Committee, by the amount of material that comes from Europe? Does that not offer a warning about how we govern ourselves?

Mrs Ewing: People would be equally gobsmacked by the number of acronyms that we use when we discuss European legislation. That is part of the problem that we have to overcome.

I will make some suggestions about how to do that. Although we have been talking about having an annual debate on the Commission's programme, I would like more regular debates in the chamber, in Executive time, on European matters. We ignore at our peril the proposals that are made by the Commission. We need to involve the whole Parliament because not everybody reads the reports that come out of the European and External Relations Committee, the Health Committee or the justice committees. Those people who are on the committees know what is happening, but do the rest of us know? How can we extend our knowledge as we try to extend the public's knowledge? We should not debate European matters only in committee or Opposition time—that should happen in Executive time.

We are changing our question time procedures and the convener of our committee has sent a letter expressing the hope that there will be a specific question time for European matters.

The establishment of the parliamentary office in Brussels is an important step. Last year, my parliamentary intern undertook a substantial thesis on the subject—I will pass it to anyone who is interested—

The Deputy Presiding Officer (Trish Godman): You must finish now, Mrs Ewing.

Mrs Ewing: My intern came to the strong conclusion that having one person in Brussels was not enough and that we needed a parliamentary office. Some of the accession states already have theirs.

10:48

Alex Johnstone (North East Scotland) (Con): It is my responsibility today to raise the subjects of the common agricultural policy and rural development and how they will develop in the years to come.

Now is a particularly important time for the European Commission because, having completed the mid-term review of the CAP last year, it now begins the process of developing the policy for the next programming period of 2007-13.

It has always been my belief that we should look at what has happened in the past and try to project into the future how we need to develop policy. The McSharry reforms of the 1990s institutionalised and made rigid the system of common agricultural support. As a result, we had a structure that fed specific amounts of money to specific individuals and effectively preserved the rural economy by preserving those who had traditionally been part of it. That performed an important function in its time and, indeed, it has helped us through one of the most difficult periods in farming that Scotland has ever known. However, the mid-term review was essential in that it reversed many of those key rigidities that had been built into the system by McSharry.

By moving towards a system of decoupling, for the first time we have allowed market forces to become more rather than less significant to the rural economy. Although we are still going through the consultation process, much of that ground has already been made. When we get the proposals for the implementation of the mid-term review, we will be in a position to exploit the new-found freedom in the rural economy.

The Commission must commit now to looking for ways in which to further institutionalise the return to market economics in rural Scotland in the next programming period. Unless that opportunity is taken, we will be in grave difficulty when it comes to accepting some of the conditions that come along with enlargement. Along with my party, I support enlargement and I believe that it is important that the new countries can compete on that level playing field in Europe for which we have been campaigning for a generation—although I am concerned that the playing field may not be as level as we would like it to be.

The structure that institutionalised support in certain areas of Europe has been removed and replaced with one that provides the opportunity to spread support throughout a larger area. However, at the same time, the need to consider production restraint, which is one of the key elements of control of European agricultural production, has been neglected. If we retain the production restraint that exists in certain areas of agricultural production, we will find that we are fighting not on a level playing field, but uphill with one hand tied behind our backs. Efficiencies in eastern Europe will inevitably allow farming communities there to compete more effectively than we can. We must act in the next programming period to ensure fair competition.

The Deputy Presiding Officer: I call Mike Russell.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member confirm that he is in favour of the full decoupling of subsidy

from production?

Alex Johnstone: I favour the full decoupling of subsidy from production because that is essential to progressing rural development.

At the same time, we must realise that it is important to increase the significance of rural development programmes in Europe. We appear to be about to enter into a structure that can be only temporary. We must look ahead at how to take the funds that are at present allocated through CAP production support and put them into streams that will allow them to be returned to those who currently receive support from the EU, but who in future will have to receive support for doing different things. Unless the funds are transferred adequately, there is no hope that people who receive support at present will receive it in the long term.

To move to some of the environmental measures in the programme, I raise the subject of the thematic strategy on the sustainable use of pesticides. Helen Eadie mentioned the subject, but I am not sure whether she was confusing the strategy or trying to integrate it with what we heard from Mark Ballard about the control of toxic substances in Europe.

Helen Eadie: I was not confusing the strategy with anything. The fact is that all kinds of chemical substances, including pesticides, have an impact on health. That is the point on which I support Mark Ballard.

Alex Johnstone: I accept that, but I raise the subject because I was disappointed that Mark Ballard seemed to be making the traditional suggestion that our food is full of toxins. Europe has rigid structures to ensure that that is not the case. The suggestion is particularly galling, given that Scotland produces some of the highest quality food to be found anywhere in Europe. When members talk about toxins in our food, they undermine one of the healthiest and cleanest industries that our country supports.

I do not know what will be in the thematic strategy on soil protection when it comes along, but I have already seen what has happened with European Union water strategies. I am concerned that directives from Brussels on how we manage our soil may be at least as heavy handed as water policy has been. I remember my grandfather telling me about an uncle who returned from a visit to Belgium in 1918 and said that he was amazed to discover that, over there, they had as much grun as bury a horse, which was useful because burying horses was one of his responsibilities. As the strategy on soil is produced, we must take it into account that farmers in Scotland farm successfully on some of the shallowest and coldest soils to be found anywhere in Europe. I will be told nothing about farming by the Belgians.

10:54

Frances Curran (West of Scotland) (SSP): There are many pressing issues that the Parliament should discuss: threatened mass redundancies—not only those at Abbey; the protection of workers' rights; and the nursery nurses, who have threatened to go on indefinite strike. However, we are having a whole morning's debate—bearing it in mind that we have only three such periods a week—on the European Commission's work programme. I am probably raising a discordant note—

Richard Lochhead: Will the member give way?

Frances Curran: Let me make my point first.

Apart from the fact that the Commission's work programme document is sheep stunning at 40yd, the main point is that the Parliament has no power over the issues that are covered in it.

Richard Lochhead: Does the member acknowledge that the Commission's work programme and Scotland's response to it in the next 12 months could influence tens of thousands of jobs in Scotland?

Frances Curran: That is exactly my point. Richard Lochhead mentioned the need to hold ministers to account on EU matters, which include those tens of thousands of jobs, and Nicola Sturgeon mentioned the need for scrutiny and democracy, but, in return, my point is that there is no democracy in the European Union. After enlargement, from the north pole to the Mediterranean, from the Black sea to the Atlantic, the European Central Bank will have control over the economy, jobs and pensions—in other words, growth. Six unelected and unaccountable bankers in Frankfurt, who cannot be removed, control and dictate in the euro zone. Richard Lochhead asked about jobs. Those six people have more power than the elected Scottish Parliament. As Margaret Ewing pointed out, this is an elected Scottish Parliament, but the debate has been reduced to asking how we can be a more effective lobbying group on the work programme and on the debates that will take place on enlargement and the new European constitution.

The debate is about who has the power and how we can influence it. We do not have the power and we are working out how to influence it. Nicola Sturgeon said in her opening comments that enlargement is about small nations and that Scotland is a small nation. I put the problem to the SNP that, although there will be more small nations after enlargement, they will be in a massive euro zone with a one-size-fits-all economic policy in which there will be not one iota of movement that will allow any of those countries to have control. [Applause.] Tory members are clapping—we are on the same side again, but for different reasons.

My point is about democracy. One of the more important and less sheep-stunning points in the document is about the new European constitution. Phil Gallie will be pleased that the new constitution will institutionalise the market, competition and neo-Thatcherite policies, but curb civil rights and the development of a free and fair Europe. At present, elected Governments are being taken to court by unelected bureaucrats for the crime of spending too much money on public services. By the way, that would never happen to Blair and the Labour Government in London, which has obeyed the Maastricht rules.

The new constitution is not a huge issue in Scotland or Britain and does not bring people on to the streets here, but it does so in Italy, France and Spain. Any attempt to impose the constitution will be a massive issue. Why are people such as Blair trying to impose the new constitution and refusing to hold a referendum? The reason is that they are not sure that they will get the new constitution through; they are scared that they will lose the referendum. That type of democracy comes straight out of the section of the dictatorship's handbook entitled, "Plebiscites: Democracy". I hope that the Scottish Parliament will support the call for a referendum on the new European constitution. If Blair and the others are so confident, let us have the debate.

I have less than a minute of my speech left. I want to talk about the economic policy that we will get. There is an irony in this debate. In the European Union—even after enlargement—10 out of 15 states support the neo-Thatcherite economic, social and political agenda that the Tories favour, yet the Tories are the Eurosceptics. Labour and the SNP are the cheerleaders for the enlargement of the European Union, yet they are about to get an economic policy that undermines everything that the Labour movement and even social democracy has ever fought for in the post-war period. The main issue for the Scottish Socialist Party is how we take part in the European Trade Union Confederation's day of action in opposition to that, at the beginning of April, and support the European Social Forum—50,000 delegates who came together to resist the effects of attacks on pensions, public services and welfare. That is the most important thing for the SSP. While others are voting for EU enlargement, we will be on the streets of Paris, Milan, or wherever, defending the rights of working-class people.

11:01

Linda Fabiani (Central Scotland) (SNP): I have never been in any doubt that the Executive is well intentioned—especially Tavish Scott, whom I have always thought of as a well-intentioned

laddie. The trouble is that the Executive is stuck in the Home Robertson groove of arguing for the status quo and holds the misguided belief that activity is a substitute for achievement. It is not. The Executive tells us that it is busy in Europe and that it is succeeding, but if it does not tell us what it wants to achieve in the first place, how can we judge whether success has been achieved?

The trouble in Europe, generally, stems from the fact that Scotland is not properly represented. Only an independent Scotland will be truly represented and allowed to punch its weight. Even within the devolved settlement, the Scottish ministers do not relay the importance of what Europe means to Scotland. They do not relay that to the Parliament properly; therefore, it does not get relayed to the country.

It looks as though our lion rampant barely whispers, let alone roars. We hear tell of great co-operation with the UK, and sometimes we see the eventual results; the problem lies in between, when the Scots view may or may not be getting put forward. The Executive should ask any Scots fisherman whether he thinks that co-operation is worth a candle. I have with me a minute from the December fisheries council in which Ross Finnie is not even mentioned, although Mr George Pullicino, from Malta, is mentioned. From what Nicola Sturgeon said, we know that Malta, an accession state, is only the size of Edinburgh—it is nowhere near the size of Scotland.

Europe is not half as complicated as many politicians make it out to be, but they do that because it suits them. Generations of UK politicians have blamed Europe for anything unpopular that has happened. By error of omission, rather than deliberate intention, the Executive is upholding that unworthy British tradition. The Commission produces its work programme every year and updates it every three months to telegraph to member states and organisations what it is doing. The rotating presidency produces priorities for the same reason. The Executive tells us that it is at the heart of Europe, but we do not hear much else.

Let us look at the Commission's current work programme. List 1 contains 126 items, of which 68 clearly concern devolved competencies. List 2 contains 147 items, of which 52 clearly concern devolved competencies. Although the other proposals are not strictly devolved under the Scotland Act 1998, they are of considerable importance to Scottish policy. For example, the intention to

"Follow up on the Innovation Policy Communication"

has considerable relevance to the Executive's strategy for a smart, successful Scotland; however, the Executive has not published any views on it.

I know that the Scottish ministers do not quite understand independence, but I sometimes think that they do not understand even devolution. Under the Scotland Act 1998, it is the job of the Scottish Parliament to scrutinise the Executive. That is impossible if we are given nothing more substantial than soundbites, platitudes, speeches—when forced—and press release after press release. The minister said that he intends much more information to be forthcoming in the future. Is he saying that there will be an annual report to the European and External Relations Committee on the Executive's intentions in relation to the Commission's annual work programme? I understand that that is what happens in the National Assembly for Wales. That is fundamental.

Some progress has been made. The forward-look document is useful, as far as it goes, but it is not quite enough. The Executive must go further. We need a European strategy that is built on the Executive's view of the Commission's work programme as discussed by the Parliament. For example, what are the minister's views on the Commission's plan to facilitate the roll-out of broadband? What are the minister's views on the Commission's plans to regulate on violence in the workplace? What are the Executive's plans for cracking down on vehicle emissions? There are hundreds of measures about which we should know the Executive's view, but we do not know what the Executive thinks of any of them.

Only with independence will Scotland be able to play a proper role in Europe. However, even under the current settlement, we can and should have influence. The Parliament can start that by supporting the SNP's amendment.

11:06

Pauline McNeill (Glasgow Kelvin) (Lab): I welcome this European and External Relations Committee debate and add my voice to those of others who have talked about the need for the Parliament and its committees to become involved more systematically in the scrutiny of European legislation. As a committee convener, I hold the strong view that the Parliament should review and report on a future framework to ensure that our scrutiny of European legislation is systematic and not haphazard. My main worry is that, although we may agree that we should do that, if there is no formulation of the framework and the options for getting involved, the process may be haphazard and ineffective.

The first briefing that the justice committees were given by the Scottish Parliament information centre, on the programme of the European Union in relation to justice and home affairs, left me absolutely staggered. I was staggered by the volume of legislation that affected devolution and

the pace at which that legislation was being produced. I have spoken to some commissioners on the matter, and that is not their view: they say that the process is going extremely slowly. However, I see it going extremely fast and I am worried that so much legislation is being produced that we might not be able to scrutinise aspects of it that we want to scrutinise. As an internationalist, I am comfortable with our integration into Europe; however, in some instances, the programme goes well beyond the original treaty rules and the idea of freedom of trade and movement. The process is going so fast that I am concerned that there may be a lack of democracy and transparency in relation to some of the Commission's programme.

I will give members some examples of legislation in the area of criminal justice and civil affairs that will affect devolution. The proposal for procedural safeguards in criminal proceedings is under way, and we would be required to examine whether there is any impact on Scots law. The double jeopardy rule that the Hellenic Republic is proposing covers the prohibition on being tried for the same crime twice. I do not have any problem with that principle, but it is an example of something that is perhaps more a matter for us to determine in our law than a harmonisation issue. There are many good proposals to counter racism and xenophobia, which will ensure that, across Europe, we think about our social responsibilities. The harmonisation of criminal law penalties would include early-release mechanisms and alternatives to custody. Other proposals include the European arrest warrant and measures to tackle money laundering and the trafficking of human beings.

There are many good aspects of European legislation that will enhance our security and freedom in Europe, but there are also many aspects that go unnecessarily far. In the area that concerns me the most—civil justice—there are good proposals for the provision of compensation to crime victims, especially in relation to cross-border issues, and I accept the need to legislate when citizens are moving regularly across borders. However, we will also be considering matrimonial matters. We have just agreed a regulation on parental responsibility and were it not for the hard fight that the UK put up in the negotiations, the French would have got their way in relation to child protection in the field of international law. If that had happened, I believe that we would have ended up in an inferior position. The UK's role has to be acknowledged.

We are facing a white paper on divorce, wills, inheritance and succession, all of which will affect Scots law and in which we should therefore have a say.

Mutual recognition is supposed to be the guiding principle of the European Union in Community law.

However, we can already see that other member states want to push that principle aside in favour of harmonisation. We must guard that principle and be vigilant as parliamentarians and committee members.

I ask the minister to go a bit further in inviting the Parliament to get involved in the framework and to consider coming up with a systematic way in which that could be done. That would ensure that we could perform our scrutiny role. I worry about the laws that are coming on stream and which are now enforceable. Many people whom we represent are unaware that such regulations and laws affect their lives; when they notice, at some point, that the European Community has changed the law in a way that affects their lives, they will ask us what influence we brought to bear on the change. We must consider the matter from that point of view.

We must not only learn from other member states, but be proactive. We have good legal principles that we want to defend and we should invite other member states to adopt our law.

From recent discussions with the Commission, I understand that, of the 300 lawyers that it employs to consider legislation, none is Scottish. That is a deficiency, as we need someone who is willing to uphold the principles of Scots law, or who at least understands them, at that level. I hope that the Executive will make representations in that regard.

11:12

Alasdair Morgan (South of Scotland) (SNP): Whatever the question might be, according to Alex Johnstone, the answer lies in the soil.

The Conservative amendment is not, as Phil Gallie tried to tell us, a technical, tidying-up amendment; rather, it is an attempt to be a bit anti-European without giving the game away. That is the same game that the Tories will play at the European elections later this year, when they will try to garner every anti-European vote without saying that almost every significant increase in EU influence on this country—entry to the Common Market, the Single European Act, Maastricht and so on—took place under a Conservative Administration.

As Keith Raffan said, the original motivation for the setting-up of the EU was the need to reduce the danger of conflict between France and Germany. Clearly, in that regard, it has been successful, but we must ask ourselves how successful our EU membership has been in influencing our attitudes towards other countries in Europe. There is an attitude, which is still far too prevalent, that almost every other EU country does things from ulterior motives—and that we are always purer than pure—or does things worse

than us. Alex Johnstone spoke about Belgian farmers in a way that implied that nobody in the world could farm except people who live in Scotland. Another example of that attitude can be seen in the exhibition about the Parthenon marbles that is going around Britain and which uses a photomontage to show bits of the same sculpture in London and in Athens. The situation is a nonsense, but we still hear Lord Elgin saying that the Greeks cannot be trusted to look after the marbles. That kind of attitude is not only insulting, it is plain wrong. In that context, I ask members to sign the motion on the Elgin marbles that is in the business bulletin.

I agree with the convener of the European and External Relations Committee when he says that we need to debate European matters more often. In relation to enlargement, we have all welcomed the accession of the states that are coming on board. I welcome in particular the accession of the small states, as that strengthens Scotland's case. However, I wonder what the underlying philosophy is and I suggest that there needs to be more debate about the subject. The logic is clear, in that we want to avoid an us-and-them situation in which there is a rich EU with a wall round it and a host of smaller, poorer nations outside. The United States of America might be able to get away with that kind of attitude, but we cannot and I do not think that we would want to.

Enlargement helps us as well as the accession states, because it enables us to sell to those growing economies. However, where does enlargement stop? Does it, or should it, stop? We have heard about the other applicants that are knocking at the door, such as Romania, Bulgaria, Turkey and Croatia, all of which I would welcome. However, we all know that drawing any boundaries—even for a council ward or a parliamentary constituency—leads to certain illogicalities and that there will always be bits just outside the border that we would like to have inside the border. In that context, if Turkey is going to be in the EU, should Azerbaijan and Armenia also be in? Should Russia be a member of the EU? Those countries might well be welcome, but if they are in, what about their neighbouring countries? How far should we go? That is a reasonable debate that should be entered into and I am sure that it takes place at the highest level of politics. However, it should also take place in a much wider forum so that the people of our country feel happy with the way in which the EU is heading.

Apart from questions relating to the size of the EU, we need to debate the detail in which the EU gets involved. Is not the detailed work programme that we have seen today a bit too much? Pauline McNeill talked about issues relating to the field of justice, but we could make a caricature of any

legislation simply by listing the relevant statutory instruments that a legislature deals with in any one year. We have to realise that the issue that makes the biggest contribution to anti-European feeling in this country is the number and extent of EU regulations and laws that affect businesses and people. The problem is that all those regulations and laws arise from general principles to which we have all happily signed up, such as those that are designed to free up competition and to improve transport and the environment. However, do we have to translate those general principles into quite so many and quite such detailed regulations? Would not the EU be just as effective if, say, 33 per cent of those regulations had never seen the light of day? Would we be any worse off as a country or as individuals?

The other problem is that, because of the volume and complexity of the regulations, they get little democratic scrutiny in the Scottish Parliament, Westminster or the European Parliament. We should reflect on the fact that the situation that I have described has the adverse consequence of playing into the hands of those who have been against the EU project from the start.

11:17

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): Like many, I voted for Britain to become a member of the Common Market on economic grounds. I believed that an economic union of like-minded European states would contribute to a prosperous and peaceful Europe. Over the years, however, it became apparent that others had rather grander aspirations. For reasons not unconnected with keeping the French and the Germans from each other's throats, as we have heard, Britain was being asked to sleepwalk into a new country called Europe, with European laws, a European army and a European President, no less.

The ultimate betrayal came when Tony Blair blithely informed us that, as part of that, we had to sign up to the proposed European constitution, which he described as little more than a tidying-up exercise rather than the abandonment of British sovereignty in almost every respect. It looked even less like a tidying-up exercise when we learned that, in the recently collapsed summit on the draft constitution, only 11 of the 200 amendments that have so far been proposed by the UK were accepted. Even so, Tony Blair tells us that he believes

"passionately that we must remain fully engaged."

In one respect, I agree with him. Like many Conservatives, I retain that vision of a European economic union of like-minded states and I

welcome enlargement on that basis. I refute utterly the tired cacophony from John Home Robertson and others that Tories are anti-Europe. That is not my standpoint. I am fortunate to have a home in the Catalunyan region of Spain. As a Spanish council tax payer, I am a proud European as well as a proud Scot and a citizen of the UK.

Under the current economic arrangements, Spain is one of the largest per capita beneficiaries of European funding; Portugal and Ireland are others. Good luck to them. Along with Germany and Holland, the UK is among the largest net contributors to the budget. Again, I have no complaint with the broad argument that wealthier EU countries should assist those that are less well off. However, believing in a single market for trade is a long way from believing in a European superstate. That is why Conservatives are totally opposed to binding Scotland, with the UK, to a European constitution. We are for a Europe of nation states, rather than a united states of Europe.

As members would expect, I will refer to the recent fisheries settlement. It is right and proper that, as part of this debate, we look at some of the detail of what Ross Finnie brought back with him. On the face of it, the minister had something to crow about when he returned from Brussels in December. His spin doctors certainly did their share of crowing: we were told that the settlement was worth £20 million a year to the white-fish fleet. Within a fortnight, however, the minister appeared to be concerned that, as a result of the deal, a further 40 per cent of the Scottish fleet would have to be sacrificed—that is on top of the halving of the fleet over the past two years.

Mr Finnie appeared not to have taken into account during the negotiations the likely impact of allowing Scots fishermen to take only 20 per cent of their haddock catch from a vast new restricted area stretching from Arbroath to Shetland and out to the median line, while the fleets of other countries could plunder that area at will. What price fairness, equity and parity among all European peoples now?

Mr Finnie was rather disappointed with the way in which things had turned out. He said:

"It would be appropriate for us to suggest that we appear to have evidence that the way in which some of the detail has been drawn gives rise to an unintended consequence".

That is Executivespeak for, "This deal has turned out to be a dud."

The minister claims that he—or rather, his deputy, Allan Wilson—will be trying to tweak the detail in the UK's favour before 1 February. Little wonder that many Scots skippers, who have been driven to the brink of bankruptcy, are now contemplating ignoring the December settlement

and fishing on regardless. The Deputy Minister for Environment and Rural Development must consider whether the recent Brussels deal will, in fact, do the opposite of preserving cod stocks. With only 15 days a month at sea, the fishermen are likely to target high-value species such as cod.

The deputy minister must come up with a time scale and a strategy for renegotiating the disastrously restricted haddock box. I noted this morning that the Commission's director of conservation policy has claimed that the extent of the box is not set in stone. I welcome that. The last thing that we want is for hard-working, law-abiding fishermen, driven by desperation, to resort to desperate measures. It is time for Allan Wilson—in his expanded role—and his London co-negotiator, Ben Bradshaw, to show their mettle on behalf of Scotland's fishermen.

11:22

Nora Radcliffe (Gordon) (LD): I thought that the Scottish Parliament had done well, dealing with more than 60 bills in its first four years, until I saw the Commission's legislative and work programme for 2004. List 1 alone, according to the table heading, contains 126 items. When I checked how many of the programme's proposals were for legislation and how many were "non législatif", there seemed to be 112 of the former and 159 of the latter, in 27 different policy areas covering everything from justice and home affairs to enterprise, commerce, finance, information technology, research and external relations. The proposals that we hear the most about relate to agriculture, fishing and the environment—and that is only 10 of the 27 policy areas. No wonder it takes a great deal of time and effort to engage effectively in Europe. However, it is time and effort well spent.

We pride ourselves on being open and accessible. The European institutions are also very accessible, but it is up to us to make the most of that accessibility to ensure that our interests are advanced and protected. In the five years since the inception of the Scottish Parliament, we have been gradually developing the mechanisms that will help us to be aware of what is happening in the EU and to contribute effectively. For example, the pre-council and post-council meeting reports were very scrappy to begin with, but they are getting better. In the first session of Parliament, the European Committee began circulating a sift of EU documents to the subject committees. However, although I saw those documents leave the European Committee, I sometimes did not see them arrive with the subject committee on which I sat at the time. Happily, that is changing.

This session, the Environment and Rural Development Committee has adopted mechanisms for picking up EU issues. We had an extremely useful question-and-answer session yesterday with the Minister for Environment and Rural Development and the Deputy Minister for Environment and Rural Development on the issues that will come up during the Irish presidency, and we intend to repeat that for every new presidency. This morning's debate helps us to focus on the opportunities and, perhaps, the potential threats that are being presented in Europe. I hope that such debates will become a regular fixture in the parliamentary calendar.

Ogden Nash said that it is generally not what we have done that gets us into most trouble, but what we have not done. Many of the difficulties that we have had with EU matters have arisen as a result of our not acting in good time to implement legislation. As has been said by a number of members this morning, much EU legislation applies in areas of devolved responsibility. I hope and expect that, in the future, there will be much less hurried action being taken hard against—or well past—the deadlines, with infraction proceedings looming. We all have a part to play in avoiding such scenarios.

Good governance is enhanced by decisions being taken at the appropriate levels. Environmental issues are wider than local or national borders. Acid rain damage to Scandinavian forests can be traced back to the very beginning of the British industrial revolution. That is a salutary warning about environmental pollution and the need to operate according to the precautionary principle. The proposed directive on environmental liability will be fundamental in encouraging such a precautionary approach, as well as in dealing with any aftermath of things that have gone wrong.

European measures are encouraging a more sensible use of resources, through whole-life product design, with pressure being exerted by the end-of-life vehicles directive and the waste electrical and electronic equipment directive. Practical preparations for implementing those directives will be extremely important. I am not as pessimistic as Mark Ballard is about the REACH directive. However, if there are weaknesses or deficiencies in directives, we have the opportunities to highlight them and to argue for the regulations to be tightened.

We may not have a direct seat at the top table, but we have huge opportunities to engage with and exercise influence in Europe. It is up to us to seize those opportunities. I agree completely with Margaret Ewing about how much more we need to do in the Parliament and to inform our fellow Scots. This debate offers a good mechanism, and I hope that it becomes a regular feature.

The Deputy Presiding Officer (Murray Tosh):

We come to closing speeches. I will have to cut the next three speakers to five minutes each, for which I apologise.

11:27

Mr Alasdair Morrison (Western Isles) (Lab):

I am happy to sum up for the Labour Party in this debate. As many members have commented, 2004 will be a momentous year for the European Union. It will certainly be a momentous year for Richard Lochhead: I cannot recall ever having taken part in a debate with Richard Lochhead in which I agreed with much of what he said. I think that it was John Home Robertson who gave an able description of that speech by saying that it was “uncharacteristically constructive”. That is a welcome trend in the context of the debate. Sadly, however, I suspect that it will not last too long.

I agree with what Richard Lochhead said about the importance and role of the European and External Relations Committee, of the Parliament as a whole and of individual members in engaging positively on matters relating to Europe. That means engaging at the relevant time, not just reflecting on and responding to directives, laws and so on once they are concluded.

The European Union faces three major challenges this year. The historic enlargement of the Community on 1 May will, without a doubt, be the most significant. That development will help to spread peace, democracy, the rule of law and the common rules of Europe. As Denis MacShane reflected when he joined us at the European and External Relations Committee last week, many of the countries that are joining the EU lived under the spectre of dictatorship in recent decades. Their inclusion in the wider European family is welcome.

Prior to 1 May, we will have elections to the European Parliament, and we hope that Scottish citizens will engage positively in that process. Sadly—bizarrely, in my view—returning officers in Scotland have refused to appreciate the fact that an all-postal ballot would greatly increase turnout and participation. At the last European elections, 92 per cent of citizens in Belgium participated, compared with a depressing and dismal 24 per cent in the United Kingdom. It is worth noting that participation in elections is compulsory in Belgium. However, that is another issue for another day.

The development of the European Union's external action will be another priority. We all appreciate that the international situation remains more tense and unstable than it has been for many years. That reinforces the absolute need for the European Union to act in a more united way, in order to promote stability, to support effective multilateral responses to crises and to address the

fundamental problems that face global development.

Regional funding is an issue of fundamental importance, and we can expect a robust and tough debate on that in the years to come. Many regions and countries in Europe have advanced greatly in social and economic terms as a direct result of the application and good use of regional funds. The next decade will see the fortunes of the 10 accession countries improve in the same way as those of Ireland, Greece, Portugal, Spain and, indeed, the Highlands and Islands have done. The fortunes of all the peoples in those countries have advanced.

For the United Kingdom and Scotland, the debate will focus on the repatriation or renationalisation of regional funding. I welcome the pledge by Patricia Hewitt that funds will be maintained at existing levels if they are repatriated and that the duration of funding will mirror the EU's commitment to regional funding in the accession countries.

I agree with what my colleague John Home Robertson said about fishing. He was right to mention its importance to Scotland and to condemn those who advocate breaking the law, rather than adhering to the agreement that was secured in Brussels last month.

Mark Ballard focused on toxic chemicals. Sadly, he referred to the bogus science that underpinned the report about salmon farming that was published last week. It is irresponsible in the extreme for the Green Party so cynically to associate itself with a report that has been denounced by all credible health monitors.

Mark Ballard *rose—*

Mr Morrison: I have only one minute left.

In associating themselves with that report, Green members cynically turn their backs on the thousands of men and women who rely on the salmon farming industry for security and stable employment.

Mark Ballard: Will the member give way?

Mr Morrison: I will not.

I cannot follow the logic of Nicola Sturgeon and the SNP's argument for independence in Europe, which they share with other increasingly irrelevant separatist movements. Separation flies in the face of the ethos that underpins the European Union—the principle of partnership. Only nationalists can reconcile in their minds the policy of independence in Europe with the illogicality of withdrawal from the common fisheries policy.

I hope that in the next few years, with the development of the work programme, the EU will focus on clearly defined priorities, instead of

constantly debating its constitutions and institutions. Let us ignore the nationalistic sloganising about Europe, avoid the dead-end politics of the SNP, ignore the isolationism of the Tories and work in a co-operative fashion with millions of other EU citizens.

11:32

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

This debate has been a welcome opportunity to discuss some very important issues relating to Europe. I disagree with Frances Curran, who seemed to indicate that she believed we should be discussing other matters. Having said that, I agree with much else that she had to say about the European Central Bank and the euro. However, enough about that for the time being.

It is interesting that we are conducting this debate against the background of a rather bizarre situation, to which John Home Robertson and Phil Gallie referred. The European Commission is threatening to take the Council of Ministers to court over the breach of the stability pact. It is now perfectly clear that the Government under John Major was entirely right to negotiate an opt-out from membership of the euro in the Maastricht treaty.

There are a number of concerns about European proposals. I will touch briefly on two of those. Last month, I lodged a motion on the threat to the Scottish wild game industry from a European proposal that a suitably qualified person should have to certify that all meat entering the food chain is fit for human consumption and that the animals from which it comes have been humanely killed. Clearly, if a couple of wild rabbits or a brace of pheasants that someone buys for dinner must be accompanied by a certificate from a qualified vet, the whole industry will become uneconomic, which would be quite ridiculous. Proposals of that sort simply discredit European institutions.

Similarly, this week we learned of another idea—that all products made in the EU should have to be labelled "Made in the EU". Scotch whisky, shortbread and sporrans might be labelled "Made in the EU" and the distinctive branding "Made in Scotland" that contributes so much to their sales might be lost. The same applies to Scottish salmon. I associate myself with Alasdair Morrison's remarks about the salmon industry.

My colleague Ted Brocklebank referred to the fishing industry and was absolutely right to do so in this context. When Denis MacShane appeared before the European and External Relations Committee last week, Alasdair Morrison asked him about withdrawal from the common fisheries policy. Mr MacShane said that withdrawal from the common fisheries policy would mean withdrawal

from Europe. That is nonsense. Treaties can be renegotiated. Just as we can negotiate an opt-out from the euro, we can negotiate an opt-out from the CFP. *[Interruption.]* I hear laughter from Liberal members. It is interesting that one member of the Scottish Parliament who has raised the issue of withdrawal from the CFP is the Deputy Minister for Finance and Public Services. I am sure that no one would accuse him of seeking withdrawal from the EU. At issue is what is the best way forward for our country.

Many other excellent points have been made. Pauline McNeill made some very good points about the impact of the EU on our criminal law. We should be proud of the justice system in this country, which is different from the system that applies in most of Europe. We have a system that is adversarial rather than inquisitorial. It is not necessarily better because of that, but it is different and works well. We should be cautious about harmonisation for the sake of harmonisation rather than in order to improve our system.

In the few moments that remain to me I will deal with the issue of the EU constitution, which was raised by Keith Raffan and a number of other members. Her Majesty's Government has said that that is simply a tidying-up exercise, but it was contradicted by Gisela Stuart, MP for Birmingham Edgbaston and the UK representative on the praesidium of the convention. She said that, despite being someone who was contributing to the writing and development of the constitution, she opposed it and believed that it would be wrong for Britain to sign up to it. Gisela Stuart is not anti-European, by any stretch of the imagination, but she saw the dangers of the proposed constitution nonetheless.

In the current edition of "The European Journal", Václav Klaus, the President of the Czech Republic, writes:

"I am convinced that if we accepted this document"—

the draft European constitution—

"as it stands today, if we remained silent or falsely loyal, we would participate in the decision to set off from the current crossroad of European history in the clearly federalist or even supra-nationalist direction.

We should all consider it again. And if we can define our own position, do not let us be shouted down for being anti-European. We may be against the European superstate but we may strongly support a reasonably integrated, free, and productive Europe."

The President of the Czech Republic is by no means anti-European, but he has reservations about the draft EU constitution. Quite rightly, he believes—as we do—in the need for a referendum to be held on that constitution.

Major issues affecting our integration and involvement in Europe have arisen in this debate,

which has provided us with a welcome opportunity to discuss them. To raise concerns about some of those issues, as the likes of Gisela Stuart and Václav Klaus have done, is not to be anti-European or even anti-EU—it is to take a reasonable, realistic stance on what is in our national interest and to speak up for it. I urge the Scottish Executive and Her Majesty's Government to do just that.

11:37

Michael Matheson (Central Scotland) (SNP):

This has been an interesting debate, in which the ghost of Mike Russell has even been called to speak. Clearly, that was a slip on the part of the Presiding Officer. The debate has also been interesting as we have seen a coalition on Europe develop between the Conservatives and the SSP. Today, it has been announced exclusively that the Tories are not anti-European—they just do not like most of Europe.

Mr Brocklebank: Will the member take an intervention?

Michael Matheson: I will give way to the man who made that exclusive announcement.

Mr Brocklebank: The member claims that Conservatives are against some parts of the European Union. What is wrong with the CFP part of it, which the SNP dislikes?

Michael Matheson: If Mr Brocklebank had taken part in the recent fisheries debate in the Parliament, he would be well aware of the SNP's view on this matter. I am surprised that he has such a problem with his short-term memory.

I welcome this debate and the European and External Relations Committee's decision to hold it. I support the position of Richard Lochhead, the committee's convener, and of a number of other speakers in the debate, including Nora Radcliffe. I hope that the Executive will schedule an annual debate on the Commission's legislative programme. From the minister's opening speech, I have the impression that he is sympathetic to that suggestion. I hope that he will be able to confirm that in the future the Executive will make time available for such debates.

The debate has focused largely on three key themes that were highlighted in the Commission document: the accession of 10 new member states in May; stability; and sustainable growth. On 1 May, 10 new member states will join the EU and we will have a Europe of 450 million citizens. As Keith Raffan stated in his speech, enlargement is not an event but a process, similar to that of devolution. The process of enlargement clearly continues. Negotiations continue with Romania and Bulgaria. As several members have said, the

applications of Croatia and Turkey will be further analysed in the coming year.

John Home Robertson referred to stability within and outwith the European Union. He referred mainly to the Tampere agenda on the European area of freedom, security and justice. Unlike the Conservatives, Richard Lochhead made a very good speech. He highlighted the proposed external border management agency, which could have an impact on the First Minister's intention of bringing more and more people into Scotland. The Scottish Executive should take an interest in that agency, to ensure that it does not compromise our intention of bringing new people into Scotland to increase our population.

A number of speakers mentioned sustainable growth and, in particular, the opportunities for Scottish businesses to expand in other European member states and in the new member states that will join in May.

My colleagues Nicola Sturgeon and Linda Fabiani highlighted the two lists of priorities in the Commission's work programme, much of which deals with issues that will be exclusively within the competence of this Parliament. At times, it is difficult to understand the Executive's position on many of those issues. A number of members have highlighted the need for subject committees of the Parliament to be much more actively involved in considering what is going through the European Parliament and being dealt with by the European Commission. Alasdair Morgan and Pauline McNeill highlighted the number of regulations that are passing through at any given time. Our subject committees should be at the heart of that consideration; we should not leave it all to the European and External Relations Committee. However, to do that consideration, it would be helpful to know the Executive's position on many of the issues. The Executive should at least produce some kind of policy statement early in the consideration of such issues so that we know its position and what it intends to do in pursuing its position.

We can come here today and bump our gums as much we like about scrutinising what is going on in Europe. However, not until we are a normal independent nation, joining other member states within Europe, will we have a real opportunity to play our part in Europe.

11:43

Tavish Scott: A number of important themes have run through this morning's debate, which has ranged widely, covering not just the work plan but the spectrum of European affairs and politics. We should recognise the system that operates in Europe at this time, and the tiers within it. The Commission is the bureaucracy that supports the

Council and the presidency of the day—the Irish at the moment. We have to recognise the different roles played by the different elements of the European system and the constraints within which those elements operate.

Many members, including Pauline McNeill, have mentioned the need for transparency and democracy. It is important to recognise that codecision between the European Parliament and the European Council has extended in recent years. That is a welcome development. It is important to recognise why the work plan deals with governance issues that were discussed at the outset of this morning's debate, especially in relation to impact assessment and the minimum standards of consultation. The discussion dealt to some extent with the points that Michael Matheson has just made on the need for improved processes and early-warning processes.

Pauline McNeill spoke about the need for lawyers in Brussels. The Executive has a successful scheme of sending Executive lawyers to the Commission. Currently, four Scottish lawyers are in the directorate-general for the environment. Ironically, they are involved in infraction proceedings. However, once they are there, it is not for us to dictate which area they operate in. However, we take Pauline McNeill's point. The Scottish Executive intends to continue with secondments of lawyers and other staff.

A consistency of approach has been mentioned. I found Mr Gallie's remarks on the growth and stability pact somewhat ironic. For him to rail against Germany and France for defending their national interest, as he said that they had done in relation to the growth and stability pact, and then for Murdo Fraser to say just a moment ago that defending national interests is a good thing to do, shows the mixed thinking on the Conservative benches. Mr Fraser created a scare story about sporran; I thought that he would go on to talk about straight bananas. The Conservatives do not change their tune, and I recognise Mr Fraser's impeccably dry European credentials.

Murdo Fraser: While we are on dry credentials, perhaps Mr Scott can tell us whether he agrees with Denis MacShane's comment at the European and External Relations Committee last week that to withdraw from the CFP would mean withdrawal from Europe?

Tavish Scott: I have not read Mr MacShane's comments. However, one comment that I agreed with was Mr Brocklebank's when he spoke about John Farnell's contributions to the debate last night and this morning. Mr Farnell said that we had to deal flexibly with the unintended consequences of the outcome of the fisheries council. Mr Brocklebank agreed with that and so do I.

I want to deal with some of the points raised on the work plan and the European strategy. Nicola Sturgeon, Michael Matheson and many others wanted to hear an Executive response on those issues. We have already produced a forward-look document, which Linda Fabiani mentioned. Scotland Europa's document is also helpful, as indeed are this debate and the proceedings of EMILE—the European members information and liaison exchange network. We will reflect on the request that members on all sides of the chamber have made for an annual formal debate on the work plan and for a published document on the Executive's position. I suggest that we produce a lot of that information already, but we are prepared to consider pulling it all together.

Richard Lochhead: May I turn the minister's attention to the relationship between the Scottish Executive and the European Commission? Is it still the Executive's position that the Commission should consult the Scottish Parliament directly as opposed to doing so via the Committee of the Regions or the House of Commons? If that is still the Executive's position, what steps does he intend to take to ensure that consultation becomes a reality?

Tavish Scott: As Mr Lochhead knows, we made strenuous representations on this during the work that led to the Hain paper. That important work continues. However, given that there is currently what I might describe as a period of flux over the future of the convention, we will take that work forward through the appropriate channels.

Keith Raffan and others spoke eloquently on the historical background to enlargement. The Executive believes strongly in enlargement. The Scottish Council for Development and Industry's leadership in trade missions is very encouraging. We are very prepared to consider the possibility of ministers leading trade delegations, and that work will proceed. I endorse John Home Robertson's comments about this not being an end to the expansion of the European Union. At a seminar on freedom of information yesterday, it was observed that Turkey now has an FOI regime. That is a sign of a maturing and developing democracy.

Helen Eadie spoke about new agencies and the relocation strategy. The Finance Committee dealt with that issue at some length on Tuesday. We use Scottish Trade International, in the UK and external to the UK, to take forward the need for representation in Europe. I will certainly pass on Helen Eadie's comments on the centre for disease to other ministerial colleagues.

Nora Radcliffe and Mark Ballard spoke about toxic chemicals. We are looking closely at that matter, trying to ensure that the system that is eventually put in place is streamlined and efficient. However, I share Alasdair Morrison's

disappointment at the Greens' position on salmon farming. The Government created the Food Standards Agency so that we could have independent advice on food safety. That was demanded of us after the terrible event of BSE. To imply, as the Greens did, that that is not worth anything, is contemptible.

Let me finish by supporting Margaret Ewing's comments on the need for more time for European debates. We will take that point seriously. Of course, we also heard representation from SSP members who did not want any time for European debates, but I am with Margaret Ewing in agreeing that such debates are needed.

The pursuit of stability and peace, the avoidance of conflict and making Europe a safer place are important to the Executive. After all, we had armed conflict within the boundaries of Europe less than a decade ago. I say to the SSP, the Greens and the Tories—those joint forces of Euroscepticism in the chamber—that those goals of peace, stability and a greater understanding of each other's country's needs are important. We will strive to deliver on them.

11:50

Irene Oldfather (Cunninghame South) (Lab): This has been a good debate. I thank all committee members and the convener for the constructive approach that they have taken. Even Phil Gallie, who is not in the chamber just now, tried hard not to be too Eurosceptic, unlike some of his colleagues.

The debate represents a milestone in the working of the Parliament. Because today's debate puts information into the public domain, it makes Europe more transparent and it encourages us all to share information. Few national Parliaments across the European Union are having such debates. Indeed, I note that when the European Scrutiny Committee took evidence from Commission officials in November last year, it was told that the House of Commons was

"the only example of a national parliament which has contacted us and with which we have had hearings."

I found that quite amazing. It tells me that the UK Parliament and the Scottish Parliament are playing crucial roles in unravelling the mystery of the European process for our citizens.

There has been general agreement this morning on the need for an annual debate on Europe. I firmly agree with that because I think that all of us—and Europe's citizens in particular—are served by our efforts to encourage openness and participation. That is effective governance. Today's debate is effective governance within the legislative and decision-making processes. We must work together for a Europe that is built not

from the top down but from the bottom up. The discussions that we have had today, even though I do not agree with all the viewpoints that have been expressed, are a very good start.

John Swinburne (Central Scotland) (SSCUP): Having listened to the debate for the best part of two hours, I must ask whether senior citizens have been disfranchised from Europe. Senior citizens, who represent a quarter of Europe's electorate, have not been mentioned in today's debate.

Irene Oldfather: If the member reads the Commission's work programme carefully, he will see that there will be a consultation this year on health and social services for the elderly.

We have covered a broad range of policy areas this morning, including the thematic soil strategy, the common agricultural policy, waste, growth and stability. I think that we have heard contributions from all political parties and from across the political spectrum.

As the debate has demonstrated, 2004 is an important year for Europe. The Commission's primary task is to ensure the successful accommodation of the new member states. That will be no mean task. John Home Robertson was right to point out that, in the coming months, it is important that we do not end up with a two-speed Europe.

As an avid pro-European, I welcome the new member states with open arms. In previous debates in the Parliament, we have extended the warm hand of friendship to the accession countries, but there is a challenge ahead. As we move towards enlargement, it is important that we ensure that there is a level playing field in standards and controls. The *acquis communautaire* must be adhered to. If that does not happen, we will open up the way for a wave of Euroscepticism, which I certainly do not want to see. The Commission must rigorously enforce the rules.

As John Home Robertson and Phil Gallie pointed out, infringement proceedings must be handled effectively. There is a difference between transposing the *acquis communautaire* and implementing it. The reputation of the whole European Union is undermined if no sanctions are applied. Citizens and member states must have confidence in the system. Where rules have been breached, sanctions must be imposed.

In the detail of the work programme, we can see the building blocks and foundation stones of European integration. Both Alasdair Morrison and Alasdair Morgan spoke about cohesion policy. I understand the frustration of members of the European Parliament and others at the delays that have occurred in the production of the cohesion report and the financial framework to accompany

it. I am advised by colleagues in Brussels that the present timetable for agreement centres around a meeting of the college of commissioners on Sunday 25 January. That date has already been mentioned in the debate, so let us hope that it is an auspicious day for Scotland. Should agreement be reached, the cohesion report is scheduled for publication on 4 February. I am privileged to have been invited to attend a private meeting on that matter with Commissioner Barnier on 27 January.

The European Parliament elections are approaching, so we cannot be complacent. We are in danger of incurring the wrath or, perhaps worse, the apathy of Europe's citizens if we enter an election campaign without agreement on cohesion.

I want briefly to mention education programmes in the Commission's work programme, which have not been mentioned so far this morning. I very much welcome the attention that has been given to those. In the past, Scottish schoolchildren have received enormous advantages and benefits from such programmes, which provide opportunities for our young people—in particular, those from deprived areas—to experience at first hand Europe's rich tapestry of cultural and linguistic diversity. The programmes provide our citizens with the visible evidence of Europe on our doorstep and in our communities.

Members will also welcome the Commission's proposed consultation on violence in the workplace. The idea is not necessarily to invite further legislation but to share ideas and best practice. As I am sure Frances Curran will agree, a Europe with a social conscience is important to members of this Parliament. I hope that she will welcome that initiative from the European Commission.

Frances Curran: Does the member accept that the problem is that we do not have the power to implement that social conscience, whereas bodies such as the European Central Bank do?

Irene Oldfather: I do not accept that at all. This Parliament has consistently demonstrated a social conscience and I know that we will continue to do so.

Part of the 2004 work programme will include the annual political strategy for 2005, which establishes the Commission's political priorities and broad budgetary base for 2005. It provides the basis for discussions with the European Parliament and the Council. This Parliament has talked this morning about having an annual debate on the Commission's work programme, but the annual policy statement will be produced in March. Perhaps the next step for this Parliament and the European and External Relations Committee will be to consider our forward planning so that we can

have an early input into the 2005 work programme.

I want to take a moment to mention a couple of things that are missing from the work programme that have not been mentioned by colleagues this morning. The Commission previously produced a green paper on services of general interest, which is an important area for regional Governments across Europe. The delivery of good-quality public services, particularly in rural areas, will be affected by that green paper. In 2005, the Commission may bring forward further legislative proposals on that issue. I know that the Convention of Scottish Local Authorities has been actively involved in discussions on the green paper and I would like to see that followed through.

Another omission from the programme, which is a little disappointing given the fact that 2003 was European year of disabled people, is the safeguarding of the rights of disabled people at airports. The issue has been raised in the European Parliament. Unfortunately, disabled people are sometimes charged for wheelchair access to planes. I would like to see the European Commission take account of that in the next work programme.

It would be remiss of me in concluding not to mention the work of the committee clerks and the input from SPICe. On behalf of the whole committee, I would like to thank them for that.

This year will be an important one for the European Union. We will have enlargement in May and elections in June and a new Commission is expected to take up position in November. We stand poised on the threshold of change and opportunity. We can move forward or we can anchor in the past. I want Scotland and the United Kingdom to be key players in the new Europe of the 21st century, leaving a legacy of peace and prosperity to our children and our children's children.

I just have time to end with a quote from Robert Schuman, the founding father of the European integration project. He said:

"Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create ... solidarity."

I support the motion.

First Minister's Question Time

12:00

Cabinet (Meetings)

1. Mr John Swinney (North Tayside) (SNP):

To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-517)

The First Minister (Mr Jack McConnell):

Presiding Officer, today we are joined by several local newspaper editors who are here to visit the Parliament. I am very pleased to welcome them.

The next meeting of the Cabinet will discuss our progress towards implementing the partnership agreement to build a better Scotland.

Mr Swinney: I thank the First Minister for his answer and echo his welcome to the newspaper editors.

Last week, in advance of the announcement of the proposals on top-up fees, the First Minister said that even if we do nothing, there will continue to be a higher level of funding in Scotland. Does the First Minister stand by that statement?

The First Minister: There is no doubt that the proportion of our budget and the amount spent in Scotland will continue to be better when compared with the total amount spent in England. However, decisions have been made at the United Kingdom level that will affect the level of income that universities in England will get and we have to respond to that. That is precisely why we established last year phase 3 of our higher education review, why it will report in February and why we will act very quickly thereafter.

Mr Swinney: That does not sound like a ringing endorsement of the view that the First Minister expressed last week. Last week, the First Minister said that even if we continue to do nothing, there will continue to be a higher level of funding in Scotland. Before the close of business last week, the First Minister clarified in writing his remarks about fishing. I hope that we are not going to have a repeat of that today in relation to higher education.

Yesterday, the Prime Minister said that top-up fees would contribute an extra £1.8 billion every year, which represents a 30 per cent increase per student, on top of an existing higher education budget in England of £10 billion. In the light of those figures, how can the First Minister justify his statement that even if we do nothing, there will continue to be a higher level of funding in Scotland, given that higher education spending in England is rising at double the rate in Scotland and will rise much faster with the introduction of

top-up fees? How can he justify the statement that he made just last week?

The First Minister: As I have said before, I do not blame colleagues in England for wanting to ensure that their universities catch up with the quality and level of expenditure that exist in Scotland. No doubt they will welcome that development.

It is also important that we in Scotland stay ahead of the game in higher education as a whole, not just in the universities, and in relation to student financial support, research and connections with business. In each of those areas, we are already ahead of the rest of the UK and we must continue to be so. That is why we established the latest stage of our higher education review, why it will report in February and why we will act quickly thereafter to outline our plans for the years ahead, which will ensure that higher education in Scotland remains among the best in the world.

Mr Swinney: The debate in Parliament would be best served if the First Minister accepted that his statement is now unsustainable. There is no basis in what the Prime Minister said yesterday about increases in expenditure in the higher education sector in England on which to justify the First Minister's statement that, even if we do nothing, Scotland will still be further ahead.

Given yesterday's announcements by the Prime Minister, does the First Minister accept that the extra £1.8 billion that will go into institutions south of the border will mean that unless he does something to develop his original position, Scottish universities will suffer? What is he prepared to do to close the funding gap?

The First Minister: There has never been any doubt that the Deputy First Minister and I are going to do something about the issue, because we are absolutely committed to quality and quantity in Scottish higher education. We are also committed to retaining the current level of income in Scottish higher education and in Scottish student support. That is unlike the Scottish nationalist party, which proposed in its election manifesto last year to take the income from the graduate endowment out of the budget. It also proposed only one solution to the questions posed by top-up fees in England and Wales, so what did it propose? Although again today the SNP has criticised us simply for setting up a review and a committee that will consider the procedures, the SNP proposed setting up a committee to consider the matter. I inform Mr Swinney that we will not sit around and talk about the matter; we will do something for Scottish higher education and we will ensure that it stays among the best in the world.

Mr Swinney: We can always tell when the First Minister is in trouble. He starts bringing in every single bit of other information that he can. The First Minister has now accepted that he must do something to address the issue, although he said last week that doing nothing was enough. Does he accept the point that I just made to him, which is that, in Scotland, because of yesterday's announcements, the university sector will be worse off? Does he accept that the Scottish Administration is sleepwalking into a problem of its own making?

The First Minister: The truth of the matter is that the university sector in Scotland would be worse off only if we did nothing, and we have never said that that would be the case. When we act, we will do so on the basis of proper evidence and a proper balance of decisions between spending on universities and spending on schools, hospitals, roads, railways, tackling crime and other priorities. What we will not do is what the SNP proposed in its election campaign last year, which is to cut the budget for higher education in Scotland. We will expand the budget for higher education in Scotland. That is what will help to make a difference.

Prime Minister (Meetings)

2. David McLetchie (Edinburgh Pentlands)
(Con): To ask the First Minister when he next plans to meet the Prime Minister and what issues he intends to raise. (S2F-520)

The First Minister (Mr Jack McConnell): I have no formal meetings planned with the Prime Minister this month, but when I next see him, I intend to tell him that, in my opinion, Scotland remains the best place in the UK, and that if anyone from anywhere else in the UK wants to come and see what a good place Scotland is in which to live, he would be welcome to bring them here and show them.

David McLetchie: The First Minister will have a full house in Bute House. I hope that Mr Hain enjoys the First Minister's hospitality.

Last week, the First Minister and I debated provisions in the Antisocial Behaviour etc (Scotland) Bill that would give the police new powers to disperse groups of young people. The First Minister claims that we need new powers, but I believe that to tackle antisocial behaviour we need more police officers. Moreover, we need an increase in the number of police officers who are dedicated to community policing. However, if the First Minister is confident that his approach is correct, can he tell members how many officers are on foot patrol in communities in Scotland at any one time?

The First Minister: I do not have that figure in front of me, but I can tell Mr McLetchie one thing clearly, which is that there are an awful lot more police officers on foot patrol than there were in 1997, when his party's Government was voted out of office.

David McLetchie: Police numbers declined between 1997 and 1999. However, the answer to the question that I posed the First Minister is that, at any one time, there are only 140 police officers on foot patrol in the communities of Scotland.

Margo MacDonald (Lothians) (Ind): Name them! [*Laughter.*]

David McLetchie: Even I would not ask the First Minister to name them.

Earlier this week, Mr Henry said at a Justice 2 Committee meeting:

"If the powers are sufficient, why are there problems in so many communities throughout Scotland?"—[*Official Report, Justice 2 Committee, 13 January 2004; c 482.*]

The answer to his question is that the powers are sufficient but police numbers are not.

In September 2002, the First Minister told members in the chamber that police numbers would

"increase and decrease slightly over time".—[*Official Report, 26 September 2002; c 14199.*]

In the spending proposals set out in "Building a Better Scotland", the Executive is committed only to maintaining the capacity of the police. If the First Minister is serious about tackling antisocial behaviour, as he tells us constantly that he is, instead of just maintaining numbers at a level that is clearly insufficient to do the job, will he commit to a significant increase in the number of officers dedicated to community policing? Will he make our local forces more accountable to local people in order to deliver safer streets?

The First Minister: I will remind Mr McLetchie of a number of things that are important in relation to this issue. First, it is vital that we have the highest possible number of police officers—we currently have a record number and we intend to maintain that. Secondly, it is important that those police officers are not burdened with administrative tasks and that they have support staff in police stations throughout Scotland who can take the administrative burden off them, allowing them to get out not only on the beat but on operational duty and on all kinds of other duties such as undercover drugs work and work in other equally important areas. We have achieved that through a massive increase in support staff, which has released more police officers to get out on to the street.

Thirdly, it is vital that police officers do not waste their time sitting around the courts when they

could be out on operational duty. The Criminal Procedure (Amendment) (Scotland) Bill, which is going through Parliament just now and which will reform our court procedures, will ensure that more officers in Scotland are on operational duty in years to come.

Not only will we have a record number of police officers, not only will they have the equipment that will help them to carry out intelligent policing and so catch more criminals and not only will we have more police officers on the beat and on operational duty instead of sitting in their offices, but we will have more police officers not wasting their time sitting in our courts when they could be out there catching criminals and doing the job that they signed up to do. That is what we are going to deliver, but we are also going to give them the laws and powers that will help them to do their job effectively.

The Presiding Officer (Mr George Reid): We have one open question, from Patrick Harvie.

Patrick Harvie (Glasgow) (Green): I refer to today's revelation of a public-private partnership tender for the M74 extension, with a headline figure of £1 billion, announced while the planning inquiry was still under way. Will the astronomical increase in road-building costs coupled with the comparatively tiny grants announced for sustainability projects make a laughing stock of the Labour-Lib Dem Administration and wipe out any public trust in its responsible spending, PPP rip-off deals and environmental double think? Will the First Minister confirm the truth of the revelation?

The First Minister: All the experience of public-private partnerships in this session and in the previous one is of deals that deliver on time and within budget and which are effective for the taxpayer. I understand and respect absolutely Patrick Harvie's principled position against road building. However, it is my view—I have stressed this before in the chamber—that the M74 is good not only for the economy of the west of Scotland but for the environment of those who live in the area, because it will take cars off roads next to houses and put them in places where the immediate environment will be damaged less. That is good for the population of the west of Scotland as a whole, not just for its economy.

Fish Farming

3. Mr Alasdair Morrison (Western Isles) (Lab): To ask the First Minister what measures the Scottish Executive is taking to support the fish farm industry. (S2F-515)

The First Minister (Mr Jack McConnell): The Food Standards Agency has said that Scottish salmon is within internationally recognised safety

limits and its advice is that people should consume at least two portions of fish a week, one of which should be an oily fish such as Scottish salmon. *[Interruption.]* I have to say that the future of the Scottish salmon industry is a serious matter, not a laughing matter as the Scottish nationalists seem to think. It is a matter that deserves the united support of the Parliament in the face of research elsewhere that is at best doubtful and which is unnecessarily damaging to our industry. Through the implementation of the strategic framework developed with the industry we support the sustainable growth of Scottish aquaculture, ensuring that it is both diverse and competitive.

Mr Morrison: I welcome the First Minister's response. Does he share my concern about the impact of illegal dumping in the European market of cheap, inferior salmon by non-European Union countries? Does he agree that it is essential that the European Commission puts in place safeguards to protect Scottish salmon producers? Will the First Minister join me in condemning the politicians and organisations that aligned themselves so cynically with the conclusions that were published last week in a report on salmon farming? The report was based firmly on bogus science and has been denounced by all credible international and local health monitors.

The First Minister: My constituents—although I did not live in the area at the time—probably know as well as anybody else in Scotland how important food standards are, given the deaths that took place in Wishaw back in the mid-1990s, which were one of the reasons why the Food Standards Agency was established.

The Food Standards Agency is an independent agency here in Scotland. It was set up to give us advice on such matters. Not only does it recommend that Scottish salmon is safe, but the European Commission does so too. We should go out there and promote our industry, both freshwater and farmed. I hope that in the years to come we can ensure that we are able to deal with anti-competitive practices elsewhere and can ensure that the European Commission gives Scottish salmon the special status that it deserves, so that we see it on more plates in more countries throughout the world.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Does the First Minister agree that salmon farming is absolutely essential to the economy of the Highlands, and the west Highlands in particular, sustaining as it does more than 6,000 jobs where there are no alternatives? Does he agree that the recent so-called scientific research that has attracted so much publicity is wholly flawed, and was funded by the massively wealthy Pew Charitable Trusts, which is a body that is prepared to pursue direct intervention to

achieve its so-called objectives? Does he also agree that the sample used did not include any wild Atlantic salmon, that the salmon used was bought before the compulsory labelling laws were introduced and that there is, therefore, no basis or foundation to this unreliable so-called research, which has done immense damage as an act of sabotage to this vital Scottish industry?

The First Minister: I will say three things. First, the importance of the industry to communities, in particular in the north-west of Scotland, should not be underestimated. Secondly, the quality of the industry has been affirmed by independent agencies—not by politicians—and we should back those independent agencies in what they say. Thirdly, I appeal to everybody in the chamber to unite behind the industry and to promote what is good about it, Scottish salmon and eating fish in general, instead of prolonging the advertising of the research, which is what the people who published it clearly want. I hope that that will ensure that not only Scottish jobs but Scottish diet and health improve in the years to come.

George Lyon (Argyll and Bute) (LD): I am delighted to hear that. Does the First Minister agree that the American research actually confirms that Scottish salmon is safe to eat? It confirms that Scottish salmon meets the United States Food and Drug Administration guidelines and confirms that Scottish salmon meets the World Health Organisation standards. The facts in the report confirm that Scottish salmon is safe to eat. I hope that the First Minister agrees with the Food Standards Agency—which, after all, was set up as an independent organisation to give advice to consumers on food safety matters—which has said categorically that Scottish salmon should be part of Scotland's diet.

The First Minister: I am happy to agree with those remarks.

Mr Mark Ruskell (Mid Scotland and Fife) (Green): Given the clear inconsistencies between the positions of the Government's own Central Science Laboratory and the Food Standards Agency on the toxicity of farmed salmon, will the First Minister convene an independent inquiry into the issue, for the sake not just of consumers, but of the Scottish salmon farming industry?

The First Minister: I agree that it is very important that we verify what we say and that it is of benefit to the industry as well as to consumers that we are able to justify and promote Scottish salmon with some confidence. My understanding is that the report by the Central Science Laboratory was considered by the Food Standards Agency. Based on WHO calculations, it was found that there was an element of double counting in the report's assessment of tolerable daily intake and the report was seen to be questionable. The

Food Standards Agency—which I repeat is an independent body that was set up for this purpose—has said that Scottish salmon is safe to eat. That message should go from this chamber throughout the world.

Financial Services

4. Alex Neil (Central Scotland) (SNP): To ask the First Minister whether the Scottish Executive's financial services strategy group will be asked to report on the future of both Abbey National operations in Scotland and the potential consequences of demutualisation of Standard Life for the Scottish economy. (S2F-538)

The First Minister (Mr Jack McConnell): The financial services strategy group exists to support the industry and to deliver long-term success. It was not established to look into individual commercial decisions. Our devolved Government will continue to support the financial services sector as a whole. It competes in a challenging market, in which companies based in Scotland continue to do very well.

Alex Neil: While we recognise that the financial services sector is still growing at 5 per cent a year in Scotland, the announcements of the past 48 hours give cause for concern. Will the First Minister seek urgent meetings, first with Abbey National, particularly in respect of the threat of the transfer of £28 billion of asset management to State Street of Boston, which would have a damaging effect on Scottish financial services, and secondly with Standard Life and the Financial Services Authority, in respect of the possible demutualisation and its impact? Will he, along with the Secretary of State for Scotland, consider invoking section 18 of the Industry Act 1975, if that becomes necessary?

The First Minister: On the last point, I believe strongly that Standard Life should make its decision based on the interests not only of its staff—that is important—but of its policy holders and the funds that they control. That is an important principle, which Standard Life should adopt. I notice that that position is supported—at least it was supported on Monday—by the economic spokesperson for the Scottish National Party. I welcome his support for that position.

Our financial services industry in Scotland is in a very strong position and we should be wary of talking it down. We may have heard announcements this week that have caused difficulties or concerns, particularly for staff in individual companies, but in recent months we have also had the announcement of new jobs at esure, new takeovers by the Royal Bank of Scotland and all kinds of other developments that are strong for the Scottish economy, which create jobs in this country and which do very well for

Scottish companies and companies based in Scotland.

The worst thing we could do to those companies would be to set them up in systems in Scotland of financial, fiscal and employment regulation, and other forms of regulation, that are separate from the rest of the United Kingdom, which would damage their business and cause chaos in the industry. We need to back the financial services industry by being part of Britain but standing up for Scotland too.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the First Minister's strong support for the long-term future of Scotland's financial services sector. Does he share my concern about the 900 staff in the Abbey Group who face an extremely uncertain future? Any change in location is disruptive for employees. Will the Scottish Executive explore with Scottish Provident the possibility, if not of retaining jobs in Edinburgh, at the very least of guaranteeing the security of the jobs that are being transferred to Glasgow? Will the First Minister give a commitment to ensuring that we have long-term investment in transport, in education and in our infrastructure in Edinburgh, which are the kinds of things that will attract the financial services sector not just to come to Scotland but to stay and to grow in Scotland?

The First Minister: Yes, we will do all we can in that respect. In relation to one of Alex Neil's questions, the Deputy First Minister is in discussion with Abbey and with Standard Life. His department is also in contact with them and other companies to monitor decisions and announcements relating to jobs in Scotland. We need to ensure that we see support for the financial services industry within a wider package of support for industry in Scotland. In Edinburgh, that involves improvements to transport and a range of other improvements in skills, education and other local facilities, to ensure that companies have not only the employees but the infrastructure that can help them to deliver in a competitive global environment. They will have our support to do that. That is why we set up the strategy group and it is why I continue to meet the leaders in that industry regularly. We will ensure that all those companies, including State Street, which has created jobs in Scotland in recent years, have our backing in the years to come.

Higher Education Bill

5. Iain Smith (North East Fife) (LD): To ask the First Minister what the implications of Her Majesty's Government's Higher Education Bill will be for students studying in Scotland and Scottish universities. (S2F-522)

The First Minister (Mr Jack McConnell): Given earlier exchanges, Mr Smith will not be surprised to learn that we expect to receive the report from phase 3 of the higher education review next month. That will allow us to assess the situation and to make decisions as appropriate.

Iain Smith: Will the First Minister reaffirm the commitment in the Liberal Democrat-Labour partnership agreement that there will be no top-up fees in Scotland? I am sure that he is aware of the concerns of many excellent research and teaching universities in Scotland, including the University of St Andrews in my constituency, that the introduction of top-up fees in England may put them at a financial disadvantage. Therefore, will he give a commitment that the Scottish Executive will vigorously pursue the potential for consequential funding as a result of the UK Government's proposals to introduce top-up fees if those proposals are successful? Will he also give a commitment that the Scottish Executive will direct any such additional consequential funding towards higher education?

The First Minister: Mr Smith will be aware that we do not directly link the consequentials that we receive from our colleagues in the UK to the budget that they have attached them to. As I hope the earlier exchange showed, I believe that funding for higher education in Scotland and for universities is an important priority for us, and it will be considered as such in our forthcoming spending review. However, we need to ensure that those decisions are balanced against important decisions in other priority areas. We are absolutely determined to ensure not only that Scottish universities retain their position as universities that welcome students without tuition fees, but that, in their research and teaching, they are among the best universities in the world. We will make those decisions having rightly made a comparison between additional spending on universities and additional spending on schools, hospitals, roads, rail, tackling crime and our other important priorities.

Fiona Hyslop (Lothians) (SNP): Does the First Minister agree that there will be no long-term Barnett consequentials from top-up fees in England? Does he acknowledge that, in assessing what resources are available to universities to spend on research and teaching, the important figure to use is spend per student, the figure used by Tony Blair only yesterday? Does he acknowledge that the spend per student in Scotland three years ago was only 3.6 per cent ahead of the spend in England? That was even before top-up fees and before the current period in which higher education spending in England is double the rate in Scotland. Does he admit that the Executive is doing less, better, in that area and that it is in danger of causing problems for the

competitive advantage of our universities in the future?

The First Minister: I do not agree that we are doing less, but we are certainly doing better—I agree with Fiona Hyslop on that. Of course Scottish universities, and higher education in general, receive additional support in England. I do not entirely accept the figures provided by Universities Scotland, but I do not think that they are too far off the mark in terms of money per student. However, we spend a considerable additional amount of money in Scotland on such things as four-year degrees and the quality and commercialisation of our research. Those additional funds, which are not even in the calculation that I was quoting last Wednesday, are not available to English universities, so they are very important.

I would like to correct something that Fiona Hyslop said about consequentials at the beginning of her question. Where Government money is provided—and a substantial amount of new Government money is being provided to English higher education as a result of the Prime Minister's announcement last week—we will get the consequentials of that money. We will consider whether or not to spend that on universities, on higher education in colleges, on student financial support or on the many other important priorities here in Scotland as part of our spending review. We shall do that logically and rationally and we shall have the best interests of Scotland at heart when we make our final decisions.

Murdo Fraser (Mid Scotland and Fife) (Con): If the First Minister's constituency counterpart at Westminster, Frank Roy MP, were to come to him and seek his advice on how he should vote on the bill on tuition fees, how would the First Minister advise him to vote? Would he advise him to vote in favour or against, or would he advise him to abstain?

The First Minister: If my constituency member of Parliament came to tell me how he thought I should vote in this chamber, I would use a good Wishaw phrase in replying to him and say, "Cheery!"

Elaine Smith (Coatbridge and Chryston) (Lab): Having had a constituent inquiring about the matter today, I want to ask the First Minister what effect he envisages the bill having on Scottish citizens who wish to study at English universities.

The First Minister: Those are some of the details that we need to study and resolve over the coming months. We have made our position very clear. For example, we established phase 3 of the higher education review, which is designed to assess all the implications and has secured the

total involvement not only of the leaders of Universities Scotland but of the National Union of Students and its president. As a result, we will have a very accurate assessment of the issues that require to be addressed. We will receive some advice from those organisations on the matter; examine the finances that are available; and make our decisions as appropriate.

Furthermore, we will continue to discuss the implications of any decisions with our colleagues south of the border, which is something that we have been doing more and more over the past four and a half years. The Enterprise and Culture Committee made a very good point about the importance of close liaison between ministers in this Parliament and ministers in London. That liaison has improved over the past 12 months and will help us to resolve the issues before 2006, when the new regime is introduced.

The Presiding Officer: Because we started late, there is time for one last question.

Oil and Gas Industry

6. Richard Baker (North East Scotland) (Lab):

To ask the First Minister what action the Scottish Executive is taking to retain jobs in the oil and gas industry in the north-east. (S2F-513)

The First Minister (Mr Jack McConnell):

Through the government and industry task force for the oil and gas industry, we are continuing to work with the UK Government and the UK oil and gas industry to develop, sustain and diversify the industry as it relates to Scotland.

Richard Baker: The First Minister will be aware of the recent job losses in the oil and gas industry in Aberdeen and the importance of exploration and drilling to the industry. He will also be aware of job cuts in the drilling industry and the low level of drilling in the North sea last year and this year. Is he aware of proposals by the trade union Amicus further to encourage the transfer of unused assets in the North sea from major companies to smaller operators? How is the Executive supporting such initiatives?

The First Minister: Such initiatives will be vital to the long-term future of North sea oil and gas. We need to move away from a dependence on large fields and companies towards supporting smaller companies that have greater diversification and which can extract more from the outstanding reserves.

It is important for the Scottish Parliament to recognise that 50 per cent of the oil and gas reserves in the North sea remain under the sea. As a result, we must ensure that we support not only new developments but companies that are using the expertise that they have developed in the North sea and selling it abroad. After all,

companies such as Kvaerner that have used what they have learned in the North sea to trade internationally and to create jobs in Scotland also deserve our support. Onshore as well as offshore jobs are at stake and I hope that the Parliament can support all aspects of the industry.

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

12:32

Meeting suspended.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Council Tax (Second Homes)

1. Iain Smith (North East Fife) (LD): To ask the Scottish Executive when it will make an announcement on the proposed removal of the 50 per cent council tax rebate from second homes. (S2O-1062)

The Minister for Finance and Public Services (Mr Andy Kerr): The issue is complex and we in the Executive want to get it right—we are working hard to resolve it. I cannot at this stage indicate exactly when we will make an announcement, but it will be fairly soon. We hope to reach a decision soon, but that decision will not affect council and council tax decisions before the financial year 2005-06.

Iain Smith: I thank the minister for that answer, but I am sure that he realises that the fact that no decision has yet been taken will cause disappointment among the many local authorities in whose areas there are substantial numbers of holiday homes. Will he assure me that the Scottish Executive will, in reaching its conclusions, give full regard to local authorities' need to have discretion to determine whether they wish to remove the 50 per cent discount to take account of the specific needs of their local communities, particularly where affordable local housing is in short supply because of the number of second homes? Will he also take into account local authorities' need to make use of the additional revenue that would accrue from the removal of the discount to protect and improve local services that might be under threat because the number of second homes is affecting the viability of some communities' populations?

Mr Kerr: I accept that disappointment might be felt outside and inside the Parliament about the fact that we have not yet reached a decision, which has not been for the want of trying. I am sure that Iain Smith understands that, when we start playing around with one part of the local government finance system, certain things will happen elsewhere in the system, which needs to be studied closely. We are also trying to take cognisance of the variety of views that we received in the consultation about the working of the system. The Deputy Minister for Finance and Public Services, Tavish Scott, and I hope that we will be able to announce a decision to the Parliament as soon as possible.

Drink Driving

2. Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive what action it will take to deal with the rise in drink driving offences over the Christmas period. (S2O-1064)

The Deputy Minister for Justice (Hugh Henry): The Scottish Executive will continue, in association with the Association of Chief Police Officers in Scotland, to address drink driving through a combination of education and enforcement.

Margaret Smith: Has the Executive considered lowering the drink-driving limit from 80mg of alcohol to 50mg, in line with limits in other European countries?

Hugh Henry: That is a matter for the United Kingdom Parliament. In March 2002, the UK Government announced that it did not propose to reduce the drink-driving limit.

Michael Matheson (Central Scotland) (SNP): Does the minister agree that it is important that those people who are convicted of drunk driving remain off the road during their period of disqualification? Is he aware of the most recent statistics on motoring offences, which demonstrate that some 22 per cent of those who have been disqualified from driving—that is, some 4,500 drivers—continue to drive on our streets? Will he tell the Parliament what he intends to do to ensure that those who are disqualified from driving do not go back on the roads during their disqualification?

Hugh Henry: That is clearly a matter of concern. Those people are and have been proven to be a danger to the wider public—hence their disqualification. On ensuring that they abide by the terms of the sentence that has been imposed on them, enforcement is a matter for the police. It is something that police forces take seriously and it will be addressed as part of the routine and extensive work that the police do on road traffic affairs.

Margaret Mitchell (Central Scotland) (Con): Is the minister satisfied that sufficient accurate information and statistics are available on drink-related crime?

Hugh Henry: I hesitate to say that the information and statistics are completely satisfactory and could never be improved on. I am sure that we could always do better, and more information is always welcome, but I am satisfied that the level of analysis is proving useful and resulting in an influence on strategy and policy. I would never be complacent, however, and we will do everything that we can to improve on the existing work.

John Swinburne (Central Scotland) (SSCUP): Will the minister explain why he is saying, on one

hand, that the information will influence the Executive's strategy and, on the other hand, that the issue is a reserved matter over which the Executive has no influence?

Hugh Henry: I hesitate to think whether I could usefully answer that question. There are different aspects involved. I hope that I stated clearly that the drink-driving limit was a matter for the UK Government; I also stated, in my answer to Michael Matheson, that enforcement is a matter for the police. Any information that we can get that helps to influence our strategy and policy on enforcement is to be welcomed. I am quite clear that the problem has two different aspects; one of them is a matter for the UK Government and the other is a legitimate concern for this Parliament.

Prescriptions (Terminally Ill People)

3. Alex Fergusson (Galloway and Upper Nithsdale) (Con): To ask the Scottish Executive whether it has any plans to provide free prescriptions for terminally ill people. (S2O-1047)

The Deputy Minister for Health and Community Care (Mr Tom McCabe): We sympathise with the very difficult situation that patients who are receiving palliative care face. However, as a group, they suffer from a variety of medical conditions and there are no plans at present to create an additional category of exemption to cover palliative care.

As the member will know, the Executive is committed to reviewing national health service prescription charges for people with chronic health conditions and young people in full-time education or training. The detailed remit of that review is still under consideration and the consultation process has yet to begin. However, it is our firm intention to consult widely with patient interest groups, NHS professionals and other key stakeholders. That will ensure that the interests and concerns of terminally ill people will be taken into account during the review.

Alex Fergusson: I am genuinely grateful for that substantive reply. The minister will be aware that, at the time of their diagnosis, by no means all terminally ill patients are on medication and are therefore unable to seek extra payment through the usual DS1500 form. As their illness progresses, such patients almost always end up on several prescriptions per week for the relief of their suffering and pain. Does the minister agree that those patients should be given free prescriptions at source, to ensure that dying is not a very expensive process? Will he go a step further by agreeing that a review of exemptions from prescription charges, as well as the review for people with chronic health conditions to which he has referred, is long overdue?

Mr McCabe: We have recognised the case for a review—that is why the Executive will engage in a review later this year. We want to ensure that the remit for that review is as wide as possible and that the people affected and the various interest groups have the maximum buy-in. As I have said, we have the greatest sympathy for people in such situations, but we also want to ensure that palliative care is associated not only with cancer; we want to expand the role that palliative care plays by enabling other end-stage conditions, such as heart disease, Parkinson's disease, HIV and AIDS, to attract such care.

Colin Fox (Lothians) (SSP): Is the minister not playing the role of King Canute, in that he is desperately trying to hold back the tide of public opinion, which believes that the system of charging for prescriptions is both archaic and byzantine? Does he agree that, when a psoriasis sufferer on working families tax credit, for example, has to pay £6.30 per item on their prescription, while a millionaire with diabetes is exempt, or when, out of two women in the same social conditions, one of whom has an underactive thyroid, while the other has an overactive thyroid, one pays and one does not, it is time that the Parliament stood up for patients and followed the example of the National Assembly for Wales by abolishing prescription charges altogether?

Mr McCabe: By the end of this parliamentary session, we will be spending more than £9 billion per year on the health service in Scotland. I think that that shows that we are standing up for patients here. The Minister for Health and Community Care is trying to grapple with a whole series of difficult public policy decisions—most of the decisions on health are difficult—and we are trying to balance a considerable level of demand against significantly increased resources, which are always under pressure.

High Court (Appeals)

4. Dr Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive whether it is considering reviewing the system of appeal against High Court judgments. (S2O-1051)

The Minister for Justice (Cathy Jamieson): I recognise that delays in the determination of appeals by the appeal court can cause additional distress to victims and their relatives. However, the senior judiciary has recently taken action to improve the efficiency of the appeal court, particularly in relation to solemn appeals.

Dr Murray: I thank the minister for her reply and, in particular, for her emphasis on victims. I do not expect the Executive to comment on particular circumstances or cases, but does she share my concerns that an individual who was convicted of rape in May 2001 did not submit his grounds for

appeal until August 2002 and that the appeal procedural hearing has not yet been taken, almost three years from his conviction date? Does she agree that, like the High Court sentencing process, the appeals system requires modernisation?

Cathy Jamieson: As the member said, I cannot comment on a particular case, but I know that she has raised the principle involved by lodging a motion. I emphasise that a procedural hearing has been introduced to enable the appeal court to determine whether an appeal is ready to proceed to a hearing. If it is not, the court can identify what requires to be done in what time scale. That should avoid requests for continuations when one or other side is not fully prepared by the appeal hearing date that has been fixed.

Miss Annabel Goldie (West of Scotland) (Con): The Executive has confirmed that the proposed supreme court, if introduced, would not affect criminal appeals in Scotland. It also said that early in the new year a debate would be held on that court, at which such issues could be more widely discussed. When will that debate take place?

Cathy Jamieson: I hope that Miss Goldie has received my letter to her in which I said that we intend to hold such a debate. Determining its date is rightly a matter for the Parliamentary Bureau.

Council Tax (Second Homes)

5. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): To ask the Scottish Executive whether it will now consider allowing local authorities (a) the discretion to remove, or restrict, the 50 per cent reduction which second homes receive from council tax, (b) to set out categories to which such provision would apply and (c) to retain the whole benefit of the additional sum raised. (S2O-1095)

The Minister for Finance and Public Services (Mr Andy Kerr): I refer the member to the answer that I gave to question 1.

Fergus Ewing: That was a rather inscrutable reply. The newspapers are being more candid, by suggesting that the Executive is about to do a U-turn and to adopt the position that I exhorted the minister's predecessor, Mr Peacock, to take early in the first session—that if people are wealthy enough to afford a holiday home, they should pay the same council tax as everyone else does.

The Presiding Officer (Mr George Reid): Question, question, question.

Fergus Ewing: Does the minister agree that the additional yield would supply vital investment for the provision of affordable housing in many rural parts of Scotland that have more holiday homes than homes for young people?

Mr Kerr: I understand that the member was not in the chamber when I gave my long and detailed response about the matter to Iain Smith. I said that the issue is complex and has implications for the local government settlement and for all councils. My colleagues and I are working hard to resolve the question.

I acknowledge the disappointment in some local authorities. However, the increase in Highland Council's funding is 8 per cent in 2003-04 and 6 per cent in 2004-05, which is a good settlement. I am sure that the Executive will work hard and report to the Parliament as quickly as it can on council tax for second homes. The view about its implementation is not uniform, which is why the decision is difficult to take. We should take the right decision in the best interests of council tax payers.

ScotRail (Meetings)

6. Scott Barrie (Dunfermline West) (Lab): To ask the Scottish Executive when it last met representatives of ScotRail. (S2O-1067)

The Deputy Minister for Finance and Public Services (Tavish Scott): The Scottish Executive meets ScotRail regularly to discuss a wide range of issues. Officials last met ScotRail on 14 January.

Scott Barrie: The minister may be aware of the continuing overcrowding problems on the Fife circle and of the improvements that were promised last year. New rolling stock has been introduced, but the use of Turbostar trains on peak-time services has reduced seating capacity, which means that many morning commuters must stand all the way from Dunfermline Town or Rosyth stations and that other passengers cannot board at either Inverkeithing or Dalmeny. Given that, when does the minister believe that ScotRail will be in a position to fulfil the commitment that no passenger will be required to stand on Fife trains for more than 15 minutes?

Tavish Scott: We are disappointed to hear of the problems that Mr Barrie's constituents and other rail travellers are encountering. Investment was made in 22 new trains on key Scottish rail routes, which include the Fife circle, primarily to tackle overcrowding. That investment was a direct response to rail passengers' requirements. I cannot give Mr Barrie today the information that he seeks about that commitment, but I will ensure that officials respond to him as quickly as possible.

Mr Kenny MacAskill (Lothians) (SNP): The minister will be aware that one difficulty that ScotRail customers face at Haymarket, Waverley and Glasgow Queen Street stations relates to the availability of taxis, as Railtrack imposed substantial charges on taxi drivers who use

stations. Since that organisation has been replaced by a not-for-profit, publicly owned body—Network Rail—is it not time that charges ceased and that taxis were encouraged, not discouraged? Will the minister make representations to Network Rail that such charges should cease?

Tavish Scott: The fact that Mr MacAskill is imploring me to make representations to Network Rail on a United Kingdom basis is interesting. We will certainly consider the matter. We always seek to ensure that a range of public service options is available for rail passengers travelling to and from rail stations and we will continue to do so.

Helen Eadie (Dunfermline East) (Lab): I support what Scott Barrie said about overcrowding. Is the minister aware that commuters from Fife face the most expensive rail fares per kilometre in Scotland? Over the past four and a half years, members have repeatedly raised issues relating to overcrowding, but little progress seems to have been made on some of those issues, which is unacceptable. Will the minister hold urgent talks with his colleague with responsibility for enterprise to discuss not only resolving the transport issues, but relocating badly needed jobs to Fife so that constituents from Fife do not have to travel into Edinburgh to secure employment? Currently, they do not have sufficient opportunities to enable them to avoid having to commute to Edinburgh.

Tavish Scott: There are a couple of strands to what Mrs Eadie says, including about relocation. I would be happy to talk to Lewis Macdonald about the points that she has raised. On rail services, I can only repeat what I said to Mr Barrie about the investment that has been made and our intention to ensure that the commitments that have been made by ScotRail are adhered to as quickly as possible.

Council Tax (Second Homes)

7. Mr Brian Monteith (Mid Scotland and Fife) (Con): To ask the Scottish Executive what the total annual cost is to the public purse of the 50 per cent council tax relief on second homes. (S2O-1082)

The Minister for Finance and Public Services (Mr Andy Kerr): That information is not held centrally, but the estimated cost of the 50 per cent discount, which currently applies both to second homes and to long-term empty properties, is of the order of £25 million.

Mr Monteith: I thank the minister for his useful answer. Will he confirm that the abolition of the 50 per cent discount for second homes would in itself not provide additional or new funds for councils because the discount is paid for by other council tax payers? If that is the case and if the relief were

abolished, should there be a corresponding tax cut for the remaining council tax payers?

Mr Kerr: I refer to my two previous answers. It is clear that councils that have a large number of homes that are liable for the council tax discount of 50 per cent have a policy interest in the matter. That has implications for other councils. My colleagues and I are working the matter through.

I repeat that there has been a variety of views in the consultation responses. We want to get things right for the long term and there are big decisions to be made. Members should be aware that we are having a local government finance review and that such matters will come into play at the appropriate time.

The Presiding Officer: Question 8 has been withdrawn.

Haymarket Station

9. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive what plans are in place to ensure that all railway passengers will have full access to rail facilities at Haymarket station for the duration of the temporary suspension of services at Waverley station from 17 to 19 January 2004. (S2O-1056)

The Deputy Minister for Finance and Public Services (Tavish Scott): The Executive is aware of the problems that people with disabilities will face as a result of the closure of Waverley station this weekend, as disabled access is possible only from platform 1 at Haymarket. We have sought assurances from Network Rail that all that can be done to ease the difficulties that are caused to passengers has been done. People who require assistance should contact the train operating company in advance so that necessary arrangements can be put in place.

Passengers with disabilities who are travelling on ScotRail services should contact ScotRail in advance for information. Passengers travelling on Virgin services who are unable to access trains at Haymarket or the special coaches at Haymarket or Waverley will be taken by taxi to or from the nearest suitable station. Great North Eastern Railway will make use of platform 1 at Haymarket for its Inverness and Aberdeen services, which will start and terminate at Haymarket.

Sarah Boyack: The minister might not be aware that the former Lothian Regional Council approached British Rail 25 years ago about installing lifts at Haymarket station. Does he agree that it is simply unacceptable that, in the year that part III of the Disability Discrimination Act 1995 comes into force, not all rail passengers have appropriate access to Scotland's busiest station? Will the Scottish Executive give clarity to stakeholders on exactly who is responsible for

taking the lead on the issue to ensure compliance with the act and to ensure that funds are available to deliver full access to Haymarket station? Not one of the railway representatives to whom I have spoken is prepared to take responsibility for such a vital improvement.

Tavish Scott: The Scottish Executive very much takes on board the points that Sarah Boyack has made. It strikes us all that it is unacceptable for the matter to take 25 years to be resolved. With regard to clarity about who is responsible for the matter, that issue is currently being assessed. She is right to express concern on behalf of all rail users. We are giving urgent consideration to the matter and are seeking to make progress on it.

Lord James Douglas-Hamilton (Lothians) (Con): Given that Haymarket station may be unable to cope with the heavy demand of passengers diverted from Waverley station when services are suspended at the weekend, can the minister confirm the nature of all the alternative provisions that will be made to accommodate the needs of the passengers concerned?

Tavish Scott: I do not think that I can confirm the nature of all the arrangements that have been made without going on for a considerable length of time, which I am sure members would not wish me to do. All the train operating companies have made clear statements about the matter. ScotRail issued a further statement today that intimated the details of how rail passengers could contact it for information. The especially important point that Sarah Boyack raised related to people with disabilities. That point has been particularly taken into account by the train operating companies.

Skills Councils

10. Alex Neil (Central Scotland) (SNP): To ask the Scottish Executive what discussions it has had with the Sector Skills Development Agency about the establishment of skills councils covering Scotland. (S2O-1050)

The Deputy Minister for Enterprise and Lifelong Learning (Lewis Macdonald): My officials are in regular contact with the agency to ensure that the new sector skills councils meet Scotland's needs, and I will meet the chair and chief executive of the agency to discuss those matters later this month.

Alex Neil: I am sure that the minister is aware of the concern that has been expressed about the delay in the establishment of many of those councils. How many sector skills councils covering Scotland have now been set up compared to the target number to be set up? What budget will the Scottish Executive set aside in this financial year to fund sector skills councils in Scotland?

Lewis Macdonald: We now have licensed sector skills councils covering a total of 10 different sectors. They include: automotive skills; construction; science, engineering and manufacturing; information technology; electricity, water and plumbing; clothing and footwear; and sport and fitness. We will continue to work with our colleagues in the United Kingdom Government and with the Sector Skills Development Agency to put in place more SSCs in the course of the next few months.

Donald Gorrie (Central Scotland) (LD): Is the minister satisfied that through the sector skills councils, or in other ways, the need for skilled people is accurately assessed and that meeting those needs—if they are not currently being met—will be properly done?

Lewis Macdonald: Yes, I am satisfied, because in partnership with the Sector Skills Development Agency we consult with other interested parties in the Scottish economy—including the enterprise networks, the trade unions and others—to ensure that their views are included in our consideration before any sector skills council is licensed. That is the process that we undertake. The licence is issued by the Secretary of State for Education, but it is done in consultation with us and the other devolved Administrations; in turn, we consult relevant parties within the Scottish economy.

Teachers (Qualifications)

11. Fiona Hyslop (Lothians) (SNP): To ask the Scottish Executive what legislation it will introduce to ensure that school teachers will require to have a teaching degree after the repeal of the remaining sections of the schools code. (S2O-1046)

The Minister for Education and Young People (Peter Peacock): We have already announced that we will bring forward new regulations to ensure that teachers continue to be registered with the General Teaching Council for Scotland and continue to hold a teaching qualification.

Fiona Hyslop: The minister will be aware that there is a great deal of concern about the repeal of the code. The previous Minister for Education and Young People promised consultation on the matter. Will the minister ensure that there is consultation, particularly in relation to teaching qualifications? Can he give us a guarantee that the repeal will not be used as a means of lowering the entry standards for teachers in order to meet the target of 3,000 new teachers?

Peter Peacock: There is no question of lowering standards. We will continue to have an all-graduate profession. The General Teaching Council for Scotland will continue to decide who gets to teach in Scottish schools. It will have the authority to do that in terms of the standards for

full registration—the competence standards for teachers. That will continue, so there is no question of reducing standards.

I confirm that we will consult later this year prior to the repeal of the regulations. At the same time, we will introduce the new regulations that we seek, to cover the points that I made in my first answer

East Lothian (Schools)

12. Ms Rosemary Byrne (South of Scotland) (SSP): To ask the Scottish Executive what recent contact it has had with East Lothian Council and the Innovate consortium in respect of the public-private partnership project in East Lothian's schools. (S2O-1063)

The Deputy Minister for Education and Young People (Euan Robson): The Executive's role in all school public-private partnerships, including that of East Lothian Council, is to consider councils' initial bids for financial support on the basis of the outline business cases that are submitted and, subsequently, to offer general advice and guidance as the projects progress. Given that the Executive is not a party to the contract between the council and the Innovate consortium, it is not for the Executive to enter into discussions with the consortium.

Ms Byrne: Does the minister accept that it is his Executive's insistence that East Lothian Council should go down the private finance road that has led to the present mess? Schools have been left with no library, canteen or gym and with rain coming in walls and roofs. Will he assure the parents of East Lothian that their children's education will not be damaged? Will he further assure the council tax payers of East Lothian and the taxpayers of Scotland that they will not face an even bigger bill than the already inflated cost of £43 million? Finally, can he assure us that the work will be completed by August so that East Lothian schools stop being abandoned building sites and become schools again?

Euan Robson: I do not accept that, because the Executive has introduced record funding into schools, somehow or another that led to the problem in East Lothian. Far from that being the case, the matter is one of the collapse of a private company that was involved in the consortium, which is something that happens in ordinary commercial relationships. From an announcement that East Lothian Council made on 16 December, I understand that specialists were to be back on site on 9 January and that the council hopes that work will recommence on site in February. However, we shall have to await developments.

Mr John Home Robertson (East Lothian) (Lab): The minister will be aware that schools all over Scotland, including schools in places such as

East Lothian and Inverclyde, are in urgent need of major refurbishment. I welcome the fact that the PPP scheme makes it possible for all six of the secondary schools in my constituency to be upgraded this year, instead of that having to be done one at a time over a decade or more. Will he congratulate East Lothian Council on getting the project back on track so soon after the failure of Ballast Nedam? The Trotskyites in the Parliament—[*Interruption.*]

The Presiding Officer: Order.

Mr Home Robertson: —and the Liberals in Inverclyde might prefer to have crumbling schools, but I ask the minister to support East Lothian Council's determination to invest in all the high schools in my constituency.

Euan Robson: It is reassuring that East Lothian Council accepted its responsibilities and that it appears to have put the project back on stream. It will be advantageous for the children in East Lothian to have refurbished secondary schools. I understand that they are also to have a swimming pool.

Glasgow School of Art

13. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive what discussions have taken place with Glasgow School of Art regarding its estate at Garnethill, Glasgow. (S2O-1076)

The Deputy Minister for Enterprise and Lifelong Learning (Lewis Macdonald): The Scottish Higher Education Funding Council has been working with Glasgow School of Art to develop its estates strategy and has provided financial support for the work that has been done to date.

Pauline McNeill: Does the minister acknowledge that Glasgow School of Art makes an important contribution to the Scottish economy, particularly the creative industries, and that its character and setting are an international asset? Glasgow School of Art has one of the few remaining problem estates in higher education and I am led to believe that SHEFC, the funding body, is unable to fund such a large capital project. Therefore, will the minister assure me that he will at least consider discussions with Glasgow School of Art's board to talk about the options that are available in respect of the estate so that we can preserve the reputation of this important institution?

Lewis Macdonald: I certainly share Pauline McNeill's views: first, on the significant contribution that Glasgow School of Art makes, in the creative and cultural spheres, to economic life in Glasgow and in Scotland as a whole; and secondly, on the importance of the Mackintosh building at Garnethill

as part of the school's estate and as a building of international significance that is widely recognised as such.

It is the responsibility of the funding council, rather than the Executive, to hold such discussions, and I encourage it to have those discussions with Glasgow School of Art when the school makes its submission.

Fisheries Agreement

14. Richard Lochhead (North East Scotland) (SNP): To ask the Scottish Executive whether it intends to seek a renegotiation of the fisheries agreement concluded in Brussels in December 2003. (S2O-1054)

I take the opportunity to wish Ross Finnie all the best for the coming weeks and months as I understand that this is his last time in the chamber before he goes off on his leave of absence. [Applause.]

The Minister for Environment and Rural Development (Ross Finnie): As colleagues have observed, it is good to know that there are two of us in the chamber with a heart. Others might wish to apply later. On a personal level, I am grateful to Richard Lochhead and I thank him for his kind remarks.

In response to the question, I can only repeat the answer that I gave to the identical question that Richard Lochhead asked at yesterday's meeting of the Environment and Rural Development Committee. We will not renegotiate the fisheries agreement that was concluded in Brussels in December, but we are discussing further some of the detailed arrangements with the European Commission and the industry.

Richard Lochhead: I thank the minister for that answer—I just wanted to check. Given that time is ticking away before the most complex and draconian fishing deal ever signed by a government kicks into force, it is interesting the European Commission has indicated that some parts of the deal are set in stone and other parts are not. Will the minister explain to the chamber which parts of the deal he understands are set in stone and which parts he understands are not? Will he indicate whether the Government still has an open mind on delivering a further aid package to the white-fish sector?

Ross Finnie: It must be made absolutely clear that the comments and interviews that have been given by Mr John Farnell of the European Commission were made in direct response to the approaches that have been made by the Executive in the past few days, and in particular to the meetings that opened in Brussels yesterday between my officials and Commission officials, including Mr Farnell. The issue of what is and what

is not set in stone has arisen entirely in response to the pressure that we are applying in relation to the detailed arrangements.

I indicated yesterday that the two areas about which we are concerned are unintended consequences of the detail of the regulations. First, it appears that one of the unintended consequences of a combination of the arithmetic distribution between cod-sensitive areas and non-sensitive areas and the application of those to the cod boxes could be to apply regulations to last year's haddock quota. Secondly, there is an issue around whether the geographic spread of the boxes, notwithstanding the fact that they are cod-sensitive, could place fishermen in the position of fishing for immature stock. I hope that those areas of concern are receiving a response, but from the reports that I have had, it is far too early to say. Although Mr Farnell indicated that he did not regard them as set in stone, I regret that he has not gone any further than that today. We await his response anxiously.

When we have an outcome and know the all-important details, the Executive will consider what action is required. That is the Executive's position on any industrial and economic situation, so the socioeconomic outcomes of the negotiations will be examined carefully. At this stage, we do not rule anything in and we do not rule anything out.

Mr Alasdair Morrison (Western Isles) (Lab): Does the minister agree that the best way to protect our fishing communities' interests is to ensure that we put in place adequate and proper measures to protect fishing stocks? Does he further agree that the SNP's cheap sloganising about withdrawal from the common fisheries policy both debases politics and insults the very communities that the SNP wrongly claims to serve?

Ross Finnie: At least I am getting due notice of the questions—nothing has been asked so far that was not asked at yesterday's meeting of the Environment and Rural Development Committee.

I wholly agree that it is important for us to take the conservation of stocks seriously, as we do. That is why we have insisted at all stages in the agreement that, even if one wishes to argue the point as we do, one cannot simply ignore the proposition that the North sea should be closed. We also regard it as important that any proposition that will keep the North sea open has to be credible in the eyes of the scientific community. That is why we accept the basic proposition that the reduction in effort control in the North sea at a gross level has to be no less than 65 per cent. That is absolutely crucial.

With regard to quick, easy and cheap solutions, given the nature of the stocks that we fish in

Scotland and the fact that those stocks are also managed by the Faroes, Iceland, Norway, Sweden, the Netherlands and Denmark, I am in no doubt about the need for us to stay within the international agreements that are being negotiated. The suggestion that we can simply walk away from that and provide a solution tomorrow is a fallacy that I do not support. We have a better advantage by negotiating within Europe.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): I associate myself with Richard Lochhead's comments on the minister's health. I hope that he returns to the chamber speedily and in excellent health.

Does the minister accept that the recent deal struck in Brussels will do the opposite of preserving cod stocks? With only 15 days a month at sea, fishermen will target high-value species such as cod. Does he further accept that, if the UK fails to renegotiate the restricted haddock boxes, Scottish fishermen will have a sound legal basis on which to challenge the recent settlement on the grounds that the deal is discriminatory and that our fishermen should be able to go to sea with rights that are at least equal to those of other European fishermen?

Ross Finnie: No, I do not, which should not surprise anybody. On the latter point, I do not believe that the deal is discriminatory. One has to look at the situation in much more detail rather than make the glib assertion that fishing for haddock by Scotland is in any way comparable with fishing for haddock by other nations. One has to have regard to the fact that it is proven—indeed, it is in the Commission's records—that Norway, France and Germany, which are three of the four states that fish haddock, have historically taken up less than 25 per cent of the haddock fishery. For example, Norway takes up only 10 per cent of its haddock fishery, so the situations are entirely incomparable. Denmark fishes for haddock south of the 57° latitude line so that it is not even fishing in the same areas.

Therefore, one cannot suggest that it is discriminatory to apply conditions to Scottish fishermen to protect the cod stocks while we fish for more haddock because we have applied for what now equates to a 66 per cent increase in quota. That is not discriminatory; it is entirely rational in relation to the increase in haddock quota.

Mark Ballard (Lothians) (Green): Does the minister agree that it is vital that fishermen do not fulfil their threat to fish illegally outside agreed quotas? If they do so, our fish stocks, and therefore the long-term future of our fishing industry, will be put in jeopardy. On Monday, in response to the concerns raised on toxic

chemicals in farmed salmon, the Executive announced that it would underwrite any loans incurred by the salmon industry to keep it afloat and to safeguard jobs. Will the minister now consider giving the same support to fishermen who might suffer as a result of the recently agreed fish stock recovery plan?

Ross Finnie: I have no intention of entering into a confrontation with the Scottish Fishermen's Federation because, as I indicated in my first reply to Richard Lochhead, we are presently examining certain important details of the agreement. I hope that fishermen do not have to resort to illegal action. We will not contemplate such illegal action, and I hope that they will not do so either, and that they will await the outcome of the further deliberations. As I also said to Richard Lochhead, once we know the precise outcome of the deal and how it will impact, we will give the matter due consideration, but it would be premature to do so in advance of that.

Eco-tourism (Northern Highlands)

15. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive what action it is taking to promote eco-tourism in the northern Highlands. (S2O-1069)

The Minister for Tourism, Culture and Sport (Mr Frank McAveety): The Scottish Executive promotes eco-tourism through a wide range of bodies and organisations. Those include the tourism environment forum, which is based in VisitScotland's Inverness office, VisitScotland, Highlands and Islands Enterprise, Scottish Natural Heritage and Highland Council.

We value the work of sustainable nature-based tourism, which offers growing opportunities for areas such as the northern Highlands, and the organisations that I mentioned are working on a number of proposals to develop those opportunities further.

Mr Stone: The minister clearly recognises the potential of eco-tourism. For example, visitors flock to Easter Ross to see the golden eagles and ospreys. Does he agree that it is hugely important that our unspoilt environment, which nurtures such special creatures, continues to be safeguarded? Does he recognise that eco-tourism is ultimately sustainable, which means that it could be around for a long time? Will he ensure that all relevant agencies—local, national and international—direct their activities, resources and publicity accordingly in the future?

Mr McAveety: VisitScotland already recognises the role of eco-tourism in establishing tourism markets. Today, I met with another member of the Scottish Parliament to discuss ways in which we can encourage such bodies to work more

effectively. That work will match the work being done by organisations such as RSPB Scotland, which has taken great responsibility for the flow country and tried to ensure that opportunities that are developed there respect the natural environment and encourage visitors to the northern Highlands to respect the environment and get maximum enjoyment from it.

Points of Order

15:11

Tommy Sheridan (Glasgow) (SSP): On a point of order, Presiding Officer.

Alasdair Morgan (South of Scotland) (SNP)
rose—

The Presiding Officer (Mr George Reid): Mr Sheridan has just beaten you to it, Mr Morgan.

Tommy Sheridan: The rules on the honesty of ministers in the chamber are stated clearly at paragraph 1.1(c) of the ministerial code. Presiding Officer, if you are not responsible for the enforcement of the ministerial code in relation to my accusation that the Minister for Finance and Public Services seriously misled Parliament during his ministerial statement of 17 December, who is?

The Presiding Officer: The First Minister.

Alasdair Morgan: On a more constructive point of order, Presiding Officer. At question time today, three questions were on almost identical topics—the council tax—and similar situations have arisen before. Is it within your power to group such questions together, as happens in another place? If not, are you prepared to remit the matter to the Procedures Committee to allow it to come up with a solution?

The Presiding Officer: That is a perfectly reasonable point. I spoke to the members involved to ask them whether they were prepared to group the questions, but not all of them were prepared to do so. It would be reasonable for the Procedures Committee to consider the matter. I am sympathetic to your suggestion, Mr Morgan.

Emergency Workers (Protection)

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on protection of emergency workers. The debate will be concluded without any question being put.

15:13

The Minister for Finance and Public Services (Mr Andy Kerr): I am pleased to open this debate on protection of emergency workers, which is an important part of our commitment to reducing crime and protecting communities. At present, we are consulting on our proposals for legislation to create a specific offence of attacking an emergency worker—or those assisting them, including other workers—in an emergency situation.

Why is the legislation necessary? As members will be aware, there have been too many shocking assaults on emergency workers in recent months and years. They have been shot at with air rifles and bombarded with bricks and stones. Chemicals have been sprayed in their faces and fireworks have been thrown at them. Only last month, a crew that was attending a refuse fire in Coatbridge was subjected to an intense physical attack that left one firefighter needing hospital treatment for a leg injury. Another was struck on the head with a bottle. The crew was forced to withdraw and return with a police escort and their appliance was so badly damaged that it had to be taken out of service. I am sure that all members join me in condemning such attacks.

Emergency workers provide essential services to society in difficult and dangerous circumstances and attacks on them are totally and absolutely unacceptable. The critical point is that assaulting emergency workers or those who assist them not only puts their lives at risk but puts at risk the lives of those whom they are trying to help. We cannot tolerate that, which is why we are proposing legislation that would create specific offences of assaulting, obstructing or hindering emergency workers, and those who have stepped forward to assist them, in emergency situations. Our proposal is similar to the existing specific offence of assaulting or obstructing a police officer in the exercise of his or her duty, which is contained in the Police (Scotland) Act 1967.

We propose to cover, in addition to the traditional blue-light services, staff in accident and emergency departments of hospitals and workers who are responding to environmental emergencies; more groups may be added as a result of consultation responses. People who assist emergency workers in responding at an emergency, including other workers, would, as I said, also be protected. We propose to define

emergency situations as those in which there is an immediate threat to human life or a risk of substantial damage to buildings or the environment. We believe that significant and immediate threats to human health, such as the contamination of water supplies, should also be covered. Such situations are tense and fraught and people's lives are at risk, so workers who act in such circumstances must be free from physical and mental distractions in order that they can do their job.

Shona Robison (Dundee East) (SNP): On the basis of that definition, would the minister be minded to include those who work in accident and emergency departments in our hospitals, where life and death are clearly major issues?

Mr Kerr: As colleagues are reminding me, I said that. It is our ambition that the legislation would cover those who work in the accident and emergency departments of our hospitals.

I am confident that those steps will fundamentally strengthen the protection that emergency workers deserve and that they will ensure that workers who are placed in emergency situations do not have to endure what was faced in Coatbridge and what is faced in too many other places.

Elaine Smith (Coatbridge and Chryston) (Lab): Has any thought been given to targets for police response times, given the fact that part of the problem in Coatbridge was the police response time? I have now received an answer from the police on that, but I wonder whether that is an issue that the bill might consider.

Mr Kerr: Whether the bill covers that issue or not, we intend not just to address issues of legislation and the courts, but to introduce a wider package of measures that are designed to reduce the effects as well as the number of such incidents. I will come to that in a few moments.

I am well aware that other workers who deliver public services can be subject to assault or abuse and that there are calls to extend specific statutory protection to all such groups. We have considered that possibility very carefully. Although, at first glance, it might seem to be an attractive and straightforward solution—it seemed like that to me at first glance—our detailed consideration has led us to conclude that going down that road would actually weaken protection of those workers. Everyone is protected from assault by the present law, and the Lord Advocate has made it clear in guidance to procurators fiscal that it is an aggravating factor in an attack if the victim is a worker who is delivering a public service.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): There will obviously be a lot of agreement with what the minister has said. Does

he agree that all of us, as elected members, have a responsibility to play our part and, in particular, that we must not criticise or condemn any activity that is undertaken by the police in investigating any allegation of an attack on any of the workers that he has described?

Mr Kerr: I would hope that that would be the case, although I am interested to know why Fergus Ewing asked that question. Perhaps that will come out in further debate.

The steps that the Lord Advocate has taken with the procurators fiscal to ensure that such aggravation is recognised mean that such attacks will be treated more seriously and that the likelihood of a trial in our highest courts, along with tougher penalties, is greater. Our initial monitoring of the Lord Advocate's guidance has confirmed that fiscals and the courts are complying with the guidance and are treating attacks on public service workers as being very serious offences.

Recent examples of the practical effect of the guidance are set out in our consultation paper. Assaults on public service workers are regularly prosecuted in the sheriff courts and sheriffs are consistently acknowledging the aggravated and serious nature of such attacks. Often, the assault will attract a sentence of imprisonment, with sheriffs making it plain that such unacceptable conduct will not be tolerated and that workers have the support of the courts and the Executive.

Bristow Muldoon (Livingston) (Lab): I recognise that the consultation document sets out the measures that have been taken by the Lord Advocate and procurators fiscal. I also note that it refers to other measures that the Executive might be prepared to take to educate people and make clear the Executive's position on such attacks on other public sector workers. Could the minister outline those further?

Mr Kerr: Having discussed such measures with trade union colleagues, employers and professional bodies in the past few months, I have found out about a number of good examples from Scotland and the rest of the UK. They include work that is being done in Fife, where firefighters go into schools to talk to young pupils and explain their role in the community, and other work that is being done to challenge some of the habits that relate to deliberate attacks on emergency service workers. Later in my speech, I will cover more of the good work that is being done with regard to education and the promotion of our message.

The common law is flexible: it can deal with attacks on public service workers whatever the circumstances. However, if we introduce a specific offence of statutory aggravation for attacks on all public service workers, that flexibility will be removed. The burden of proof could be greater

and there would have to be a statutory template that the offence would have to fit in order for it to be successfully prosecuted.

That is not the only problem. With a statutory aggravation, we would have to set out in statute a list of workers who would be covered. When I first considered the matter, that struck me as being quite a simple task, but I can assure members that it is more difficult than might be expected. Members might have in their heads a number of examples of public service workers who would be included in the list, such as teachers, health care workers, social workers and train and bus drivers. However, other groups would point out that they serve the community as well and should therefore be included. I am sure that everyone could think of such groups of workers. However, if we added to the list everyone whom we could think of—which would also involve defining their jobs—it is inevitable that, however long the list ended up, some groups would be left off and the impression would be given that they were less valued than other workers.

At the same time, because the list would be extensive, there would be no special protection for the people who are most in need of it: the emergency workers whom we are discussing today, whose jobs constantly bring them into difficult and dangerous situations in which the lives of others are at risk, in which they need to respond quickly and in which their visibility makes them a target for mindless thuggery.

I acknowledge the serious problems of attacks on essential workers such as teachers, doctors, bus drivers, social workers and many other workers in both the public and private sectors who come into contact with the general public. That is why, as Bristow Muldoon pointed out, I made it clear in my foreword to the recent consultation paper that the legislation that we are proposing cannot stand alone, and that we propose to develop a package of non-statutory measures to help to minimise the incidence of such attacks. It is a fundamental human right that all workers should be able to go about their legitimate business without fear of attack or abuse; society as a whole has a responsibility to respect that.

I am pleased to say that much is already being done to provide advice and training for staff on these issues. The national health service in Scotland, for example, is launching its zero tolerance campaign, which consists of a series of posters that are aimed at raising public awareness about assaults on NHS staff. That will be accompanied by two training videos: one reminds employers of their obligations to protect the health and safety of their staff and the other is designed to help staff to anticipate and deal with aggression in their clients. In addition, a new medical services

contract will provide support to staff in dealing with violent patients.

In transport, the Executive is supporting the installation of closed-circuit television cameras in buses, trains and railway stations. We have also provided funding for their use in hospitals and schools. Furthermore, CCTV is central to the Scottish safe city centres campaign, which was launched in November last year and which places particular emphasis on protection of shop workers.

I have held many meetings with trade unions and professional bodies to listen to what they are saying and to find out their views on the best way forward. A lay member of the Scottish Trades Union Congress has just been seconded to work with the Scottish Executive on developing a package of measures to protect workers.

I think that it is clear that many employers share our concerns about the safety of their work force and officials and I look forward to working in partnership with them and the trade unions over the next few months and beyond on development and implementation of the measures that I have described.

We aim to prevent assaults from happening in the first place, and we will consider practical measures, including guidance and training of managers and staff and education of children from an early age about their civic responsibilities. We intend to raise public awareness that attacks on workers are offences against civilised society and that they will be severely punished. Where assaults occur, we want to build on the work that we have already done to improve evidence gathering, and to ensure that incidents will be properly recorded and reported.

It is intolerable that any worker should be assaulted in the course of their employment. We want to make that clear and to take the most appropriate steps to ensure that all workers are valued and protected as they should be. We believe that our proposals for legislation to protect emergency workers and other workers who are assisting them, taken together with our wider package of action to protect all workers, constitute an effective way of doing that. It is a comprehensive approach to tackling a complex and difficult situation. We must act and we must do so appropriately if we are to get the result that we need.

The Government in Scotland is determined to work hard to build communities that are based on respect and compassion. Our measures to protect those who act to protect us all are part of the practical action that we are taking to deliver on the commitments that we have made to the people of Scotland.

15:26

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I am sure that all of us, and indeed all right-thinking people, will agree with all the sentiments that the Minister for Finance and Public Services has expressed. There is something particularly repugnant and repulsive about assaults on a person who is seeking to help the assailant. Usually, such incidents happen when the thugs concerned are under the influence of drink or drugs. I suspect that those people will not be detaining themselves too long on a detailed study of the consultation paper, worthy though it is.

The Scottish National Party argues for an extension of the statutory recognition that is currently given to the position of the police, nurses and doctors. I make a particular plea about the position of psychiatric nurses. The patients that they receive for treatment are often brought to them by several police officers, who are armed with powers of control and restraint. Unlike the police, psychiatric nurses do not have handcuffs or other apparatus that are designed to ensure control and restraint: however, they must still manage violence and aggression so I hope that their position will be recognised. Shop workers were also mentioned.

There is recognition in the consultation paper that the common law is based on principle and that it is flexible. We should bear that in mind, as well as the problems of definition that have been raised.

On behalf of the SNP, I welcome the guidelines on and the examples of stiff appropriate sentences for general thuggery and such behaviour. I cite the example of a nurse who was subject to a particularly unpleasant incident in a hospital in central Scotland. Two individuals were attending a friend of theirs, who was receiving treatment. Apparently, they blew up surgical gloves like balloons and wheeled each other round a nursing station in a wheelchair. The nurse told them three times to leave the area and to return to reception because they were endangering safety. Her requests were met with abuse. The men returned three times to the nursing station, which was 100ft from the reception area, and told the nurse, "Watch who you're talking to." When she warned them a third time, they threatened to "get" her outside and crowded her in the nursing station. The nurse, who had worked for 16 years, including stints in inner-city hospitals in London, said that she had never been more scared in her life.

I am pleased to say that the two individuals were arrested by the police and put into a cell in order to reflect on their behaviour over the weekend. They were charged and appeared in court on the Monday. Then, however, representations were

made on their behalf to the local elected representative. The First Minister decided that he would take action on their behalf. According to reports in the *Sunday Mail* and the *Daily Mail* last September, the First Minister intervened, by writing to the local police. His letter was reported by respectable and responsible journalists, without contradiction, and the First Minister is said to have referred to the incident that I have just described as a "minor matter".

The nurse has said that she was never more scared in her life and that she was afraid to leave the hospital for fear that the men's threat would be implemented. According to the reports, which have not been contradicted, the view was also expressed that the First Minister stated, implied or suggested that the police might have better things to do with their time than to arrest and lock up these two men.

If, rightly, the Scottish Executive argues—as the Minister for Finance and Public Services has argued—that such threats are despicable, how could the First Minister have argued for a moment that the conduct of those men was of minor importance and undeserving of police time? The letter that he wrote was not simply a request for information. That would have been in order—we are entitled to ask for information from the Lord Advocate or, indeed, the police—but surely none of us would contemplate expressing views that suggest that what the police are doing is wrong.

I suggest that a number of things should happen. First, because a criminal trial is a matter of public law in which justice must not only be done, but be seen to be done, as soon as someone is charged the case becomes a matter of public right and the public have a right to know. I suggest, therefore, that the First Minister's letter be put into the public domain in a redacted form. Secondly, there must be an investigation into the matter. Thirdly, the First Minister must do what he has failed to do thus far and make a detailed statement on it.

As long as the First Minister fails to take any of the action that I have described, a cloud will hang over him and the Executive. Last Sunday, the First Minister stated in a newspaper that since he was 14 years old he has had a commitment to transparency and openness. Does that fine principle apply to his conduct and apparent intervention in a police matter?

I will conclude by showing the chamber a headline that appeared in the *Sunday Mail*, a fine newspaper that is committed to standing up for the ordinary person, even against the most powerful man in the land. The headline asks:

"Why did First Minister stick up for neds"?

We are waiting for the answer.

15:32

Margaret Mitchell (Central Scotland) (Con):

Today's debate on the protection of emergency service workers is important. At the outset, it is only right and proper for us to pay tribute to the men and women throughout Scotland who on a daily basis are employed in front-line duties as part of the emergency services.

It is a core principle of any civilised society that emergency workers should have the confidence and assurance that in the course of carrying out their frequently dangerous duties they will be protected by the full force of the law. The fact that with increasing frequency so many of those dedicated public sector workers are finding themselves under threat of abuse and attack is a reflection of the state of lawlessness in Scotland today.

A Unison survey from 2002 highlighted the extent of the problem when it revealed that an extremely worrying 40 per cent of nurses and NHS staff were subject to physical and verbal abuse. Contained in that figure are incidents of attacks on hospital staff and other claims of unacceptable behaviour, such as the incident reported last year at Wishaw general hospital to which reference has been made. In that incident, nursing staff complained that they had been threatened, subjected to verbal abuse and obstructed from carrying out their duties by two men in accident and emergency. In Coatbridge and other parts of Lanarkshire and central Scotland, hoax calls to and attacks on fire brigade workers provide a further example of the kind of reprehensible behaviour to which emergency workers are subjected. Clearly, this situation must not be allowed to continue and must be addressed. The question is how best that can be done.

In the first instance, the Scottish Conservatives support extending to other emergency workers, as well as to those persons who are assisting an emergency worker in an emergency situation, the statutory protection that is at present given to the police. We would make it a crime to obstruct those workers from carrying out their duties, which involve attempting to provide the public with protection.

It is recommended that the new statutory offence of attacking a public sector worker should carry a maximum penalty of nine months' imprisonment and a fine of up to £5,000. We are concerned that the full effect of that new measure will be diluted by the consequence of automatic release whereby, even if the maximum sentence were to be imposed, the offender would serve only about four and a half months. Therefore, we again call on the Executive to use the power available to it to end automatic sentence discounting.

We agree with the consultation's definition of emergency workers, which includes mountain rescue teams such as the Trossachs search and rescue team which, as part of its duties, is on standby to tackle terrorism. We also share the Executive's view that the new statutory protection should not be extended to all public service workers. Under common law, all Scots are protected from assault. The flexibility of common law means that there is no maximum penalty and that individual circumstances can be taken into account by the court. The system works well and is able to evolve over time. However, when it comes to dealing with violent patients or pupils, the Scottish Conservatives believe that additional protective measures should be put in place.

We have publicly backed Unison's idea of red and yellow cards for those who abuse NHS staff. That could lead to the banning of individuals from NHS premises. Executive statistics reveal that there is an attack on a school worker every 15 minutes. We therefore believe that teachers should have the right to refuse to teach any pupil who has a proven record of violence in school.

New technology, such as that currently being pioneered to transform mobile phones into personal alarms and location devices, should also be explored, in order to give teachers, psychiatric nurses and other public sector workers who are potentially at risk a degree of protection in situations where they are vulnerable and isolated.

Today's debate is without doubt well intentioned. Although, on the whole, we welcome the measures proposed, they should not be allowed to obscure the fact that attacks are on the increase—not just against public sector workers but against the public at large. The only way to combat that effectively is to adopt a zero-tolerance approach to crime, with more visible policing on our streets.

15:38

Robert Brown (Glasgow) (LD): Let me start by saying something that I think is relevant to this debate: laws are not the only answer. A package of measures is required. That package should concentrate not simply on ensuring that proper provision is made in law to deal with offenders but on ensuring that people are caught or, if possible, encouraged not to commit the offences in the first place. In the kind of situations that we are talking about, there can sometimes be problems in identifying the perpetrators and doing something about them. We have to bear that in mind.

An interesting survey was carried out by Unison on the percentages of the different sorts of staff who are subject to physical or verbal abuse. The figure for police officers was 28.4 per cent, which we might expect, given the nature of police work.

The figure was 17.6 per cent for social workers and probation officers; 11.5 per cent for publicans and bar staff; 9.2 per cent for taxi drivers; and 8.9 per cent for nurses. The list continues down to teachers, for whom the figure is 3.5 per cent. The importance of the list is that it indicates that, if we move away from a consideration of only emergency workers, it is difficult to define things in terms of public service. People who work in bars provide a public service of a sort. It is not the same sort of public service as that provided by nurses, doctors and medical staff, but those bar staff are subject to the same kind of attack. The distinction that means that some sets of workers get enhanced protection is an important one to consider.

There is something that particularly baffles the mind about violent assaults on emergency public service workers. It is just possible, I think, to comprehend why a bored youth, perhaps lacking the imagination to see the consequences of his actions, might want to throw stones at a train. That is not to downgrade such actions, but having a certain understanding of how such things arise might suggest methods of trying to stop them. However, the rationale behind attacking a paramedic or fire crew engaged in saving life frankly defies understanding.

As always, there are statistical uncertainties—

Bristow Muldoon: I am a little puzzled by Robert Brown's analogy that we can perhaps understand why someone might throw stones at a train, given that the consequences of such actions are severe not only for the train driver but potentially for many hundreds of passengers.

Robert Brown: In no sense was I excusing such actions. I was trying to say that it is important that we try to put ourselves into the mind of the people who do such things. By doing that, we can see the different sorts of situations that need to be considered. I was very careful to say that in no sense did I mean to downgrade such attacks. It is important that all such offences are dealt with properly.

Attacks on trains are common-law offences. The common law, which other members have already mentioned, is quite well placed to deal with aggravations of that sort. Where there is a risk to public life such as in attacks on trains—which Bristow Muldoon rightly referred to—or when stones are thrown at buses, the common law is able to take account of such aggravations and deal with them with quite severe sentences. Following the Lord Advocate's instructions in that regard, severe sentences have been passed.

I know from my personal background—I was originally a procurator fiscal depute some years ago—that the specific offences under the Police

(Scotland) Act 1967 attract heavy sentences. Those offences are dealt with seriously by the courts and have been regarded seriously over the years. I have no doubt that the new offence that the Executive rightly proposes will be dealt with in a similar fashion by the courts once the legislation goes through.

Part of the answer to the problem is to strengthen the law. We fully support giving emergency workers and those who assist them similar protection to that which is given to police officers. To a degree, such sentences send out an important message that is noted by groups that are susceptible to that kind of offence. It is almost in folklore that, when there was an outbreak of knife crime in Glasgow some years ago, the heavy sentences that the courts imposed at that time had the effect in changing attitudes and in stopping that particular offence.

I do not underrate the ability of legislative provisions to send out such messages, but that can be only part of the answer. We also need to consider a number of other ways. The minister touched on that when he mentioned how fire officers visit schools to tell children about these things. I have seen some of those visits myself.

There must also be better preventive measures. Quite often, attacks on buses do not happen in isolation. The people who attack buses also carry out other offences in the vicinity, such as attacking shops. Collaboration among different sorts of emergency workers, public transport people and members of the public can do quite a bit to deal with such situations. Several experiments in England have shown how that sort of thing can be successfully done.

In addition, things can be done about personal protection. For instance, personal alarms and facilities such as CCTV cameras can be used at suitable times.

In addition to educative measures such as those that the fire services carry out and preventive measures to stop attacks happening, we need rehabilitative measures to bring people face to face with the consequences of their crimes. Like other Glasgow members, I recently received a report on the restorative justice pilot in Glasgow. Although the evidence is anecdotal to a degree, the report lists a number of examples of how bringing people face to face with the consequences of their crimes can clearly have an effect on their understanding and that of their associates.

The approach that the Executive has taken is the right one. The Executive has defined the situation for emergency workers as the essential core of the problem and lets the common law tackle the other hugely miscellaneous but very

important areas that we have touched on. It also looks towards a number of other things to back up those approaches and make the thing happen.

I doubt that anybody in the Parliament would understate the importance of this serious problem, which must be tackled on all possible fronts. The Executive proposals are a step towards doing that. We need to consider all possible ideas to ensure that the proposals are effective and do the trick. In a society such as ours, it is not tolerable that people who are doing jobs in the emergency services should be subject to attacks that endanger both their lives and the lives of other people.

I support the Executive's proposals.

15:44

Mr David Davidson (North East Scotland) (Con): Presiding Officer, thank you for taking me early so that I can catch a train. I apologise to members for leaving the chamber immediately after my speech.

The word "unacceptable" is the one that is used most about the attacks on all public sector workers. Such attacks are unacceptable. We have to be practical and, although we are supporting the minister today, we think that we have to go a lot further.

I will address the issue of health workers—not so much paramedics and ambulance workers, because they have already been dealt with, but the people who work on health service premises such as hospitals, clinics and surgeries. During my years in community pharmacy, I had a lot of out-of-hours calls. Latterly, it got to the point where I had to have the police pick me up, stay with me and vet whoever was coming into the pharmacy. That is happening throughout society. As an employer I faced such incidents, but it was not acceptable for my staff to face them. At various points on pharmacy counters we installed panic buttons that were linked to an automatic line to the police.

I accept that someone in a hospital cannot walk about with a mobile phone; the phones have to be on the correct wavelength for security and the safety of instruments. It is awful to hear about the amount of physical and verbal abuse people have to suffer when they put themselves forward to serve us in health care. It is unacceptable.

Doctors have a particular difficulty because of their oath. They cannot easily refuse to treat anyone. Under the pharmacy contract, a pharmacist has to accept prescriptions. Even in Scots law, I believe, that overrides the right of a premises owner to evict someone because of their state, whether it is caused by drink or drugs. Many

health professionals are having great difficulty with that issue.

The statement from the Royal College of Nursing notes simply that all health staff should be treated in the same way regardless of what they do. People have a right to be in a safe environment when they serve the public. There is a duty on the people who employ them to ensure that.

Another issue in the health service is the need to attract and retain staff. I know that many people who have worked in the health service have given up because they have had a fright—perhaps they have had to do a night shift and have had to go through a dark car park outside a hospital where undesirables are hanging around. Many hospital sites have multiple buildings and people can hang about in dark shadows, leaving staff terrified to move around. All those things turn staff away from the job.

I am talking not just about the staff but about the patients. In *The Herald* this morning, there was another story about a baby being snatched from a maternity unit. That can happen when someone is disturbed and, if someone could get that close to a baby, they could inject them with something or do all sorts of other silly things. Patients have the same rights as staff members and we have to look for solutions.

On the minister's comments about the responsibility of employers, we have to ask all health boards and trusts to employ accredited security operatives. Even if they are from outside the health service, they have to be accredited and know what they are doing. I hope that, if the minister speaks to his ministerial colleagues, we will get cross-department working on the issue.

All accident and emergency units should have 24-hour, seven-day cover. I have been in situations where patients or people accompanying patients into hospital have become abusive because of drink. Such people have to be vetted when they come through the door. That is not a job for our health professionals. All hospital maindoor entrances should be manned—even at night when usually only one door is open—so that people who are coming into the hospital can be vetted for their condition.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I fully support what the member says about those health service workers who work in specific buildings. What solutions would he provide for those who have to deliver the service in the community, sometimes in situations where they are vulnerable?

Mr Davidson: The answer has already been given. They should have panic devices, their vehicles should be locked and they should have

the necessary systems to support them. It might be difficult to give everyone a policeman or a security guard, but risks should be assessed in a better way than they are at the moment.

The use of security guards would free up police time and would ensure an instant response—security guards would be on the premises and in the department and someone in trouble would not have to wait 10, 15 or 20 minutes for a policeman to turn up, by which time the damage could have been done. I ask the Minister for Finance and Public Services seriously to consider using security operatives. It would help to ease some of the burdens on the police force and would provide confidence not only for the staff who work in hospitals but for those families who report to us incidents in which a family member who is a patient has had a scare with a stranger in the building. We should consider spending some of the money that we are about to spend on health—it will be £8 billion a year by the end of the parliamentary session—on security operatives. We must provide our health workers with a safe and secure environment in which to deliver what they deliver for us.

15:51

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to contribute to the debate. I have some reservations about the Executive's proposals, but I welcome any debate that seeks to give further attention to the important issues of community safety and how disorder expresses itself in our communities. We must listen closely to everyone in our local communities—those who live in them and those who work in them—on how disorder, aggression and violence impact on people's lives and their ability to deliver local services and create peaceful environments for people to live in. I also commend Paul Martin for the work that he has done on the issue. He has worked assiduously to bring it to the fore, particularly highlighting the needs of vulnerable workers.

I recognise the difficulties and the dangerous situations that emergency workers face. In particular, the police, who are our last line of defence, firefighters and ambulance workers face very difficult situations, especially in urban areas and at weekends, as the norm in their working lives rather than as the exception. It is scandalous that, at the point at which workers are often seeking to save lives, they can come under attack.

The problem is not only that such workers come under attack but that a culture of aggression and disorder exists. In my constituency, I have spoken to bus drivers, shop workers, those who work in schools and nurseries, housing officers, construction workers and caretakers, all of whom

tell the same story. Most recently, I visited a prestigious business in my constituency. The Minister for Finance and Public Services will be glad to know that that business had only positive things to say about the economic environment in which it was working and nothing bad to say, no matter how hard I pressed, on Scottish Enterprise or, more broadly, the Scottish Executive. However, when I asked whether there was any other issue on which I should reflect, I was told that that business had a problem with a group of youths gathering outside and attacking its night-shift workers with bricks as they came into work. Even when I do not want to talk about antisocial behaviour, I am driven to do so by those whom I meet.

We cannot get away from the facts that the issue is one for a broader group than only emergency workers and that it is part of the fabric of communities. It is not a special breed of people who attack ambulance workers and firefighters; they will have form in attacking their neighbours too. We know that attacks on emergency workers represent individual problems and distress, but it is equally important to realise that they have a more general impact on communities. Bus routes are taken off, firefighters are hindered when trying to get to a dangerous situation, and community health workers are unable to deliver their crucial service in some of our most vulnerable communities. That is at the centre of an understanding of the proposed legislation on antisocial behaviour.

The individual problem is serious, but it generates community problems that have a devastating effect on our ability to deliver on our policy objectives in communities where people who have fought to get houses now tell us that their only hope is to get out. That gives a strong message about what we have to do to regenerate local communities. It will be difficult to reverse spiralling fragility in communities if community regeneration and service delivery do not include a robust approach to disorder.

The issue can equally highlight the broader policing and management challenges of how disorder expresses itself. Controlling groups, identifying offenders, securing evidence and charging individuals are all necessary, regardless of whom the victim of an attack is. In that context, the proposals in the Antisocial Behaviour etc (Scotland) Bill become even more crucial. They are preventive in identifying early those who create problems, in deterring those who might be impressed by disorder among others and particularly in enabling groups to be dispersed. If members think about groups that regularly go to the same place and wilfully raise fires to bring in and then attack firefighters, they will begin to understand how a policy of dispersal of groups in

particular areas can make a difference. At heart, there is a recognition that adults who throw their weight about in hospitals and in local shops do not emerge fully formed at the age of 25 but have developed in a culture that has not been robust enough, early enough.

However, I have concerns about the proposal for legislation to protect emergency workers and, in the time that I have left, I will try to highlight them. It does not include some of the most vulnerable workers who might be identified in the health service, such as women and low-paid workers, or vulnerable workers in the private sector, such as workers in shops in fragile communities, who absolutely deliver a public service. I worry that the proposal feeds the notion of a hierarchy of concerns about crime.

In the Parliament, there is a great deal of scepticism among the Opposition about the necessity of antisocial behaviour legislation, but the same people want more action against those who attack emergency workers and tough legislation on hate crimes. I understand the motive of marking out the seriousness of crimes, which I welcome, but there is a danger that if so many things are considered to be an aggravation, we will give out the message that the people who cannot bid up their experience or give their suffering a better name so that we will prioritise it will be left out. We must ensure that any attempts to classify particular crimes as aggravation are rooted in a policing and criminal justice system that gives value to all those who are victims of crime. We must take all antisocial behaviour seriously so that all of us can have confidence in the system that seeks to protect us.

The example that Robert Brown gave about being able to understand the young person who throws a stone because they might be bored reflects a desire sometimes to rationalise irrational behaviour in our local communities that we would not rationalise anywhere else. That is a fundamental issue for the antisocial behaviour legislation.

My final point is that what is proposed is important not just because of the impact that it will have on people's quality of life and their faith in the justice system, but because of its impact on our ability to ensure that public investment in the regeneration of communities and in the delivery of public services is not wasted by an inability to challenge all the things that tear away at local services and prevent people from doing what they really want to do, which is to live in peace in their communities and to have good-quality services for those around them.

15:57

Alex Neil (Central Scotland) (SNP): It is clear from the debate so far that there is broad consensus among members of all parties on the unacceptability—as David Davidson put it—of antisocial behaviour against emergency workers. We are all united in our recognition of the need to do something fairly radical and positive to deal with the problem; I think that we are also united on the need to send out a clear signal that the Parliament will tackle such issues vigorously and seriously.

However, there are two or three issues that need to be emphasised. As the consultation paper makes clear, there will be major difficulties in crafting the proposed legislation. The paper refers specifically to how we define an emergency worker and an emergency situation; I will comment on that in a minute. There is also an issue around the profile of the offender. I will give two examples of that, both of which relate to a hospital accident and emergency department on a Saturday night.

As Margaret Jamieson pointed out to me recently after one of her visits to Crosshouse hospital, the first thing that is noticeable is that, very often, the people who are causing the trouble are not necessarily those who have come to be attended to, but those who are in attendance with them. Sometimes, particularly after a good drink on a Saturday night during which someone has been injured—typically, in Kilmarnock and various other places, in a fight—it is not just the person who has been cut, stabbed or injured and one other person who go to the hospital; the trip to accident and emergency becomes an evening out. There tends to be most trouble when there is a crowd, particularly when drink has been involved, and yet it is probably difficult to pick out one person as the troublemaker from all those people.

On prevention in accident and emergency departments, we need to consider measures such as having enforceable rules about who is admitted to the hospital. In general, the only people who need to be there are those who require medical attention and one or at the most two other people to lend them moral support and to ensure that they get home okay. We need to consider such matters, because although legislation is undoubtedly required, I suspect that it will not of itself be enough to tackle the problem.

For my second example about the offender's profile, I will refer again to the accident and emergency department on a typical Saturday night. Sometimes the offender does not match Johann Lamont's description, although I accept that, nine times out of 10, the people who will fall foul of the proposed legislation will have form and a track record of such behaviour at any time of day and in any condition, with or without drink or drugs.

Christine May (Central Fife) (Lab): Does Alex Neil agree with me and Johann Lamont that the proposed legislation is needed as part of a wider package? Will he join me in welcoming the Antisocial Behaviour etc (Scotland) Bill, which will allow the police to disperse folk who congregate in inappropriate situations such as those that he describes?

Alex Neil: We all agree on the need to tackle antisocial behaviour. The argument is about whether all the provisions in the bill are the best options. We will continue to have that debate about the bill, but there is no doubt that we are all united on the need to deal with antisocial behaviour.

Sometimes the offender does not fit the typical profile—the person does not have form or a record and is not normally aggressive. The offender could be extremely upset because of the circumstances in which they find themselves, or they could be a disturbed person—David Davidson mentioned that—who cannot help or control their behaviour. In crafting the legislation, we must be humanitarian. We must acknowledge that, sometimes, the offender does not engage compulsively in antisocial behaviour.

All those issues must be addressed. My final point is about resources, which have been mentioned by others. We can pass as much legislation as we like, but whether it is the dispersal provision in the Antisocial Behaviour etc (Scotland) Bill or the proposed legislation to protect emergency workers, it will not be implementable if it is not backed by the necessary resources, properly deployed, in the police service, social work services and other support services.

The proposed legislation is part of the jigsaw, but it is not the total answer. A realistic and ambitious package is required to deal with a severe problem in almost every part of Scotland, whether it is rural or urban or is in the north, the south or anywhere else.

16:04

Tommy Sheridan (Glasgow) (SSP): In August last year, I found myself in Helensburgh court because I had been deemed to be part of a crowd that was acting inappropriately outside the gates of Faslane nuclear submarine base and I had been arrested and charged with breach of the peace. That makes it clear to me that anyone, in any part of Scotland, who is part of a large crowd that is acting inappropriately can already be charged and arrested for their behaviour.

In the court, I had to wait for two cases to be dealt with before mine. One chap was charged with possession of what was described as enough

cannabis for personal use. Another chap was charged with assaulting a female ticket collector on the Glasgow to Dumbarton train; the assault constituted verbal abuse and spitting on the female ticket collector. Both the young men pleaded guilty to their respective charges and both were fined £50.

That example illustrates why we need to reinforce the promise that the Crown Office and Procurator Fiscal Service made more than a year ago, when it said that it would emphasise the need to deal much more stringently with attacks on public service workers. In Helensburgh that day, it was obvious that the message from the Lord Advocate had not got through. When a young man is fined £50 for possession of cannabis for personal use and someone who has assaulted a young female ticket collector is given the same fine, it is obvious that the message is not getting through. We must address the fact that far too many public service and emergency service workers in Scotland are vulnerable and need extra protection.

I am sure that other members, like me, have a sense of déjà vu. We should not be discussing the introduction of a specific offence against emergency service workers—we should be discussing whether we need to extend legislation to cover other workers. In February 2003, the Parliament should have agreed to amendment 75 to the Criminal Justice (Scotland) Bill, in the name of Paul Martin, which wanted to make attacking emergency service workers a specific new offence. The same arguments that were deployed against that amendment are being deployed today—that is where my sense of déjà vu comes from. Some members are asking, rightly, how far the argument goes, who is in the public service and who is an emergency service worker. Such arguments are legitimate and we should not undermine them, but we should have made a start a year ago by introducing the provisions that were discussed at stage 2 of the Criminal Justice (Scotland) Bill, which received cross-party support. The provisions were also discussed at stage 3 in February 2003 and secured cross-party support. Unfortunately, Liberal and Labour members voted against the provisions. It would be worth while for Labour members to bear it in mind that when some members called for the introduction of extra laws, Labour members voted them down and voted against extra support for emergency workers in the front line.

We must all welcome the fact that we have eventually reached this stage and that there will eventually be legislation, but it would have been much better if legislation had been in force for the past 12 months. We could have reflected on how things had worked and on how wide we would have to cast the net in relation to extension. We

must certainly ensure that ambulance crews are included in any definition of emergency workers and that the front-line staff whom members have mentioned—particularly nurses and other health workers on duty in accident and emergency wards throughout Scotland—are considered to work in emergency situations. However, it would have been better for all those emergency service workers if the Parliament had taken the bold step of introducing the provisions back in February last year. We would then have been able to monitor things and to add any extra coverage that was now required.

I hope that the Lord Advocate will admit that he was wrong when he said:

“I do not believe that there is a proven need for legislation at this stage.”—[*Official Report*, 20 February 2003; c 18516.]

I am afraid that, almost 12 months later, there is a need for legislation. Legislation was needed then—most of the examples that were given by Paul Martin and other members involved attacks on emergency service workers that had happened in 2000, 2001 and 2002. Sadly, such attacks are still taking place.

We should welcome the fact that there will be legislation, but we should recognise that the legislation is a year late. The Executive must learn to listen more to its own back benchers as well as to Opposition members.

16:10

Christine May (Central Fife) (Lab): I was not a member of the Parliament last February, so I welcome the opportunity to discuss this important issue today. I am glad to see that at least one member of Tommy Sheridan's group—himself—has an interest in the matter; I regret that there are not more Scottish Socialist Party members in attendance.

Yesterday, I went to see the new Parliament building for the first time. I was struck by the attention that was given on the site to the safety of all—workers and visitors. Notices advised everyone to report any dangerous situation immediately, not to carry out any task that might result in accident or injury and to prevent others from doing so. I am sure that, like me, other members welcome such regard for safety being shown by the employer on behalf of its workers.

Last Monday night, I met red watch at Glenrothes fire station in my constituency. Their employers take equal care for their health and safety while they are on fire brigade premises. However, unlike the folk at the Holyrood site, when red watch go out to help to save lives their safety can be threatened in many ways. They have little protection against the violence, threats and

intimidation that they can face, even while they tackle a dangerous situation, often in the interests of the very individuals—as other members have said—who are attacking them. I was staggered to learn that there are those who throw aerosol cans or cylinders into fires as the crew approaches so that they can have the pleasure of seeing any resulting explosion; who refuse to allow fire crews in to put out a fire; who attack the crew to prevent them from getting into the house to put out the fire; and who refuse to leave premises where a fire is raging and react violently when the crew try to persuade them to leave. Frequently, greater damage is done and greater danger to life ensues because the crew has to wait for police back-up.

I am sure that, like me, members can all imagine what might be inside those premises that the owners might not wish the police or the fire crews to see, but it is remarkable that they take that to the extent of wishing to burn to death while preventing that from happening or, worse, to threaten the life of the person who has turned up to help.

I heard about the success of the Glenrothes initiative to reduce the risk of violence and fires in South Parks and Macedonia by working with council staff, police and the community to prevent illegal fire-raising—otherwise known as bonfires—in the weeks up to 5 November. As it was reported to me, a local education process had achieved some results in identifying the perpetrators of such acts, who were subject to persuasion. However, fires were still being lit so the police went in gang-handed one night and lifted the lot of them, took them down to the station and held them there until their parents could come and get them. That worked. The incidence of illegal fire-raising through bonfires reduced considerably.

That proved to me, and to others, that the Executive is right to take a broad-based approach to the issue. Some people will be susceptible to persuasion and to being educated and will no longer engage in behaviour that might be dangerous. However, what do we do about the nutters and the bampots who are not susceptible to any degree of persuasion—the hard core who are not interested and who carry on regardless? Our emergency workers—whatever profession they are in—have the right to know that the Executive is prepared to take whatever measures it is able to take legally and to put those measures in place to give them the support that they need.

Since the consultation commenced, I have heard about verbal abuse, spitting and missiles being thrown at crews, vehicles and premises—sometimes by kids as young as four. What really upset me last Monday night was hearing of the many occasions on which the fire crews had watched the parents of the young people who

were carrying out the behaviour actively encourage them. Those are the types of offensive behaviour of which I urge the Executive to take particular account. The Executive is right to act, not only for the crew of red watch in Glenrothes but for all the other watches in Glenrothes, Levenmouth and everywhere else in Scotland.

During the recent fire dispute, the Executive took a very hard line on hoax calls. That approach was well publicised, so perpetrators knew that they would be sought out, caught and dealt with quickly and that a custodial sentence would result. It worked: the number of hoax calls was reduced considerably.

Even though it might sound like I am a right-wing reactionary, in the cases in which persuasion and education will not work, I urge the Executive to deal strongly with those who continue to perpetrate violence on emergency workers.

16:15

Stewart Stevenson (Banff and Buchan (SNP)): Many interesting and thoughtful speeches have been made, which build usefully on the work that Paul Martin did during the passage of the Criminal Justice (Scotland) Bill. If I remember correctly, Karen Gillon secured a members' business debate on the subject, although I am prepared to be corrected on that if I have got the wrong member.

I turn to David Davidson's speech. It is welcome that the Tories have got out the piggy-bank and found enough money to increase the number of people who would staff the accident and emergency departments across Scotland. That was an unexpected bonus from the Tories.

Johann Lamont and I sit together on her committee—the Communities Committee—where we are presently considering antisocial behaviour. We will continue to debate whether the dispersal powers will solve the problem. One of the difficulties that Johann Lamont and others face lies in deciding how to deal with situations such as Christine May's useful red watch example. Such examples show that existing powers and resources can be used to solve the problem in many of the circumstances that we are discussing. Indeed, our committee heard evidence from a Labour councillor in Edinburgh who described how she co-ordinated resources and agencies in her ward to tackle severe problems. I apologise to the councillor concerned; I cannot recall her name.

I will address directly the topic that is in front of us. Unison Scotland says that it believes that

“attacks on any staff delivering public services should be treated under the law as serious assaults, not just attacks on emergency workers”.

I find it easy to agree with that. On 2 June last year, Malcolm Chisholm launched a zero-tolerance campaign in the health service. I agree absolutely that zero tolerance is the right way forward.

I want to introduce a slightly different angle in order to illuminate the debate. I hope that court sentences will reflect the risks that are taken by all who meet the public as part of their normal jobs. The consultation document gives a number of useful examples of good practice in the courts. I hope that the Executive will provide further statistical information that will show the extent to which the courts are responding to the guidance that they have been given.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Will the member clarify whether, in his sympathy towards public sector workers, he believes that they should have specific statutory protection?

Stewart Stevenson: I will develop that point later. If I do not, I invite Brian Monteith to stand up again.

Police drivers are trained in defensive driving. By the same token, all of us have to take some level of personal responsibility for safety, identify the risks in our lives and manage them. One example of that is that we cannot step in front of a speeding bus and blame the driver for the consequences. An important point to recognise, however, is that, once we are employed or we have committed ourselves as volunteers to assisting others in peril—I am thinking of lifeboat people and mountain rescue and search-dog teams—we surrender some of our ability to manage personally the peril into which we are put by the irrational behaviour of others. Indeed, when I was a psychiatric nurse 40 years ago, I was subject to attack by my patients on two occasions. I understand the issues very clearly.

Those who provide public services in shops, restaurants and employment offices, for example, and especially those who staff accident and emergency departments on Friday and Saturday nights, are at very real risk, not all of which they as individuals can manage themselves. If those workers are trained to act defensively, like police drivers, it can help them. However, the unmanaged element remains significant and the consequences of such risks running out of control can be severe, even to the point of death.

I want the courts to deal with assaults, including verbal, written and electronic assaults, with due regard to the surrender of control that is implicit in the situations in which people provide a public service. I also want the courts to punish in a way that genuinely reflects the alarm and distress of the victim.

Of course, sentencing takes place after the event, but we should judge the Executive on whether workers are adequately protected when they are exposed to risk. We know that fire service personnel are likely to be at serious risk—Christine May talked about the experiences of red watch in Glenrothes, which are repeated throughout Scotland. Are police resources on hand and co-ordinated with the fire services to protect fire service workers before attacks happen or other problems arise? Are accident and emergency departments in Scotland equipped not merely to respond post hoc, but to prevent harm from coming to their staff from the people whom they seek to serve? David Davidson raised that issue, but I formulate the question slightly differently.

If the consultation shows that legislation is required, by all means let us have that legislation. We will support it. However, let it apply to everyone who is at risk and let us not get into a position in which the legislation is a cover for the failure to leverage resources into areas in which the need is greatest. A failure to protect those who provide emergency services increases the risk and damages the quality of life for everyone in our communities. A failure to support those in the broader community who provide a service directly to the public, such as shop workers, inevitably leads to poorer services and poorer communities. I include in that category of workers the overworked and under-rewarded staff who work in our constituency offices—there have been tragic consequences of the failure to support such people.

The matter is close to home for all members and for people throughout Scotland. Let us hope that there continues to be a degree of consensus in the debate, as it is important.

16:21

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I declare an interest, as I am a member of Unison.

I believe, as do many public sector workers, that the Scottish Executive's proposal is too restrictive in scope, but I welcome the opportunity to debate the matter.

Public sector workers have faced harassment through abuse and threats—verbally and, most recently, by e-mail—as well as violence, while carrying out their daily duties. The cost to the public purse each year is significant and untold damage is done to the victims. Local government workers, national health service workers, firefighters and utility workers are at the front end of service delivery and are regarded by some members of the public as an easy target. It is

unacceptable that such workers' safety should be compromised and somehow regarded as unimportant, as a result of their exclusion from the protection afforded by the proposed legislation. We do not have two tiers of public sector workers and it would be regarded as a failure if we did not demonstrate that we value those workers.

I give some examples of recent incidents in the East Ayrshire Council area. A gritter lorry was recently attacked by a group of youths. The vehicle was badly damaged and had to be removed from service and the driver had to take time off sick as a result of the shock. Fortunately, no members of the public were injured, but the community in my constituency was left with untreated roads because of that mindless act.

East Ayrshire Council has also had to secure interim interdicts to protect its work force. On one occasion it did so to protect a housing officer, a housing inspector and direct works staff, who had been threatened with a hammer by a member of the public while they were attempting to carry out their public duties.

Staff in the health service are at risk wherever they conduct their duties. Accident and emergency is not the only area in which staff are at risk—even maternity wards are not exempt. We have many national health service staff who work in the community and they often work alone. Although risk assessment is undertaken, it does not always take account of staff who visit patients. For visiting general practitioners, health visitors and district nurses, the risk is even greater because they are sometimes visiting the patient for the first time and the risks are unknown. That also applies to social work staff. Out-of-hours staff can be at greater risk because they sometimes work in unfamiliar areas with unfamiliar patients or clients. Protecting workers is an issue for employers and the public sector is no exception, although the cost can be significant.

If legislation can be a deterrent to harassment and violence, we should put it in place. The measures that were introduced by the Lord Advocate are a step, but not enough of a deterrent to those who abuse public service employees. I have no problem with the measures introduced by the Police (Scotland) Act 1967 because police officers should be protected. However, all public sector workers are in need of protection and we would be doing them a disservice if we excluded any of them from the protection that is afforded to police officers.

Mr Stewart Maxwell (West of Scotland) (SNP): Will the member take an intervention?

Margaret Jamieson: I am just finishing. I ask the minister to take account of my concerns in his consultation.

The Deputy Presiding Officer: We move to closing speeches. We are about five minutes ahead of the clock so I will allow a slight increase in time for the closing speeches.

16:26

Margaret Smith (Edinburgh West) (LD): I welcome the chance to debate again this important issue. Public service workers work on behalf of us all and they deserve our support and respect. We are rightly disgusted when we hear stories about attacks on those workers, such as those we have heard today and that we read in the media.

I have been a consistent advocate of supporting and protecting public service workers through extra legislation. However, I take on board the comments made by my colleague Robert Brown, who said that changing the law is only part of what we can do. I suggest that we can do much more in the way of extra resources. If a worker in the health service is assaulted, we can do more to support them than has been the case so far with regard to counselling, pressing charges and so on. They can also be better protected through the use of closed circuit television and security personnel.

Two members' business debates have already touched on the issue of violence against public sector workers. The first was about violence against social workers—I think that Margaret Jamieson touched on that issue—who are at great risk of being assaulted. I will return to that in a moment. The second debate was on the question of valuing nurses. One of the issues in that debate concerned protection against assault and threatening behaviour. We heard a series of different figures of the number of nurses who have been assaulted. Nurses are at the top of the league table when it comes to assaults, violence and threats made against them.

I visited the sick kids hospital in Glasgow on one occasion. Given the work that those people do—saving children's lives and working with families—it is absolutely unacceptable that they are still being threatened with violence by people waiting for them in the car park. We should do everything that we can to stamp that out.

I welcome the Executive's commitment to legislation, but its proposal is too restrictive. I have called on the Executive to act on this matter in the past and colleagues in the chamber did the same when Karen Gillon secured a members' business debate on the subject.

I welcome the extra guidance that the Lord Advocate has given to procurators fiscal in the past year that sheriffs should treat attacks on public service workers as serious offences. That a victim is a public service worker should be taken into account as an aggravating factor. However, we have heard today from Tommy Sheridan—and we know from experience—that that does not always happen; such guidance to sheriffs is not enough.

Mr Maxwell: Does the member agree that it seems illogical and unreasonable that, when a non-uniformed support staff member works in a fire or police station alongside uniformed staff, they could end up with less protection than a uniformed member of staff would receive if somebody were to come into that station and attack them?

Margaret Smith: Yes. I will go on to address the issues that make the proposal far too restrictive. I do not think that anybody here disagrees with the recommendation in the proposal that protection for any group of workers should be brought into line with the protection that is already in place for the police, or that protection for the fire brigade should be upgraded.

I appreciate that the Executive is considering carefully the extension of the measure. We have heard a series of examples of other workers who need protection. Stewart Maxwell has just given us one; Fergus Ewing and others talked about psychiatric nurses; and I feel strongly about NHS and council staff. Such workers go unprotected into people's homes, often as a first contact, which means that they cannot assess the risk in advance of the visit. We do not do enough to protect such staff, for example by giving them mobile phones. Margaret Mitchell made a good point about making progress with the use of new technology. People who are out there on their own without CCTV or security personnel around them need extra protection. I bring those groups to the minister's attention.

NHS staff should be given legislative protection, wherever they are. It is spurious to argue that accident and emergency departments are the only place where emergency and life-threatening situations arise in the health service. Such situations arise throughout the health service, for example, when a community nurse visits somebody in their home, or in cardiac departments, or baby units. The proposals will work only if we open them up to cover a much wider group of people. We are told that 40 per cent of NHS staff have been assaulted or threatened, but those are only the ones who report incidents. Too often, public sector staff, particularly those in the NHS or in front-line council services such as social work, accept verbal abuse or

threats as part of their job. We should not accept that. As a member whose constituency office was the subject of an air rifle attack—I hope not for anything I have said in the chamber—I take on board the point that our constituency staff are also at risk.

I ask the Executive to reconsider the issue, to take on board many of the comments that colleagues have made and to take the proposal further. The Executive should take on board the comments of Unison, which says that the measure should be extended to all staff who deliver public services; or those of ASLEF, which argues that all public service workers in an emergency situation should be covered; or those of the RCN, that all nurses in any place should be covered.

I ask the Executive to make progress on the initiatives that the minister mentioned that aim to tackle the problem of hoax calls, which I have talked about before and which are a major drain on resources. We should also work on education initiatives. What kind of mentality does somebody have to attack a paramedic while they are trying to save somebody's life? The Executive should consider all those issues and take on board comments such as Alex Neil's interesting suggestion that we should limit the number of people who can accompany patients to accident and emergency units on Friday and Saturday nights.

I welcome the Executive's recent £370,000 investment in practical projects that try to address some of the issues. I also welcome the commitment to zero tolerance of such abuse in the NHS. However, we will achieve zero tolerance only if all NHS workers are protected by legislation and by every effort that the Executive and the Parliament can make. I ask the Executive to consider the proposed legislation again and to open it up to cover public sector workers more widely.

16:33

Mr Brian Monteith (Mid Scotland and Fife) (Con): I welcome the opportunity to close for the Conservatives in this open debate on the protection of emergency workers.

Robert Brown's attempt to define the difference between an act of violence against an emergency worker and such an act against somebody working in the public service had resonance for me. However, I thought that the example of somebody throwing stones at a train needed rather more development. I noticed Robert Brown's caveat that he was not reducing the importance of such a crime, but it would have been helpful to elevate the example. What if, having caused an accident by stoning a train, the perpetrator of such a crime

stayed behind and stoned the emergency workers who came to help?

Members and the public generally just cannot understand why people would behave in such a manner. Nobody can understand why anybody would throw stones at a train, but for someone to take further action and hinder people who are trying to help others to bring relief is beyond the bounds of our common comprehension.

The Minister for Finance and Public Services opened the debate with a very measured and precise speech. I welcome the fact that he wants to hear views about who constitutes emergency workers. It was right that, in his measured speech, he spent some time explaining the scope of what he felt that the Executive's interventions could bring and what public service is. Indeed, much of the following debate concentrated on trying to tease out what those definitions are and what members felt that the legislation might cover.

So, what has come out of the debate? It has been useful—at least, at this initial stage—in identifying some areas of consensus. That is possibly because there was no motion to amend or debate; this may be a useful way of working at such a stage, before legislation. However, we can take it as read that emergency workers should be protected—there is no dissent from that position. I draw members' attention to a small, but no less important, point. ASLEF has said that, rather than talk of the protection of emergency service workers, we should talk of public service workers in emergency situations. That is an effort to define more closely what we are seeking to address and is an important point that bears serious consideration.

Another area of consensus was the general feeling among members that laws are not enough. Members of all parties have recognised that there are a variety of measures at our disposal, which, together with the legislation that might come from the Executive, can begin to tackle this serious issue. Those include additional resources, other corresponding legislation that might have an effect on the crime and—as Margaret Mitchell suggested—a strengthening of the rights of teachers and the use of ideas that come from organisations such as Unison, such as the red and yellow cards.

Some issues remain to be resolved, and I hope that the consultation process and the debate that we will have will begin to fine tune them. Today has been a start. It was interesting to hear Johann Lamont mention the private sector. There is an important issue in the fact that the public services are not just the public sector. Whether they are working in emergency situations or—if we accept the definition—in the wider public service, people from all walks of life and in all employment

situations are involved in public service. We have voluntary groups—which Stewart Stevenson mentioned—such as lifeboat crews. The other evening, I met some people from Transco who told me that some of their staff who go out to deal with gas leaks are attacked. Transco is a private sector company. David Davidson—who has had to leave the chamber—talked about the problems that he experienced in community pharmacies. Various types of workers are under threat from this despicable behaviour, which needs to be dealt with.

As well as consensus, and areas that need resolution, there is disagreement. Members' deliberations have been fairly calm at this stage, but it is clear that the big question is whether we should extend the provisions for public service workers in emergency situations to cover all public service workers and—to extend them a bit further—to people working in the public service.

While I have absolutely no reason to question the motives of any who expressed their views today—I think that everyone was sincere about trying to obtain protection for workers and ensure that due weight is given to that protection—the telling point for me is the minister's argument that the use of the common law might be a superior solution to bringing in new laws. I am no judicial expert so I will defer to people who know more about these matters, but if bringing in a new law means that we will find it harder to prosecute and secure sentences, we should stick with the common law. That is the big issue that we need to get our teeth into, as only once we have resolved it can we look public service workers in the face and tell them that we are putting their interests first.

16:41

Linda Fabiani (Central Scotland) (SNP):

Opening the debate, the minister ably outlined the reasons why we need to take action to protect emergency workers, those who assist them and other workers who deal with emergency situations. There will be no argument about that in the chamber, as we have debated the matter twice before: once when Paul Martin lodged his amendment to the Criminal Justice (Scotland) Bill just under a year ago and again in a members' business debate. However, today's debate has shown that, although there is consensus on the need for legislation, it will be extremely difficult to produce that legislation. On the face of it, the task seems simple because what is required is obvious. However, the issue becomes more complex the more it is considered.

During the debate, I have been keeping a list of the various kinds of workers whom members have mentioned. There are myriad jobs. There are the

workers who are easy to think of, such as firefighters, police and ambulance staff. Beyond them, there are workers in the NHS—of course, it is perfectly valid that doctors and nurses, even those who are not in the accident and emergency departments, should be protected. Beyond them are public sector workers in general: social workers and ticket collectors on trains have been mentioned; Margaret Jamieson mentioned an attack on a gritting lorry; and Johann Lamont mentioned private sector workers who deliver a public service.

Tommy Sheridan: I do not want to contradict the member's point that the issue is complex, but does she accept that a firefighter or an ambulance worker deserves just as much, if not more, protection under the law as a sheriff officer does?

Linda Fabiani: Anybody who is going about their work lawfully deserves protection, whatever form that protection might take. There is a clear case for certain defined workers, such as firefighters and ambulance workers, to be included in the provisions that we are discussing. There is nothing more abhorrent than a situation in which people who are going out to save lives find that their lives are being threatened. However, the matter becomes more complicated when we try to include everyone who provides a public service.

I note what the minister said about trying to introduce a specific offence of statutory aggravation and the difficulties that are encountered when an attempt is made to extend the legislation to include people beyond clearly defined emergency workers. I know that the matter will be more fully explored when any legislation goes through the committee stage. It is right that that should happen, as there are many views on the matter—we have all received lobbying papers from various trade unions, the British Medical Association and so on.

One issue that was raised made me think back to when I worked in housing some years ago. Sometimes, members of staff and I were threatened—quite severely on one occasion—by people who came into the office. We were not emergency workers, but we were providing a public service. What struck me today was that, once we had dealt with the situations, we did not report them to the police but simply talked about them with other people who worked in the same area. That happens a lot.

Stewart Stevenson asked what training people who have to deal with the public should undergo for dealing with such situations. The minister and, I think, Christine May mentioned public awareness. It needs to be made plain to the public that everyone has the right to go about their work in safety and that any kind of action against their safety will be severely dealt with.

Fergus Ewing, in his usual conciliatory way, welcomed the guidance that the Lord Advocate has issued to procurators fiscal on dealing with and sentencing people who attack emergency workers. Stewart Stevenson asked whether the results arising from that would be monitored. I ask that we be given at least a view today on how things are proceeding in that regard and on whether the guidance is making a difference to sentencing.

Fergus Ewing also mentioned a report in the newspapers about the First Minister. That was a valid contribution. If the First Minister wishes to say that those reports are wrong, he should do as Fergus Ewing asks and publish the letter concerned, so that we can see it. Let us see that his letter did not say that the incident that Fergus Ewing described was a “minor matter”, particularly given that the nurse in question was terrified and that the police time that was spent might have been better spent in other ways. If the First Minister implied that the incident was only a minor matter, let him at least apologise and admit that he got things wrong.

David Davidson made an excellent contribution about pharmacists. At a meeting with the Royal Pharmaceutical Society of Great Britain that I attended recently, the question of the safety of pharmacists came up. Obviously, pharmacists deal with members of the public all the time and the concern was expressed that, given the quite proper emphasis on community pharmacists and on the other services that are being offered, some staff in chemists' shops are being put at even greater risk. Everyone has been saying that there is much more to the issue than we might have thought when we started out with good intentions.

David Davidson asked whether there should be security staff—I think that he said on 24-hour cover—at accident and emergency departments in every hospital. That is worth considering, as is Alex Neil's suggestion that there should be enforceable rules about who is allowed to attend when somebody goes into casualty. I have not often been to casualty departments, but I remember once being in casualty in the early hours of the morning. The people who were sitting waiting for treatment, for their child to be seen or for their mother to come out were being intimidated by some of the characters who were coming in to wait for their pals. Margaret Jamieson was right when she told us that some people treat the occasion almost as an extension of their evening out and as a normal part of their social life.

I think that it was Margaret Smith who raised the important question of what happens after emergency workers or other public service workers are attacked and whether proper

guidelines are in place on the need for counselling and aftercare. That is another element showing how the issue is much bigger than it first looked when everyone started out down the line of creating legislation to deal with it. A lot of issues have come out this afternoon and I look forward to hearing the Lord Advocate's response.

I may have missed this, but I have not seen the timetabling for the proposed bill. I know that the consultation finishes at the beginning of February, but I am not sure when the Executive intends to come back to the chamber or when the bill will be considered in committee. A steer on that would be useful for us all.

16:49

The Lord Advocate (Colin Boyd): The debate has been interesting, constructive and useful. The problem of attacks on emergency workers and other public sector employees is obviously of serious concern to all members. We will consider carefully the points that have been raised, together with the responses to the consultation paper, when the bill is being finalised for introduction.

I echo Brian Monteith's point that there is consensus in the chamber on much that is being proposed. In a constructive and useful summing-up for the Conservatives, he emphasised that the common law has a degree of flexibility that is of prime concern to all members. Margaret Mitchell, Robert Brown and many other members also stressed the flexibility of the common law. I share Andy Kerr's belief that the law as it stands offers the most effective protection for most public service workers. The great advantage of the present law is the flexibility at its core and its ability to evolve.

In the 19th century, an authoritative Scots lawyer recognised that

"assault may be aggravated by its being committed on an official performing a public duty".

In the 21st century, that principle has developed to recognise the special position of all workers who provide a public service, embracing the vast variety of services on which we as a society now rely. The flexibility to which I have referred has allowed our criminal justice system to keep pace with the times, offering effective means of dealing with new or emerging blights on society. Our courts have been able to get on with the business of bringing to justice those who fail to respect the people who deliver valuable services to society without getting caught up in the technical arguments about who does or does not fall to be protected in such a way. I suggest that that would inevitably be the result of prescribing in statute the particular category of workers who are entitled to special protection.

Some people argue that there should be a statutory aggravation to protect public sector workers. I believe that that would simply create another problem. The additional burden of proof that it would place on the Crown could cause problems in prosecutions and might make it more difficult to prove the aggravation and secure a conviction.

Tommy Sheridan: In my speech, I spoke about emergency service workers, to whom Paul Martin's proposed amendment to the Criminal Justice (Scotland) Bill last year also referred. Does the Lord Advocate agree that, in the case of attacks on emergency service workers in which such workers are clearly identified by their uniforms and the accident and emergency situation with which they are dealing, it should not be too hard to prove aggravation?

The Lord Advocate: That misses the point. We are suggesting not an aggravation but a specific offence. Paul Martin's amendment would have created a specific offence. I endorse what Johann Lamont said about Paul Martin's campaigning on the issue, which has stimulated debate. However, what we are proposing goes beyond the amendment that Paul Martin lodged last year. Had we accepted that amendment, we would not have had the very full consultation that has been carried out and we would not be having this debate, which is teasing out many of the difficult issues, as Linda Fabiani rightly recognised.

Another problem with aggravation is that it places one set of victims above the others. I reiterate to Johann Lamont, who raised the issue of aggravation, that that is not our intention. Let me offer members an example. A bus driver stops a bus at a bus stop and a youth gets on. There is an altercation and a dispute about the youth paying. As a result, the youth is asked to leave the bus. Before he does so, he spits at the bus driver—a nasty, disgusting offence that deserves to be punished. As the youth gets off the bus, an old lady in the queue remonstrates with him about what he has done. He spits at her and then leaves. Those who argue for a statutory aggravation in those circumstances would have the court impose a greater sentence for the spitting at the bus driver than for the spitting at the old lady in the queue. To some people, that might be appropriate, because the first victim was a bus driver. However, I think that most people would suggest that the punishment in both cases should be equivalent. That is the problem of having an aggravation.

The minister mentioned my guidance to procurators fiscal, which highlights the aggravated and serious nature of attacks on workers providing a public service. Across the country, there are recent examples of the guidance having real

impact in practice. The result has been successful prosecutions, of which I will give members three recent examples. An Edinburgh accused was prosecuted on indictment for assaulting a bus driver by hitting him on the head with a rock. He was sentenced to three years' imprisonment. In Glasgow, two accused assaulted a train driver and another person who had intervened to stop a disturbance on a train. Both accused were sentenced to three years' imprisonment. Last month in West Lothian, a man was convicted of assaulting a bus driver by spitting at him. In sentencing the accused to a period of detention, the sheriff made it clear that that sort of behaviour was unacceptable.

Of course, it is completely unacceptable that anyone should be the subject of assault or abuse at work. We want to ensure that the law is an effective tool in ensuring the safety and welfare of emergency workers and all public service workers. We are right to recognise that legislation is not the answer in every case. Many members—including Robert Brown, Alex Neil, Margaret Smith and Christine May—pointed out that legislation should be part of a package of measures designed to protect people in public service work. David Davidson raised the specific issue of health service workers and his point was echoed by Margaret Smith. We will consider carefully the points that have been raised in relation to health service workers. Johann Lamont linked the issues that we have been discussing to those relating to antisocial behaviour. I believe that all measures will be part and parcel of how we protect our communities and show respect to the people who provide us with a service.

The situation for emergency personnel is, I believe, unique. The nature of their work renders them, and those who assist them, particularly vulnerable to attack. When emergency workers are assaulted, obstructed or hindered in the course of dealing with an emergency, it is not only their safety and lives that are put at risk, but the safety and lives of those whom they are working to protect.

The police have, since the 1960s, been afforded a special level of protection by the Police (Scotland) Act 1967, in recognition of the very serious consequences of interference in the exercise of police duties. It should be noted that assaulting, obstructing or hindering emergency personnel who are engaged in emergency duties will bring precisely the same grave potential consequences as apply with the police. It is logical to acknowledge that in statute. Those who disregard such a strong message from the chamber can be in no doubt that their behaviour will not be tolerated and that our system of justice will regard their behaviour as serious indeed.

Just before I close, I should deal with the point that Fergus Ewing raised in relation to a particular case. I do not intend to debate with him the merits of any particular case, save to say that, if there is any suggestion, in what he said, that the First Minister was instrumental in having charges against any individuals dropped, that suggestion is completely untrue and unfounded.

I hope that I have set out the reasons why the Executive is proposing specific legislation to protect emergency service workers working in emergency situations. Today's debate, and the wider consultation, will no doubt be of great value in helping to develop those proposals.

Business Motion

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-781, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a timetable for legislation.

17:00

The Minister for Parliamentary Business (Patricia Ferguson): Before moving the motion, I draw members' attention to something that has arisen this afternoon in connection with the motion. Members may recall that, at today's question time, Miss Goldie, who sits on the Conservative benches, asked my colleague Ms Jamieson when there was likely to be an Executive debate about the supreme court. Quite correctly, Ms Jamieson responded by referring to her letter to Miss Goldie dated 12 January, in which she had advised Miss Goldie that the Executive intended to put a proposal for a debate on the issue to the Parliamentary Bureau in the very near future.

Unfortunately, Miss Goldie has now chosen to issue a press release, in which she accuses the Executive of dodging a debate on the issue. I point out that neither in their previous opportunity to choose a subject for debate nor at the Parliamentary Bureau have the Conservatives raised the issue. I also point out that the letter was issued only several days ago—perhaps Miss Goldie has not had an opportunity to consider it.

We have a meeting of the bureau next Tuesday. By chance—or perhaps not—we have two slots for Executive debates on 29 January. Miss Goldie will not be surprised to know that, at this stage, I am not in a position to confirm whether one of those slots will be used for that subject. However, if she pays attention to the decisions that emanate from the bureau next week, she might find some elucidation of the matter.

I move,

That the Parliament agrees—

(a) that the Justice 1 Committee reports to the Justice 2 Committee by 30 January 2004 on the Title Conditions (Scotland) Act 2003 (Conservation Bodies) Amendment Order 2003 (SSI 2003/621); and

(b) that consideration of the Fire Sprinklers in Residential Premises (Scotland) Bill at Stage 1 be completed by 30 April 2004.

The Presiding Officer: No member has asked to speak against the motion, so I will put the question. The question is, that motion S2M-781, in the name of Patricia Ferguson, be agreed to.

Motion agreed to.

Decision Time

17:01

The Presiding Officer (Mr George Reid): There are three questions to be put as a result of today's business. The first question is, that amendment S2M-771.2, in the name of Nicola Sturgeon, which seeks to amend motion S2M-771, in the name of Richard Lochhead, on the European Commission's work programme, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Ballard, Mark (Lothians) (Green)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 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)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Cryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 28, Against 81, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S2M-771.1, in the name of Phil Gallie, which seeks to amend motion S2M-771, in the name of Richard Lochhead, on the European

Commission's work programme for 2004, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Johnstone, Alex (North East 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 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)
 Fox, Colin (Lothians) (SSP)
 Gibson, 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)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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, 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)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Ballard, Mark (Lothians) (Green)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)

The Presiding Officer: The result of the division is: For 17, Against 88, Abstentions 5.

Amendment disagreed to.

The Presiding Officer: The third and final question is, that motion S2M-771, in the name of Richard Lochhead, on the European Commission's work programme for 2004, be agreed to.

Motion agreed to.

That the Parliament notes the publication of the European Commission's work programme for 2004, which is dominated by the enlargement of the European Union, and agrees that it contains a number of legislative and non-legislative plans of importance to Scotland.

Medical Services (West Highlands)

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-629, in the name of George Lyon, on medical services in the west Highlands. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the deep concern of the communities in Fort William and Oban regarding the threat to future provision of acute medical services in the west Highlands; notes that over 3,500 people, so far, have turned out at public meetings to express their opposition to Argyll and Clyde and Highland NHS boards' plans to downgrade Oban and Fort William hospitals to community status; recognises that, if the proposals go ahead, patients from the West Highlands would be forced to travel hundreds of miles to Glasgow or Inverness to access treatment, and therefore believes that the Scottish Executive should reject these plans and give a commitment that the current service provision will continue to be delivered locally to communities in the West Highlands.

17:07

George Lyon (Argyll and Bute) (LD): It is my pleasure to sponsor this debate on the future of medical services in the west Highlands. I thank members for turning up tonight to support the debate and to contribute to what I hope will be a good debate on the future of medical services in that area of Scotland.

I do not doubt that the Deputy Minister for Health and Community Care has to listen daily to complaints about the centralisation of services. We all know the reasons that underpin and drive that agenda. I hope that tonight's contributions from members throughout the chamber will demonstrate to the minister that the west Highlands are a special case and that some of the proposals deserve a second look before a final decision is taken.

Turning the west Highlands into a consultant-free zone is a matter of life and death for my constituents because of the consequences of the removal of services. I recognise—as, I hope, everyone else does—that there are real challenges, and we are not ducking those. There are issues surrounding junior doctors' hours, the European Union working time directive and the specialisation of consultants, who need to maintain their skills and accreditation. Those are all challenges that must be overcome so that we can maintain service provision.

On that point, it is a great pity that some of the negotiations and deals were not done at a Scottish level. Then we might have been able to take account of the special circumstances that affect Scotland, especially in the great rural hinterland.

Stewart Stevenson (Banff and Buchan) (SNP): Does the member agree that the significance of the Belford and Lorn hospitals extends far beyond the areas in which they are located? Indeed, I have heard from people in Banff who are concerned about the situation because they are hillwalkers who rely on the Belford hospital, and I know that others who follow tourist and leisure pursuits rely equally on the Lorn hospital. The issue is important for Scotland, not just for George Lyon's area.

George Lyon: I agree, and that is the point that I was making about some of the deals that were struck before devolution and which now drive the agenda for change through the health service.

Of course, the status quo is not an option. If we do nothing, the services will wither away. There must be changes in how the services are delivered, but I stress that that should not and must not lead to a reduction in services to the local population. Four thousand people turned out at public meetings in Fort William and Oban to hammer home that point to the health boards.

Members might ask why the west Highlands are a special case. When we close down a service and move it elsewhere in Glasgow or Edinburgh, we are asking the population to travel a further 5 or 10 miles to the nearest hospital. If we close services in Oban and Fort William, we are asking the population to travel 100 miles to access the same service, and that journey might have serious or fatal consequences for those involved. It is like saying to the minister and his constituents that, if consultant-led services were closed down, they would have to travel to Aberdeen to access them. That is the scale that we are talking about and it should bring home to the minister why the west Highlands are a special case.

Why do I believe that such moves would have fatal consequences for my constituents? Official police statistics show that, on the roads in the Lochaber and Oban areas in the past five years, there have been 70 deaths, 600 serious casualties and 1,400 slight casualties. The majority of those road accident victims will have received emergency treatment at the accident and emergency unit in Oban or in Fort William and will have been treated by senior consultants who are experienced in dealing with trauma injuries. If those services are removed, such accident victims will have to travel to Glasgow or Inverness, which could have life-threatening results for them. There is a real risk that, if the changes go through, those 600 serious casualties could end up in the fatally injured category. That is an unacceptable risk for the health boards to take, and that is why there are special arguments for the continuation of the services and why provision in the west Highlands is a special case.

The community, doctors and consultants have suggested a number of ideas to ensure the continued provision of services in the west Highlands, which the health boards must explore. At the most recent public meetings that I attended, the Lochaber solution was proposed. I am sure that other members will go into more detail about what that is about, and I will leave it to them; I am sure that Maureen Macmillan and Fergus Ewing will contribute on that matter. One of the suggestions that has been made is the rotation of consultants two days a fortnight into central-belt hospitals to overcome the challenge of maintaining skills and keeping up accreditation. The opportunities that are provided by the new general practitioner contract—under which we will also have to make further provision to cover out-of-hours services in Oban and Fort William—will help to address the shortage of doctors to fill the junior doctor rotas, certainly in Oban's case.

There is a desperate need to get away from training specialist surgeons all the time. We must emphasise the need to train more generalist surgeons, to deal with rural constituents and rural needs. Indeed, as one of the doctors said at a public meeting, only 3 per cent of patients need a specialist to deal with their problem; the other 97 per cent can be dealt with by either a GP or a generalist surgeon.

We must reconsider joint working between the two hospitals. I know that there is resistance to that idea from the people of Fort William, but we still need to explore the measure and further work needs to be done on it.

I want the minister to accept that the west Highlands have a special case. He must put pressure on the health boards to come up with innovative solutions that will allow us to continue to provide services to my constituents and others throughout the west Highlands. I would like my parliamentary colleagues to send out a powerful message to the health boards that, if they come back with the idea that the hospitals in Oban and Fort William should be downgraded to community status, we will reject it and will fight tooth and nail to retain the services to the people in the west Highlands.

17:14

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I am delighted to agree with the sentiment of George Lyon's motion. What must not happen in the months ahead is a process of divide and rule in the communities of Lochaber and Argyll. I know that that sentiment is shared by everyone who attended both of the major meetings.

I was privileged to be the local MSP in attendance on Tuesday 11 November 2003, when

more than 2,500 people turned out on a dreich night to show that they would not put up with the loss of a consultant-led acute hospital at the Belford and to demonstrate their personal appreciation of all the staff at the Belford. I am sure that the same arguments will have been put and the same sentiments will have been expressed at the meeting in Argyll.

There is a serious problem, in that, because of the process so far, there is a strong feeling in Lochaber that a decision has perhaps already been made. That was manifest in many of the contributions at the meeting. I commend Mr Richard Carey of Highland Acute Hospitals NHS Trust for the way in which he spoke at that meeting, which Mary Scanlon also attended and spoke at; he conducted himself in a dignified way. He is doing his job and we are doing ours.

The problem is that the option that was put forward at that stage was for a GP-staffed community hospital model, which would be simply unacceptable. I hope that George Lyon would agree with that. I have spoken to various people in the Belford action group—TBAG—and the reason why that would not be acceptable is because the key point is that we should continue to have a consultant-led service. It would not be acceptable to a member from Edinburgh—I can see that at least one such member is here—if their constituents had to travel to Newcastle to have emergency treatment at an acute hospital but, if Fort William loses that service, in effect that is what my constituents will face.

There are national issues that must be addressed. I have suggested to Mr Chisholm that, unless certain national issues are addressed, Highland NHS Board might find it difficult to come up with a proposal that it can implement, because it is not responsible for key elements of the Lochaber option. Those elements include recognising the work of surgeons who operate as generalists in remote areas as a specialism in itself. I think that that case is resisted by the medical establishment, but it is not resisted by the people of Lochaber or Oban. Some of the existing consultants have specialist interests in neurology, colorectal surgery and breast surgery, so I think that that is the way ahead. I understand that work has been done on that in Canada and the United States of America.

The second element is that there must be a mechanism or pathway to provide training for people in remote areas, because the current system is not sufficient. Thirdly, I doubt that the idea of GPs in hospitals would work; I understand that that is also the feeling among the medical community in Lochaber. It is untried and untested, has no support and would mean that junior doctors might not receive adequate training, because GPs

would be brought in to do the work that junior doctors would normally do as part of their training.

I hope that we can all unite behind the fundamental requirement, which is that services in the west Highlands—in Oban and Fort William—will continue to be consultant led. That is the commitment that I will seek from the minister when he makes his closing remarks.

17:19

Maureen Macmillan (Highlands and Islands)

(Lab): I would like to thank George Lyon for sponsoring the debate, which is probably one of the most important debates on the west Highlands that we have had in the Parliament.

The current country-wide reviews of acute services and maternity provision have produced a real sense of crisis among the people of north Argyll and Lochaber, not to mention those in Caithness, about whom I am sure Jamie Stone will speak. I fully appreciate that that is coupled with an expansion in primary care that will deliver more health and medical services closer to communities, but the model of health centres that are well equipped with e-medicine, diagnostic facilities and equipment such as defibrillators, and which have GPs and paramedics with enhanced skills and other professionals—all backed up by a huge specialist hospital nearby—which might work very well in urban areas, cannot work in the areas that are covered by the Lorn and Islands district general hospital in Oban or the Belford hospital in Fort William.

The distances are too great. Distance and travel times must be factored into the consultation. Those two hospitals serve separate communities. The hospital in Oban covers part of the mainland and about 30 islands, and the Belford hospital covers an area from west Inverness to Skye. The hospitals are about as far apart from each other as are Glasgow and Edinburgh.

The hospitals provide, and must continue to provide, consultant-led surgery and some specialisms to their populations. They also provide an accident and emergency service 24 hours a day, seven days a week. That does not mean that the two hospitals cannot collaborate, but they must do so on equal terms.

In the north Highlands, there is an absolute determination to resist the loss of the obstetrician-led maternity service at Caithness general and we await Professor Calder's risk assessment of the present service in comparison with the withdrawal of the consultants to more than 100 miles away in Inverness.

As George Lyon said, obvious challenges face the delivery of acute services, as the status quo is

not an option. The introduction of the European working time directive means that we need more clinicians to cover the same number of patients, and the royal colleges insist that that could jeopardise surgeons' skills. We are told that too few general surgeons are available and that few GPs are skilled in acute care. The same challenges from the European working time directive and a low case load face the obstetrics service in Wick.

Nevertheless, the communities are determined to fight to keep services at the present level. Highland NHS Board is now—wrongly—seen as the enemy, because it is perceived as trying to find clinical solutions to those challenges without paying regard to the repercussions for communities. Alison Magee, who is Highland Council's convener, has resigned her place on Highland NHS Board in protest and Highlands and Islands Enterprise is pointing out the consequences for the economy of the west and north Highlands if crucial services are lost.

If we are to achieve a solution, we need proper engagement between the health board, local authorities, Highlands and Islands Enterprise and local communities. The charge that involving local communities will lead to a dead hand on progress is not true. In Lochaber, the most innovative suggestions—which, of course, need to be tested—have been made about increasing the number of patients by encouraging people from the central belt to have routine operations at the Belford. The same practice could happen in Oban.

Consultants in rural hospitals are more hands-on than their city counterparts are, which can counteract the skills issue because of a hospital's lighter case load. Some consultants are willing to alternate between rural and city hospitals. More should be encouraged to do so, whether they are surgeons in accident and emergency or obstetricians.

European working time directive compliance can be achieved if clinicians are prepared to be flexible. Rural medicine must be delivered differently. We must build on the work of the remote and rural areas resource initiative, which ends this year. As Fergus Ewing said, rural medicine and health care need to be treated as a proper specialism to which medical students have properly designed routes. We must recognise the negative effects on a community if services are relocated 100 miles away. If that distance had to be travelled in an emergency, it would put lives at risk.

I remind members what happened at Stracathro hospital in Angus, which was under threat for years as the former Tayside Health Board planned in a vacuum and did not involve the community. The board used producer arguments such as the

working time directive to transfer services to Dundee. Only when the health board made a commitment to seek the community's full participation and to engage with the local authority and other partners were decisions made that everybody could endorse and sign up to. The Stracathro campaigners have formed themselves into the Friends of Stracathro, as they were so pleased with the consultation's result.

Can we in the Highlands not use a similar way of reaching solutions? I ask the health boards to have confidence in the communities and let them help to shape the future of rural health services. We must keep the consultant-led service.

17:24

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I, too, applaud George Lyon on securing the debate and I associate myself with the content and the tone of his speech. However, I think that members will forgive me if I turn their attention once again northwards, to an issue that I have spoken about many times.

It is sickening that, two years after a review, we in Caithness are once again in a black hole of doubt and worry about what will happen. A petition of probably 10,000 signatures has been delivered to the Parliament and we have had mass demonstrations in Wick, which has seen nothing like that before. Feelings are running high, to say the least. I am fairly confident that the powers that be are getting the message, which is about distance, as George Lyon said. There would be journeys of more than 100 miles each way to Raigmore hospital in Inverness if the Wick maternity service were downgraded from being consultant led. The ambulance service has said that it fears that it would be overstretched by having to undertake such a service.

What if the weather turns bad—as it frequently does—and the A9 between Inverness and Wick is blocked? That happens regularly. I am sure that older members will recall the tights and stockings salesman who was caught in a snowdrift and survived until he was dug out only by virtue of the fact that he had put on all the tights and stockings. The poor gentleman passed away not so long ago.

What if the weather and road blocks were so bad that the emergency helicopter could not fly? That also happens. I pray to God that, if that were to happen, there would be nobody in an ambulance on the road—that is a tragedy waiting to happen.

NHS Highland has talked about risk assessment, which is taking place for the Caithness maternity service. A risk that involves the kind of scenario that I have described, with a person being caught in an ambulance in a

snowdrift or the road being blocked and an emergency helicopter not being able to fly, is a particular and frightening risk, but there are many risks. There might be infection risks, for example, but a risk associated with a long road from Inverness to Raigmore and the inclement weather conditions that there might be is a short road to tragedy. Only the Almighty can change geography and weather. Politicians can do many things, but they cannot do that.

Maureen Macmillan correctly said that no less a person than the convener of Highland Council, Alison Magee—who is a lady whom all of us would agree does not reach swift or unthought-out judgments—has tendered her resignation as a member of Highland NHS Board. That is indicative of how strongly feelings are running.

I will put a slightly different argument to members. All members are signed up to the notion of economic regeneration and economic development in some of the remotest parts of Scotland, from Dumfriesshire to Caithness. There are already examples of would-be employers who might consider moving to Caithness, for example, but who would be put off if they thought that the medical services were not as good as they could be. That could cut against and fly in the face of the stated policy of the Executive and all political parties in Scotland.

The issue involves more than health—it involves the whole Scottish Executive. For that reason, I, too, encourage the Parliament to do everything in its power to engage with Highlands and Islands Enterprise—we have heard about its feelings—the local enterprise companies and Highland Council, which is taking a principled and correct stance towards having its own independent inquiry.

I agree with George Lyon and Maureen Macmillan, who has left the chamber. The status quo is not an option. What about peer support for a poor, single mum in Wick who is pregnant? What about people visiting her? She should have the same rights as a single mum who lives in Inverness, Airdrie, Glasgow or Aberdeen. I appeal to members. The issue is the biggest that I have come across in my constituency since I was elected. It matters hugely to me and to my constituents.

17:28

Mr Jamie McGrigor (Highlands and Islands)

(Con): I congratulate George Lyon on securing a debate on the vital matter of health care in the west Highlands. The issue particularly concerns those who are dependent on Lorn and Islands district general hospital in Oban and the Belford in Fort William. It is crucial that solutions are found to maintain consultant-led services and acute care in those rural population centres.

Long, hazardous and sometimes painful journeys to Paisley or Inverness should be undertaken only in exceptional cases. Consultants often speak of the golden hour in which lives may be saved by patient stabilisation. That provides a fundamental reason for having hospitals that can deal with life-threatening incidents in rural areas. It also provides a good reason for upgrading the transport infrastructure to a higher standard.

The people of Fort William and Oban must stand together on the issue and not be divided by self-interest, which might weaken the determined resolution that I saw recently when I attended a packed meeting in Oban. There, I heard Baroness Michie of Gallanach give a stirring speech in which she defended the right to acute health services of people in the Highlands and Islands who depend on the hospital in Oban. At the time, I said to her that I hoped that her Liberal colleague George Lyon would echo her sentiments in the Scottish Parliament, which he has done. I hope that he will follow through her words and the words of his motion rather than follow Scottish Executive health policy, which is—I regret—about centralisation and has lately been detrimental to health care in rural communities.

In the same mode, I sincerely hope that when the minister sums up he will agree with the motion, reject any proposals for the downgrading of those hospitals and instead pledge to improve all health services in the Highlands and Islands. It is unfair that patients and their families should have to travel huge distances to receive the benefits that are taken for granted in urban areas.

The west Highlands health services report, which has sparked off the furore, may have a value in highlighting the ever-increasing problem of recruitment and retention of members of all health care disciplines in remote and rural areas. Solutions must be found to the problems identified in the recent report by Professor John Temple. He stresses the need for the retraining of medical staff to make their skills more relevant to the needs of rural practices and hospitals. There are far too many specialist consultants and not enough general ones. Those problems are exacerbated by compliance with the new deal for junior doctors, the new general medical services contract for consultants and the agenda for change—all of which appear to be undeliverable within the current financial allocations.

Professor Temple concluded:

“The medical workforce in Scotland is under pressure ... the capacity to respond is already limited and will be further restricted as the Working Time Directive is applied across the workforce ... The service will only survive with change.”

It is vital that the services not only survive but improve.

The Oban hospital provides a service that used to be covered by five different hospitals in Oban and the Belford has a high incidence of trauma patients because of the climbing activities in Glen Coe and on Ben Nevis and the skiing in the surrounding areas. Both areas are black spots for car crashes. Although the resident populations may appear limited in size, they are hugely enlarged during the tourist seasons, which are vital to the Scottish economy.

Recently, I spoke with Bill Crerar of North British Trust Hotels, whose generosity and effort made it possible for both Oban and Fort William hospitals to receive computed tomography—CT—scanners. A huge amount of effort and money was required to achieve that admirable result. The downgrading of those hospitals would be an insult to that achievement. I call on the Executive to realise the effects that such a move would have in the long term if those pillars of health care are in any way weakened.

We want to see a Highlands that is confident and forward looking, a place where people want to live their lives and invest in their children's futures. To that end, good health care is a vital component.

17:32

Jim Mather (Highlands and Islands) (SNP): I warmly congratulate George Lyon on securing the debate and reiterate our rejection of any proposal to downgrade west Highland hospitals. The issue goes beyond clinical and moral concerns. The proposals would leave the people of the Highlands and Islands many more miles and many more crucial hours away from consultant-led services.

I believe that we have reached a turning point in the Highlands and Islands. This is the point at which local people have shown by their mass attendance at local meetings that enough is enough. They have listened to the detailed proposals of the west Highland project, they have heard about the implications of the European working time directive and the need for medical staff to specialise and they have soundly rejected the idea that those things must inevitably mean the downgrading of services.

It is becoming obvious that the historic performance of the local economy has persuaded the authorities that they can justify downgrading the hospitals. However, local people know that that would make matters worse, because a reduction in services would put lives and living standards at risk. The number of people who have come forward to make that link is legion. Mary Bruce, of the association of Lochaber community councils, local businessman Ian Sykes, David Preston in Oban and Bill Thomson in Mull have all seen the link and eloquently made the point that

the proposals would also result in economic damage for the local communities. They are making a stand on the issue and I fully support them.

We have seen signs of progress with the formation of the solutions group, which will go back and think again. However, we should guard against complacency and remind ourselves that we live in a democracy and that people power can reverse Government decisions. Examples of that include the fuel protests, the recent English council tax campaign, the flexibility shown yesterday by the European Union on Scottish fishing restrictions and our local experience of the successful defence of the Fort William sleeper service.

The next phase must be to keep up the pressure and to ensure that we continue to win the argument. To that end, I have already been busy using our economic arguments to persuade people that the Highlands and Islands need more power and support if we are to be competitive and if we are to grow and to avoid the endless succession of new threats to crucial public services. So far, I have shared those arguments with community councils, chambers of commerce, NHS Argyll and Clyde and NHS Highland. In the latter two cases, I did so in the belief and hope that those two organisations and the new solutions group will not shoulder the entire burden of finding a solution, but share it fully with the Government in order to ensure that we get the support that we need to bolster the local economy as well as to retain the critical services that underpin local economic growth.

A positive move that is on the horizon is the all-party meetings that are scheduled to take place with Highland Council and Argyll and Bute Council. Another positive move is the councils' recognition that the proposals would lead to the west Highlands becoming a consultant-free zone. Highland Council has said that they would result in a negative socioeconomic impact that is

"likely to be wide-reaching and lasting".

It is increasingly obvious to everyone who takes the time to try to understand the situation that the proposals, if implemented as they stand, would create an economic blight on the Highlands. That would be tragic when we are on the cusp of a new future that is based on renewables, broadband, the huge advantages that have been identified by the Highland well-being alliance and our post-9/11 security and safety. The threats that have been made cannot be allowed to come to fruition; the implementation of the proposals must not be allowed to happen. I ask members to support the motion.

The Deputy Presiding Officer: Because of the number of members who wish to speak in the debate, I am minded to accept a motion under rule 8.14.3 of standing orders that the debate be extended by up to 30 minutes.

Motion moved,

That the Parliament agrees that Members' Business on 15 January 2004 be extended by up to 30 minutes.—[*Mrs Margaret Ewing.*]

Motion agreed to.

17:36

Dr Jean Turner (Strathkelvin and Bearsden) (Ind): I thank George Lyon for securing what is an extremely important debate for Scotland. Members might wonder why I am speaking in the debate, but I was not long in this job before someone called me from Fort William asking whether I would support their hospital. I do so gladly. It is essential for Scotland that all the medical and surgical services on the west coast, especially those around Oban and at the Belford hospital, are maintained. I hope that before I finish my speech I can give members some reasons why Scotland cannot do without them.

The services are needed. If I lived on the west coast, I would like to think that there were general surgeons at the local hospitals. I would not like to think that I would have to go to Glasgow or any other place to the north or the south of where I lived. Our approach to the provision of better services for our communities should be to produce more generalists. I agree that we need more of them than we need specialists.

People go to the west coast of Scotland as tourists. If one walks through Fort William in the summertime, one finds that it is crowded. If the plans are implemented, I would not like to go to the area as a tourist, never mind as a mountaineer—indeed, mountaineers go to the area not only in the summer, but year round. I would like to think that the wonderful services that have been provided until now would still be there.

It is true to say that local services have saved lives. All the emergency services have proved that lives are saved if patients get to hospital in time. If patients had had to be taken to Glasgow, they would have died. People think that they can send everybody down to Glasgow—I do not mean members in the chamber, because I know that some of them do not want to go there, or to any other place for that matter. However, we should remember that Greater Glasgow Health Board is about to accelerate its acute services review. The board is not coping even at present. Last week, there were no male beds in the city and the only female beds were in gynaecology. Trolley waits are also increasing. On Monday, in my local

hospital, 20 people crowded in all at once. The trolleys were full to capacity; there were no more trolleys and there were no more seats.

Some of my constituents are patients in the system and they have come to me because they are desperate to find a place in Belford or elsewhere to have their hip replacement done—indeed, one chap said that he would go anywhere in Scotland where his hip replacement could be done. I telephoned the Belford, but I think that that is one operation that it does not do. Some of those people had read the article in *Scotland on Sunday*—they are aware of the excellent services that members who live on the west coast have and would like to share those services, because they are not getting them in Glasgow.

The deputy minister and, indeed, the colleges have to think about the training of generalists. If people think that general practitioners will fill the gap, they will have to think again. The new contract means that GPs will have to use all their time just to cover the rural areas, without moving into the hospitals. That proposal is not on. The difficulties with the new contracts and working hours for doctors will have to be addressed.

We can achieve something in Scotland by keeping services on the west coast and by sharing services. I know that consultants from the Belford hospital and from Oban come to Glasgow. If there was stability in the system, young doctors would love to go up to Oban. They used to go up to Orkney, Shetland, Lewis and Harris—especially to Lewis—to do extra training. We must stabilise the system and keep hospitals in those areas. Let us not have anything like the Highland clearances by not having medical services in the Highlands. I entirely support George Lyon's desire to keep services in the west Highlands—perhaps he will help us out in Glasgow.

17:41

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I, too, congratulate George Lyon on bringing forward this topical debate on an issue that is causing concern up and down the west coast.

The debate is on the provision of local health care and medical provision in the west Highlands—the buzzword is “local”. My understanding of local health care is that it is care that is available and provided locally, not a service that is provided at a distance from where the need arises. We have heard the buzzwords “centralisation” and “rationalisation” several times in the chamber this evening. Health professionals argue that it is easier and cheaper to centralise medical services; the converse is that it is more difficult and more expensive to provide genuinely

local health care. We need to allocate a lot more financial and human resources to achieve that laudable objective, to provide equity of access and to compensate for the geography of Scotland and for the distance that some people live from urban centres of population. We all have a responsibility to try to achieve that.

Health managers and service providers have suggested that the current provision of acute services at Fort William and Oban cannot be sustained. The GPs and clinicians in those areas insist that the sustainability of those services is vital to the communities that they serve. There is an urgent need for much more financial support to respond to that dilemma.

Much of what has been proposed for Fort William and Oban is just a carbon copy of the situation that developed in my constituency at the MacKinnon memorial hospital in Broadford on Skye. We had an excellent facility with a surgeon and an anaesthetist, who were able to provide medical services for any situation. That set-up was slowly downgraded, resulting in patients having to transfer to Raigmore or Fort William, with a journey of some 150 miles. If Fort William is similarly downgraded, patients from Skye who attend the hospital in Oban will be expected to travel almost 200 miles. That is unacceptable and it must be resisted. Can members imagine the protests that would arise if patients from Edinburgh or Glasgow were asked to travel to Perth, which is just up the road, for treatment? That would never happen.

If equity of provision is to prevail in rural Scotland, we must support fragile communities and ensure that they are given the resources and support that they expect and justly deserve—first-class medical provision in their localities, not at a distance of hundreds of miles from their homes and families.

17:44

Mary Scanlon (Highlands and Islands) (Con): I too would like to thank George Lyon for initiating this debate. Like Fergus Ewing, I attended the meeting in Fort William. In 20 years in Scottish politics, I have never seen anything like it. Around 2,800 people from the Lochaber area attended— young children to elderly people who were united in their concern about their local hospital. As Fergus Ewing said, their passion and support for their NHS was commendable. I commend the sensitivity of and the response from Richard Carey, who did an excellent job, and Olwyn Macdonald.

Over the past four years, the Health and Community Care Committee has dealt with many problems relating to the downgrading and potential

loss of hospital services—Stracathro hospital, Queen Margaret hospital in Dunfermline, Perth royal infirmary, Montrose maternity services, Stobhill and various others. The difference between those campaigns and that of Fort William is that whereas the former were generally led by local people, local newspapers and, quite often, local politicians, in Lochaber the clinicians are leading the campaign—32 out of 36 local doctors are against the NHS Highland proposals.

Local nurses, physiotherapists and consultants—the whole range of health care staff—are against the NHS Highland options. I say to the minister that if the local clinicians and staff are worried, it is hardly surprising that the local population is worried.

Mr Stone: I am sure Mary Scanlon is aware that among those clinicians is David Sedgewick, who is a consultant gynaecologist. He pointed out to me on the telephone yesterday that he likes doing the general run-of-the-mill surgery work in addition to his consultancy work. I say to the minister that that is a model for the rest of Scotland.

Mary Scanlon: I was highly impressed by the gentleman Mr Stone mentions.

I hope that the minister will agree that although we get many complaints about the NHS, the passion and support of the people in Lochaber for their NHS is second to none.

I want to look at the situation not simply in the context of acute care: we must take into account NHS 24, the new GP contract and the opting out of out-of-hours care by GPs without knowing what will be put in its place. The change to the GP contract is the biggest change to local health care since 1947. Let us not look at what is happening at the Belford and Lorn hospitals alone—let us look at the delivery of health care services in general in Lochaber.

NHS Highland gained most in Scotland from the Arbutnott funding formula, to address inequalities in access to health services. The options that were put forward by the NHS will not address inequalities; they will create inequalities in access to health care.

As others have done, I highlight travel times. It can take up to two hours just to get to Fort William from Lochaber, so we should add that to the 66-mile onward journey to Inverness and to the journeys to Oban or Paisley. When the planners talk about clinical feasibility and risk assessments, do they take into account the effect on a patient of lengthy travel times, of poorly maintained roads, of single-track roads and of adverse weather conditions?

I commend Stewart Maclean and the Belford action group on their positive and constructive

approach to finding a workable solution to the problem.

People talk about community hospitals, but the term can be misleading. Glencoe is a community hospital that provides geriatric care; the Balfour in Kirkwall is a community hospital that provides excellent acute care—and it has just got a brand new theatre. When we talk about community hospitals, we must be clear what we are looking for.

I hope that the proposal—it was not previously an option—suggested by Andrew Sim of the Viking surgeons group at the Lochaber meeting will be taken into account.

17:49

Rob Gibson (Highlands and Islands) (SNP): I thank George Lyon for initiating the debate, which is vital to every part of Scotland. It goes to the very heart of something we consider a mark of our civilisation.

George Lyon talked about the west Highland hospitals being a special case. If we look at them in isolation, they are a special case—but there are many special cases in Scotland.

NHS Scotland must take into account Scotland's dispersed geography. The problems are beyond the power of one health board to solve, which is why in the case of the west Highlands, the Argyll and Clyde NHS Board and Highland NHS Board were asked to work together. Frankly, that is not a good enough base to make decisions that will stick. I ask the minister to ensure that NHS Scotland begins to create the conditions through which Scotland's geography can be dealt with. We have had one case after another. For example, there is full cross-party support for dealing with maternity services in Caithness and the need to have consultants there.

If the problem is that the NHS has difficulty getting consultants, we must train people who have the necessary skills and can work in the places where the work needs to be done, such as Oban, Fort William and Wick. If that is to be achieved, the consultant contract, which is being formulated, must be considered. Consultants are used to a system under which they work in one centre. We are told that, in some cases, patients have to travel hundreds of miles to get treatment. Is it not time we turned the situation round and ensured that consultants travel to the places where the work is?

George Lyon: The consultant contract, the GP contract and the agreement on junior doctors' hours were negotiated at the UK level at the insistence of representative bodies of GPs and consultants. Is it not time the Parliament insisted

that such negotiations take place at a Scotland level and that those representative bodies engage with us so that we can come up with a contract that reflects Scotland's needs?

Rob Gibson: I would welcome that, because I believe that we would get a much more sensible contract that met our geographical conditions.

In other countries, transport issues are dealt with in a way that ensures that services are spread around. Many countries do not rely on roads. Norwegian health boards held a major conference about remote and rural areas. It is obvious that there is massive funding in Norway not only for helicopters, but for fixed-wing aircraft. Norwegian health boards also ensure that consultants go where the work is. That element has not been considered in the debate.

The one-size-fits-all approach to consultants' work will not fit Scotland's conditions. I am sorry that members of the other governing party, which represents so much of the central belt of Scotland, are not here to take part in the debate in the numbers that they might have been. Jean Turner has told us that, in some ways, the rural areas of Scotland might have to start helping out the cities. People should recognise that rural areas are not peripheral and that we have excellent health facilities and long experience of working with communities.

It is not unreasonable to ask the Government to consider means whereby patients can be moved to, for example, the Belford hospital to be treated, but it is much more reasonable to ask that medical staff be taken on with a suitable contract and given transport to go to places where the jobs need to be done. It is my fervent hope that we will receive the Government's support in ensuring that consultants fit the needs of the geography of our country. I am glad to support the motion.

17:53

Eleanor Scott (Highlands and Islands) (Green): I, too, welcome the debate. I also welcome the fact that the review of health services in the west Highlands is taking place before there is a crisis. I commend the NHS in Highland on instituting the review before the situation becomes a crisis because present post holders leave or retire.

Everyone understands the legitimate wishes of communities to have a full range of general medical and surgical services in their locality. I fully support communities' right to that. In particular, I support communities feeling that they need to have sufficient facilities to treat all medical, surgical and obstetric emergencies. Communities would feel vulnerable without the knowledge that such facilities were available if

required. However, I must highlight some of the challenges.

I worked in the NHS until May 2003 and I recognise the reality of recruitment and retention in rural areas. The situation is not helped by the European working time directive, but I do not think that the directive is the root cause of any of the problems; there are many other causes of staffing problems in the NHS.

It is worth doing some analysis of the situation. I do not have time to go into everything in depth, but I shall touch on some of the causes.

I believe that there is low morale in the NHS among doctors, nurses, professionals allied to medicine—absolutely everybody. There are lots of reasons for that, one of which is repeated reorganisation, which is notoriously bad for morale. It would be really nice if we could have an NHS that we were reasonably happy with and stick to it without any major upheavals for a few years until it had settled down and people felt that their jobs were safe because they were being managed by people who did not feel that they were going to have to re-apply for their jobs in the next six months, or whatever.

Another thing that we must look at is the policy for recruiting medical students, which now emphasises the academic. I know that I would not get into the profession now. I cannot prove this, but I believe that such a policy makes it less likely that we will train generalists and GPs and more likely that we will train specialists who want to work in specialist centres. I cannot prove that, but I think it is likely.

There has also been a wider change in society: it has become much more litigious. That has had severe knock-on effects on medicine. Various high-profile cases have shown up doctors and surgeons in quite a bad light. At the time of the Alder Hey hospital scandal, there was a nice cartoon in one of the medical journals. It depicted somebody reading a newspaper, one page of which said, "Get the Evil Pathologists", while the facing page said, "Acute Shortage of Paediatric Pathologists". We cannot recruit people when the professions to which we are trying to recruit have a bad image.

Individual practitioners and the professional bodies have become increasingly defensive and the health service as a whole is becoming risk averse. Professional bodies are insisting on a lot of revalidation and continuing professional development. That is all very laudable, but if people can look up their surgeon on a website and see their success and failure rate without any regard to the fragility of the patients on whom they have operated, it is understandable that health professionals feel defensive. That militates against people wanting to train to be generalists.

I want a consultant service to be retained in Oban and Fort William and I believe greatly in the value of generalists, but those people need to feel that they are supported by their professional body, their employers and the community. It is all very well for a community to say that it wants a service that is good enough, but when something goes wrong, people will turn round and say that they should have had the best possible service—and the best possible will always be a specialist, not a generalist. It is a challenge for the communities to have that kind of contract with the people who work with them.

I am encouraged to hear from GPs in Lochaber that there have been fruitful discussions with the Royal College of Surgeons in Edinburgh, in particular, about the creation in Fort William of a trauma centre that could also be a teaching centre. Such a development would be really good.

People have seen the downgrading of hospitals to GP units as the worst-case scenario; to me, the worst-case scenario is putting in place something in theory that cannot be delivered in practice—putting in place a consultant-led service where consultants cannot be produced. We must ensure that we grow and recruit consultants and that the community is right behind them.

17:58

The Deputy Minister for Health and Community Care (Mr Tom McCabe): This is an important debate for the west Highlands. I am sure that the good people of that area appreciate George Lyon's efforts to have these critical subjects aired in the Parliament this evening.

I welcome the passionate and positive speeches that have been made in the debate. In particular, I welcome the emphasis on the importance of public involvement, the two NHS boards' willingness to work together to find potential solutions, and the recognition that the status quo is not an option. I appreciate the fact that Mr Lyon was practical enough to make that statement because, frankly, the status quo is not an option.

Let me make a couple of things clear from the outset. The two NHS boards have reached no decision about the future pattern of services in the west Highlands, which are rightly matters for further local discussion and, if appropriate, public consultation. Unless or until the boards put forward firm proposals, it is not appropriate for me—or any other minister, for that matter—to try to second-guess the outcome. That would wholly compromise the local consultation and decision-making process. However, I will set out some of the principles that underlie the framework within which the boards will reach their decisions about future patterns of care. Those principles apply

equally in the unique geographical circumstances of the west Highlands and include clinical safety; meeting quality standards; sustainability; access to services; and, most important, consultation.

The white papers "Partnership for Care" and "Our National Health" emphasised the importance of providing services as close as possible to people's homes. Of course, such services must be clinically safe, of the highest quality and sustainable. The NHS has made great strides forward in bringing services closer to local communities. Services such as local chemotherapy are now becoming standard practice and local haemodialysis services are increasing. Highland NHS Board and Argyll and Clyde NHS Board are in the forefront of developing services such as those.

However, we cannot ensure high-quality, clinically safe local services without considering change. In 2002, the Temple report recognised that and, more recently, the British Medical Association spoke about the need to consider seriously the risks that are associated with providing local services and the alternatives that might be available.

A number of factors drive the need for change. Clinical practice is constantly developing, with major advances in new treatments and technology. Clinical needs change as well. The incidence of some conditions is rising whereas that of others is lower than before. The birth rate is falling substantially, which has consequences for the safest ways of delivering maternity services. The NHS must respond to all those pressures.

Working patterns also have a clear impact on the quality and safety of services. NHS planners need to take account of working time regulations, new contracts, training requirements and the choices that people make about the balance between family and their working lives. They need to consider the availability of staff and their willingness to work in rural hospitals. It is in no one's interest to be looked after by staff who are overtired, or who have insufficient experience of treating particular conditions.

It is not for me to take a view on what the future pattern of services in the west Highlands should be. That needs much more work at local level.

Fergus Ewing: Does the minister recognise that, although Highland NHS Board has the responsibility to produce options, unless there is action at a national level on training, importing elective surgery and increasing the role and recognition of the general surgeon, it might be extremely difficult to find a solution that involves continuing consultant-led services in Fort William and Oban?

Mr McCabe: There is considerable work going on in the NHS with regard to training, which I will

deal with later. There is nothing to stop the importing of elective surgery at the moment.

I am glad to hear that the boards are inviting key stakeholders to join a solutions group to map out a vision of the future service and provide a basis for consideration and consultation of local people. That does not indicate that anything is predetermined and it is unhelpful to suggest that it does. It would be entirely wrong if anything were predetermined and I am confident that the boards are well aware that if anything were predetermined, they would be taken to task.

I have heard a lot about what the vision might include. I am sure that the boards and the management in Argyll and Clyde and Highland will be listening carefully to this debate and noting the points that members and I have made.

There is a suggestion that GPs should have a bigger role to play in supporting acute hospital services in places such as Oban and Fort William. Some people have cast doubt on that suggestion this evening. Last summer, I visited the Western Isles and saw an excellent health service whose hospitals largely depended on the input of GPs. One of the strengths of our NHS must be role expansion. For far too long, committed and able people in our health service were held back and were not allowed to play as full a part as they desired in the delivery of services to patients. Those barriers are now being broken down, and it is critically important that we do nothing to prevent that from happening. For too long, too many people have been allowed to stay in their own silos in the national health service. That must stop.

Mr Stone: I fear that I must press the minister. Other members and I mentioned the issue of distance; will he be touching on that at some stage in his speech?

Mr McCabe: I will do my best to do so.

"Partnership for Care" recognised the need for integrated health services, which are one of the main things that the trusts' dissolution is aimed at. The new unified boards and community health partnerships should provide the impetus for a more integrated approach to service delivery.

Mention has been made of the scope for more rotation of consultants between rural hospitals and larger centres. Managed clinical networks for specific services across traditional NHS boundaries, which the Executive is strongly encouraging, offer one way of increasing such interchange. There clearly need to be more ways of encouraging that. To return to a point that I made a few moments ago, if we are asking the people whom the service is there to serve to appreciate the need for change, we need equally to explain to the people who work for that service that they, too, need to accept that need for

change. That applies to consultants and everybody else who works in the national health service.

A suggestion that often comes up is that patients from the central belt should be referred to smaller hospitals. I made my views known to Mr Ewing after his intervention on that subject. As I said, there is nothing to prevent such referrals from happening, but they would of course be subject to agreement between the boards and to the willingness of clinicians to refer. They would also be subject to patient choice. We also have to bear in mind the fact that smaller hospitals have a more limited capacity, which is especially true in terms of theatre space.

I have also heard about shifting the balance of doctors' training away from increased specialisation towards the more generalist skills that are needed for rural practice. The next Temple report, arising from the review of medical career structures, is due shortly. It will make recommendations about securing safe and sustainable medical services throughout Scotland, including in rural parts of the country. We have to be frank, however: it is unlikely that the report will come up with a one-size-fits-all approach. Local solutions will often be more appropriate to local circumstances. We will look long and hard at the Temple report when it is published and we will carefully set out our response to it in due course.

George Lyon: On the point about local solutions to local problems, I hope that the minister has recognised tonight just how unique the situation in the west Highlands is. If the minister told his north Lanarkshire constituents that, as of the following week, they would need to travel to Aberdeen to access a consultant, I can imagine the reaction that would be felt there. I want the minister to recognise that the situation is a unique one, and that the distances involved are huge. It is not just the fact that the necessary trip will be 100 miles each way; the road structure means that, for most patients in my constituency and in constituencies that Fergus Ewing and others represent, that could be a six to seven-hour journey in an ambulance. That critical point needs to be taken on board at the highest level.

Mr McCabe: As I mentioned near the start of my speech, we fully appreciate the unique geographical circumstances that apply in the Highlands. In response to Mr Lyon and Mr Stone, I would say that both the boards concerned need to factor those unique geographical considerations into their thinking on these matters. That will obviously be the case.

I am well aware that the reason why we are debating this matter today is that the NHS boards' assessment is that the current level and configuration of acute services at either or both of

the hospitals in the west Highlands are not sustainable. It is therefore incumbent on the boards to consider all clinically feasible options. It is crucial that they involve the local communities in that. I encourage and implore them to apply innovation and imagination when they take on that task.

I look forward to learning the outcome of the further work on the options for the west Highlands that the boards will now be taking forward, under the direction of the solutions group. I look forward to the contribution of local communities and their representatives to the process. I assure members that if, after public consultation, the NHS boards come to us with any firm recommendations for change, we will take careful account of all the evidence provided and the views expressed. I also offer members the assurance that we would not be prepared to endorse any solution that did not guarantee a safe, high-quality and sustainable service for the west Highlands.

Meeting closed at 18:10.

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