

MEETING OF THE PARLIAMENT

Wednesday 10 March 2004
(*Afternoon*)

Session 2

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Scottish Parliament

Wednesday 10 March 2004

(Afternoon)

[THE DEPUTY PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Deputy Presiding Officer (Murray Tosh):

Our time for reflection leader today is David McKelvie Rae, president of the Paisley Scotland Stake of the Church of Jesus Christ of Latter-day Saints.

President David McKelvie Rae (Paisley Scotland Stake of the Church of Jesus Christ of Latter-day Saints): Faith is the motivating cause of all action. All men have faith; no one embarks on a journey where the outcome is uncertain without faith. The proposition is, therefore, not whether we have faith, but in what we have faith. Our fourth article of faith states:

"We believe that the first principles and ordinances of the gospel are: First, faith in the Lord Jesus Christ".

All the scientific knowledge that we have amassed over the centuries does not answer the vital questions of life, such as: did we exist before we came to this earth? Are we immortal? Is there purpose in our being born here? Does God live? Is Jesus Christ the only begotten son of God? Do we know where we are going after we leave this frail existence? Our faith in Christ leads us to answer those questions in the affirmative. Faith is not fanaticism; having faith in God is not believing in things that are not so. In matters of faith, the intellect must be involved, for there must exist the rational possibility for that which we believe to be true.

Of course there will always be scoffers and doubters; there always have been. Two thousand years ago, the apostle Paul addressed those people when he said—I quote from 1 Corinthians, chapter 2, verse 14—

"But the natural man receiveth not the things of ... God: for they are foolishness unto him: neither can he know them, because they are spiritually discerned."

God, we believe, is omniscient, omnipotent and omnipresent. We also believe that he is omni-loving and that no one, no group and no sect has a monopoly on God's love. He loves all his children and his greatest desire is to bless them, if they would but ask.

May God bless you in your faith, whether it is in God or in your leaders or colleagues; hopefully, it is in yourselves. May your faith increase and result in greater accomplishments for the benefit of your fellow men.

I would like to offer a short prayer.

O God the eternal father, we bow before thee and thank thee for the many blessings thou hast given us. We particularly thank thee for those who are members of this Parliament, who have dedicated their time and their talents to serve the people of this great nation. Bless them with every blessing they stand in need of. Protect them from the designs of evil men. Help them to establish truth and justice for the welfare and fulfilment of the people in this land. Guide them in their deliberations that Scotland might be a better place tomorrow than it is today. That is our prayer in the name of Jesus Christ.

Amen.

Business Motion

The Deputy Presiding Officer (Murray Tosh):

The next item of business is consideration of business motion S2M-1031, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a revised programme for this afternoon's business. There are two amendments to the motion.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Wednesday 10 and Thursday 11 March 2004 agreed on 3 March 2004—

(a) Wednesday 10 March 2004

after,

"2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions"

insert,

"*followed by* Ministerial Statement on GM Crops"

and

(b) Thursday 11 March 2004

after,

"2.00 pm Question Time—

Enterprise, Lifelong Learning and
Transport;
Justice and Law Officers;
General Questions"

insert,

"*followed by* Ministerial Statement on the Outcomes
of the Ministerial Group on Tourism".—
[Patricia Ferguson.]

14:35

Mark Ballard (Lothians) (Green): The intention of the amendment is to allow the Parliament a proper debate on the Executive's new policy on genetically modified crops. It is a reasonable request. Following press speculation over the weekend, I made my request for a debate directly to the Minister for Parliament. However, all I was offered at the Parliamentary Bureau meeting was a ministerial statement, which is not enough. The minister has already made a statement, which was to the press yesterday. The Parliament must be allowed a voice on this issue.

The Executive has changed its policy radically. It has abandoned the precautionary principle. Farmers and consumers in Scotland do not want the commercialisation of GM crops; the Scottish Parliament needs to debate how it is taking on those concerns. The Executive has taken the first step to commercialise the growing of GM maize. A voluntary ban is a contradiction in terms. It is unworkable and—crucially—unenforceable. That is why I urge members to vote for the amendment.

The Executive must allow a proper debate on the growing of GM crops in Scotland. I ask members to support the amendment to allow that debate to take place in the Parliament.

I move amendment S2M-1031.1, after

"*followed by* Ministerial Statement on the Outcomes
of the Ministerial Group on Tourism"

insert

"*followed by* Debate on GM Crops".

14:37

Carolyn Leckie (Central Scotland) (SSP): I genuinely regret the need to oppose the business motion, but this is an issue on which time is a luxury that we cannot afford. I agree that there should be a proper debate on GM crops. If that amendment were successful, it would allow the half hour allocated for the statement on GM crops to be allocated to a statement on the hunger strike by the three Iranian Kurdish men.

I want to concentrate members' minds. Farouk Haidari, Farnborz Gravindk and Mokhtar Haydari, three young men—previously fit, healthy and strapping—who are fleeing persecution in Iran, are starving themselves to death. It is not a stunt. It is not a laugh. It is not flippant. It is serious. They are starving themselves to death because no refuge is being offered to them in Scotland. They face deportation and eviction from a country that is experiencing depopulation.

The Home Office minister, Beverley Hughes, will not budge. David Blunkett has washed his hands of the matter, and the First Minister says that it is not his jurisdiction. Do those three people represent the three unwise monkeys? Will somebody assume responsibility? Will somebody assume maturity?

The Deputy Presiding Officer: Order. Miss Leckie, I am not prepared to allow you, in the chamber, to refer to the First Minister as a monkey, wise or unwise.

Carolyn Leckie: I asked a rhetorical question.

The Deputy Presiding Officer: Order. Do not bandy words. I instruct you to withdraw that remark.

Carolyn Leckie: I asked a rhetorical question.

The Deputy Presiding Officer: Withdraw the remark.

Carolyn Leckie: I withdraw the remark.

If Westminster will not accept responsibility, it is incumbent on all of us to do so, as human beings, as MSPs and as citizens of Scotland. Is the First Minister concerned for these individuals' health, which is his responsibility? Is he concerned for

their housing, which is his responsibility? Does it concern him that the men are lying on quilts—they do not even have mattresses—in a crummy bedsit on the south side of Glasgow, starving themselves to death? That is his responsibility. Will he visit them, as any decent human being should, to listen to their requests? That is a very simple request. Will he lift one tiny finger, if that is all that it is in his power to do, or will he wash his hands, like Pontius Pilate?

I hope that the First Minister and the Executive will agree to make a statement and that they will put humanity before protocol. If they do not do so, I will be forced to agree with Bishop Devine, who has said that Scotland is becoming a country without compassion.

I move amendment S2M-1031.2, to delete

“followed by Ministerial Statement on GM Crops”

and insert

“followed by Ministerial Statement on the hunger strike by Farouk Haidari, Farnborz Gravindk and Mokhtar Haydari”.

14:41

The Minister for Parliamentary Business (Patricia Ferguson): The business motion seeks to amend parliamentary business for the week to allow for the inclusion of two important ministerial statements—on GM crops and on the ministerial group on tourism. The Scottish Socialist Party is well aware that asylum and immigration are reserved matters.

We have proposed that a statement be taken this afternoon on GM crops because we believe that it is important and topical. The minister wishes to discuss the issue in the Parliament at the earliest opportunity. Mark Ballard's assertion that I ruled out a debate at the Parliamentary Bureau yesterday is incorrect. I mentioned the fact that we have had debates on GM crops and I said that I did not doubt that we would have further debates in the near future. I pointed out that the minister has some important things to say and that he will come to the chamber today, with its approval, to say them.

I find it quite distressing and disturbing that Opposition parties have again chosen to use time set aside for Executive business, rather than raising their concerns in their own time. The longer this exchange continues, the more it will impact on the time set aside for consideration of the Antisocial Behaviour etc (Scotland) Bill this afternoon.

Members on the Liberal Democrat and Labour Party benches happen to believe that antisocial behaviour is an issue that matters to the people of Scotland. This exchange is a smokescreen to

cover up the fact that the Greens and the SSP are completely out of touch with the people of Scotland. They have consistently failed to make a constructive contribution on this topic; I suspect that this will continue when the debate begins. I will not waste much time talking about the matter. Antisocial behaviour is worthy of even more time than we have been able to allocate to it today.

I understand that the Tories are considering voting with the Greens this afternoon. I point out to Conservative members that the effect of doing so will be to ensure that the planned debate on tourism does not take place. Less than a month has passed since David Mundell stood up in the Parliament to say:

“If the minister had the concerns for the tourism industry that he says he has, he would proceed with the review as a matter of priority.”—[Official Report, 12 February 2004; c 5856.]

I presume that the rest of David Mundell's group does not agree with him. Labour party members agree with the minister and we want to hear his statement.

Mark Ballard: On a point of order, Presiding Officer. I wish to clarify things for the Minister for Parliamentary Business. *[Interruption.]*

The Deputy Presiding Officer: Order.

Mark Ballard: My amendment will not delete the ministerial statement on tourism. The minister was mistaken when she made that suggestion.

The Deputy Presiding Officer: There are three questions to be put. The first question is, that amendment S2M-1031.1, in the name of Mark Ballard, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Baird, Shiona (North East Scotland) (Green)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Byrne, Ms Rosemary (South of Scotland) (SSP)
Canavan, Dennis (Falkirk West) (Ind)
Cunningham, Roseanna (Perth) (SNP)
Curran, Frances (West of Scotland) (SSP)
Davidson, Mr David (North East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
Fox, Colin (Lothians) (SSP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Rob (Highlands and Islands) (SNP)
Goldie, Miss Annabel (West of Scotland) (Con)
Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)

Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (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)
 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)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 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)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)

Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 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)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 54, Against 58, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The second question is, that amendment S2M-1031.2, in the name of Carolyn Leckie, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 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)

Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (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)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (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)
 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)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 39, Against 74, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The third question is, that motion S2M-1031, in the name of Patricia Ferguson, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)

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)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 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)
 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)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)

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 Deputy Presiding Officer: The result of the division is: For 60, Against 46, Abstentions 7.

Motion agreed to.

That the Parliament agrees the following revision to the programme of business for Wednesday 10 and Thursday 11 March 2004 agreed on 3 March 2004—

(a) Wednesday 10 March 2004

after,

“2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions”

insert,

“*followed by* Ministerial Statement on GM Crops”

and

(b) Thursday 11 March 2004

after,

“2.00 pm Question Time—

Enterprise, Lifelong Learning and
 Transport;
 Justice and Law Officers;
 General Questions”

insert,

“*followed by* Ministerial Statement on the Outcomes
 of the Ministerial Group on Tourism”.

Genetically Modified Crops

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a statement by Allan Wilson on genetically modified crops.

14:48

The Deputy Minister for Environment and Rural Development (Allan Wilson): I thank the Parliament for giving me the opportunity to make this statement. Members will understand that I wished to make clear the Executive's position on genetically modified crops as soon as possible after the announcement that was made yesterday by the Secretary of State for Environment, Food and Rural Affairs. Unfortunately, the parliamentary timetable did not allow scope for me to make such a statement yesterday, but I was able to inform members of the Executive's position in my response to a question lodged by Alasdair Morrison. I am glad, however, to have the opportunity today, courtesy of the Parliament, to make a more detailed statement on our policy on GM crops. I am more than happy to debate the matter at some future date, should that be the wish of Parliament.

We have listened to the public's views. It is clear that people are uneasy about GM, and that there is little support for early commercialisation of GM crops. I am equally clear that we do not have the scientific evidence to do that, nor do we have the power to impose a blanket ban on GM crops or, indeed, the power to prohibit GM crops in particular areas. However, we will take action to protect the interests of Scottish consumers and to ensure that there is consumer choice.

As I have stated consistently, the Executive's primary concern is to safeguard the health of the Scottish people and of our wider environment. We will not allow GM crops to be grown in Scotland unless we are satisfied that they do not pose a risk to health or to the environment. In keeping with the partnership agreement, our approach is cautious and precautionary and it takes into account the long-term interests of the people of Scotland. Indeed, it was that precautionary approach that led the Executive, along with the Department for Environment, Food and Rural Affairs, to set up the farm-scale trials in 1999. Those trials are easily the most extensive study on farmland ecology that has ever been undertaken. We set up the trials because we wanted to be sure that questions that the nature conservation agencies had raised about the management of GM herbicide-resistant crops were answered before we reached decisions on them.

We have now accepted the advice of our statutory Advisory Committee on Releases to the

Environment on the three spring-sown farm-scale evaluation crops. We will oppose the cultivation of genetically modified herbicide-tolerant spring-sown rape and beet, as grown in the farm-scale evaluations, as the management regime that was associated with those crops had a more harmful effect on biodiversity than that of their conventional counterparts. We have agreed with the United Kingdom Government a process for taking forward the amendment of the consent for GM fodder maize to ensure that it can be grown only as in the FSEs, as that was better for biodiversity than conventional maize cultivation.

There has been some speculation in the media regarding the inclusion or otherwise of Chardon LL maize in the national seed list. I would like to make three points on that. First, the national seed list is a reassurance measure for farmers. The safety of this GM maize was confirmed by its gaining part C consent in 1998. Secondly, any decision on the listing of Chardon LL would be a collective decision of the UK Government and the devolved Administrations. Thirdly, Chardon LL already appears on the Dutch national seed list and it could, of course, enter the European Union common catalogue from there. For those reasons, the talk of a veto is wholly misplaced.

The FSE results have vindicated our precautionary, case-by-case, evidence-based approach. The review of GM science further reinforced the fact that it cannot be treated as a homogeneous technology and that its application needs to be considered on a case-by-case basis. We cannot and should not dismiss the potential of GM technology out of hand, as some would have us do. We can be proud that Scotland is host to some of the world's leading biotechnology research and development, and we should be cautious about undermining the potential of that innovative sector to contribute to our long-term competitiveness and the future well-being of Scotland and its people.

The Executive accepts that science alone cannot provide all the answers to the policy questions with which we are faced. The results of the public debate demonstrate that the biotechnology companies have failed to persuade the public about the benefits of GM foods. Although most people can see that there might be potential benefits in medical applications of GM technology, they remain unconvinced about the use of GM in agriculture. The Executive's role is to ensure that the regulatory process operates properly and that applications are subject to robust and detailed scrutiny so that we can satisfy ourselves that the products that receive approval are as safe as conventional crops.

At the same time, we want to ensure that Scottish consumers can make informed choices

about whether they wish to buy GM products. According to Greenpeace, no less, the new EU rules from April will provide us with the strictest and most comprehensive labelling regime in the world. If any GM product is present in a food product, it must be labelled as such. An exception is made for approved genetically modified organisms that are present for technically unavoidable reasons, but even in that case, labelling will be required at very low thresholds.

We recognise that it is important for producers to meet public demand for non-GM produce, and we will therefore introduce statutory co-existence measures. We will consult all concerned on the most appropriate co-existence arrangements to deliver choice for consumers and farmers and on possible compensation arrangements for farmers who suffer economic loss.

We have approached farming organisations to initiate discussions on how we might protect consumer confidence in Scottish produce if the GM maize variety to which I referred receives all the necessary approvals to be grown. We will work with those organisations to develop guidance for farmers who wish to establish GM-free zones in areas where the crop could be grown.

The Executive believes in responsible science and responsible policy making. We act within a strict regulatory framework that permits GM developments when it can be shown that they do not represent an increased risk to human health or the environment. On the basis of ACRE's advice, we could not consent to the commercial cultivation of GM beet and oilseed rape as grown in the FSEs, but we can agree in principle to the cultivation of the GM maize variety, subject to further important conditions.

We recognise that even where GM products are considered safe, people should be able to choose whether to consume them. For that reason, we will consult on the introduction of statutory co-existence measures and we will work with farming organisations to develop guidance to farmers who wish to establish GM-free zones.

We have been accused of not listening to the public debate and of ignoring public concerns. That accusation is untrue. We have listened, but it is clear from that process that there is no single, simple, yes or no answer about GM crops.

I commend the policy and my statement to Parliament.

The Deputy Presiding Officer: I intend to allow about 20 minutes for the minister to take questions on the statement, so I ask all members, and particularly the opening Opposition spokesmen, to keep their questions tight.

Roseanna Cunningham (Perth) (SNP): The minister's statement was nine pages of very little. I am a long-time opponent of GM crops, but I could be a late convert to the technology if I thought that it could genetically modify a backbone into the minister and his Cabinet colleagues. Perhaps the minister will show that he does not need that genetic modification by answering three simple questions. Are the minister and the rest of the Executive for or against the commercial growing of GM crops in Scotland? That is straightforward. If they are against it—the voluntary ban scenario suggests that—what avenues are being explored proactively to delay or prevent the planting of such crops? Will the minister say with a yes or no whether, if he had refused to agree to the listing of Chardon maize, that would have been an end to the matter for Scotland?

Allan Wilson: Ms Cunningham's tongue is genetically modified, as it is forked. In the absence of credible scientific evidence of potential harm, a ban such as that which she suggests would be illegal. We do not have evidence for the banning of GM maize. Ministers must act responsibly and legally, even if the Scottish National Party will not. We do so within a long-standing EU framework that permits GM developments when it can be shown that they do not represent an increased risk. Legal advice on that is clear. Ms Cunningham's party and its leader may have scant regard for the law on fishing and agriculture, but the Executive does not wish to take that position.

I answered fully the Chardon maize question in my statement.

Roseanna Cunningham: No, you did not.

Allan Wilson: I answered the question fully. As I made clear, the Executive does not hold the power of veto on the national seed list. National listing is not a GM safety assessment; other measures for that exist under the directive on the deliberate release of GMOs. The placing of varieties on the national list requires collective agreement among the UK Administration and devolved Administrations, so the minister's backbone does not enter into the question.

The Executive agrees that the listing of Chardon LL maize should be deferred until the current EU marketing consent has been amended to reflect advice from scientific advisers about the special conditions in which Chardon maize can be grown.

Alex Johnstone (North East Scotland) (Con): I will start by asking the same question that I asked the First Minister two weeks ago. Does the minister have the power to prevent the commercial growing of GM crops in Scotland?

On a more technical issue, I return to national approved lists. If the minister is asked for permission for Chardon LL to be included on the

national list of approved seeds, will he grant such permission? Will he consider using the option of not granting permission at some future date with some other crop? The minister has stated that he will not allow crops to be grown in Scotland where there is evidence of potential harm. In relation to the national seed list, will he use his veto for that purpose?

The Government's labelling and traceability regime, which is expected to extend across Scotland, may or may not include the use of imported unsegregated protein supplements. The minister appeared to indicate that such supplements will not be included in his labelling regime. Will he give an undertaking that such supplements, where they are used as feed, will not activate the labelling and traceability processes that he outlined in his statement? Will he also say whether the use of such feedstuffs in specific areas may militate against granting GM-free status in the minister's voluntary GM-free zones?

Allan Wilson: The member has asked many questions, a number of which I have answered to a certain extent.

I have the power, which we may choose to exercise, to ban GM crop cultivation in Scotland if there is scientific evidence to underpin such a decision—that is, if potential harm is posed to human health or to the environment. We have no such evidence of potential harm to human health or to the environment in relation to the Chardon maize seed to which the member refers—hence our application to the EU for an amendment to the part C consent, given that it dates back to 1998 and that a voluntary regime has precluded its cultivation since then. We take the best possible scientific advice and base all our judgments on a case-by-case, evidence-based scientific approach. However, we do have such a power.

On the national seed list, as I said—I will repeat this for what must be the third time in the past 10 minutes—the seed has not been listed because we have sought EU approval for an amendment to the part C consent. If that approval is secured, which it may or not be—the decision will take several months—the devolved Administrations will discuss with the UK Government the prospective listing of that seed. I point out again and repeat for SNP members, who do not seem to understand the process, that Chardon maize is already listed on the Netherlands' national seed list and therefore could be approved for admission to the EU catalogue from that source.

I give members a strict assurance that we will engage in discussions with all the relevant parties, including the national organisations that represent farmers and landowners, about our proposals to establish GM-free zones where there is a demand for that to happen. I say that because I understand

that we have a joint objective and interest. As I have said, I am persuaded that the public are uneasy about the science that underpins GM crops. As a consequence, there is a lack of consumer confidence in the product. Therefore, our interests coincide in trying to secure public and consumer confidence in the product. We will consider that matter in respect of all imports and the cultivation of the crops. I think that that answers the final question that was asked.

Nora Radcliffe (Gordon) (LD): Does the minister agree that freedom of choice should be available to farmers who may wish to avail themselves of the technique that we are discussing if they see an advantage in it? For that reason, co-existence measures become quite a high priority. Will the minister expand on the consultation that he proposes to undertake on co-existence measures and tell us what timeframe he envisages for putting in place agreed co-existence measures?

Allan Wilson: That is an important question, which underpinned our decision yesterday. We decided that we would not proceed with the process by which Chardon maize could be grown in Scotland at some point without the prior existence of a statutory co-existence regime that will underpin that prospective consent. That is an important development and I was pleased to persuade colleagues in other parts of the United Kingdom of its value.

The consultation process, which will get under way shortly, will be wide-ranging and inclusive and will take account of the issues that Nora Radcliffe raised. We are conscious of the fact that the cultivation of GM crops could impact on neighbouring conventional or organic farmers. That is why, in tracing and labelling arrangements, we have taken steps to introduce strict thresholds on the adventitious presence of GM crops and we will consult on separation distances between conventional crops and prospective GM crops, whether they are grown on this side or the other side of the border.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the application of the precautionary principle, which means that GM rape seed and beet will be banned for good scientific reasons.

I want to press the minister on his welcome acknowledgement that many of us remain sceptical about some of the over-extravagant claims about GM technology. Will the minister outline precisely how he intends to avoid cross-contamination from GM crops on conventional and organic crops in particular, so that we as consumers will retain a real choice when we buy food? Further, will he set out how he sees the delivery of an effective liability regime that will ensure that conventional and organic farmers are not put at risk?

Allan Wilson: As Sarah Boyack knows, I share her scepticism about some of the claims that the biotech industry makes; the tenor and scope of my statement reflected that. Equally, like Sarah Boyack, I would not turn my back on technological or scientific advances that could benefit humankind. Consequently, we will not turn our back on GM technology, which as I said, is not a homogeneous technology.

On adventitious presence, I referred to the labelling regime and perhaps there will be a lower threshold in relation to organic produce to protect organic interests. Further, the statutory co-existence regime will underpin, among other factors, separation distances between conventional, organic and prospective GM cultivation.

Sarah Boyack's last question was about liability. The Agriculture and Environment Biotechnology Commission report on co-existence and liability does not recommend a strict liability regime for GM crops; it prefers a less adversarial approach that is based on a temporary compensation scheme, with insurance as the longer-term solution. I agree with that approach and I think that it is up to the commercial insurance industry to respond in the longer term. It is important, however, that AEBC has recommended that in the meantime there should be special compensation arrangements for farmers who are liable to suffer financial loss. We will consult all interested parties on options for providing compensation to non-GM farmers who may suffer financial loss through no fault of their own as a result of their produce having a GM presence that exceeds the statutory threshold. Any such scheme would have to be funded by the GM industry—I made that clear in the statement—rather than by Government or the producers of non-GM crops. The public purse will not be used to compensate farmers who are affected in that way.

Mr Mark Ruskell (Mid Scotland and Fife) (Green): Is it not correct that Executive policy on this issue is as contradictory as are the words "voluntary" and "ban"? The Executive could have blocked the seed-listing process, citing all the good reasons that the Westminster Environmental Audit Committee gave last week.

Yesterday, Andrew George, the Liberal Democrat shadow minister for food and rural affairs, said in a Lib Dem press release that

"giving the go ahead for GM maize"

would show

"breathtaking disdain for both the public and MPs ... The decision on GM maize marks a watershed and will inevitably pave the way for other GM crops to be licensed."

Does the minister agree with those comments? Does Mr Finnie agree with those comments? Why

has the minister ripped up the partnership agreement commitment on GM crops, which states that there will be opportunities for peer review of the field-scale trials before any decision is made on the commercial growing of GM crops? Why has the Executive dropped that commitment?

Allan Wilson: No, no and no—I hope that that is clear enough. The Environmental Audit Committee report to which the member refers called for further testing of maize as a result of the banning of Atrazine. We do not believe that there is a need for the farm-scale evaluations for maize to be repeated, because the publication of research in the scientific journal *Nature*, as recently as Friday, suggests that in the short term the banning of Atrazine or any of the other triazines will not invalidate the conclusions of the FSEs with respect to maize. Further research will be passed to ACRE for more detailed advice—that is what scientific advisers are for.

I agree that some future research may be necessary, especially if the industry were to apply for renewal of the release consent in 2006, which is a possibility. I repeat that any such work would need to be conducted at the industry's expense; it would not be funded out of public money. Such evidence would be carefully assessed by ACRE, which advises us.

Today's announcement in no way breaches a commitment in the partnership agreement, which states:

"We will rigorously apply the precautionary principle in our approach to the planting of GM crops."

We have done that. We have carefully considered the findings of the public debate, alongside those of the science review and the cost and benefit study and the results of the farm-scale trials. Our approach remains cautious and precautionary. I repeat that we will not allow GM crops to be sown unless and until we are satisfied that they do not pose an increased risk. There is no green light for GM in Scotland. There is no single yes or no on the issue.

Rob Gibson (Highlands and Islands) (SNP): Perhaps I can help the minister and the chamber by asking him to clarify several points. Will he name the definitive study of the effect on human health of GM crops on which he bases his advice? Will he confirm that the studies of GM maize in cattle feed have not been evaluated? Does he agree that, because of that uncertainty, the precautionary principle dictates that in the interests of the health of the people of Scotland, of our animals and of food choice in this country, he must oppose the inclusion of Chardon LL maize on the UK seed list?

Allan Wilson: For I suspect the umpteenth time, I state that Chardon LL maize has not been listed.

We have applied for an amendment to the part C consent to take account of the outcome of farm-scale evaluation trials, as I said on the previous occasion when we debated this matter.

We take the very best scientific advice. I have referred to the science review, as well as advice from ACRE and the AEBC. Many assertions are made about the likely adverse effects of growing GM crops. Another has been made today. Numerous allegations of possible harm circulate. Where there is a case to support those allegations, it is always investigated. The statutory Advisory Committee on Releases to the Environment carefully monitors new information about the risks. Where that information has implications for advice that ACRE has given and the existing consents, the situation is reviewed and further advice is given, if necessary. Despite claims to the contrary, no credible evidence has emerged that has called into question the safety of any GM crop that has been trialled in Scotland. The consent that we are discussing refers to one type of maize that is grown for fodder, prospectively on a very small hectareage in a very small part of Scotland.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): Does the minister agree that the mid-term review of the common agricultural policy will leave Scotland's agriculture industry far more open to market forces than is currently the case and that every opportunity to attract premium prices by securing high-quality niche markets will need to be taken? If so, does he also agree that securing those markets will be heavily dependent on the purity and integrity of Scottish produce, which is likely to be put severely at risk once we have gone down the route of accepting GM commercialisation?

Allan Wilson: I agree with half of what Alex Fergusson said. I agree that we face an opportunity and I have said as much to colleagues previously. There is a coming together of Government and producers in relation to marketing opportunities that arise as a result of our proposal to introduce voluntary GM-free zones. There is an opportunity to address a lack of public confidence in the technology and to ensure that there is increased consumer confidence in the Scottish product. That combination of forces will add momentum to our proposal for GM-free zones, which is a product of the cautionary and sceptical approach that I have outlined.

The other side of the same coin, however, relates to the issue that was raised by Sarah Boyack. Scotland has long had a worldwide reputation for scientific advances and biotechnological innovation. We cannot turn our back on what is not a homogeneous technology in order to accommodate a particular part of that

technology. People who do that run down Scotland's long-term economic and scientific prospects. I will not take that point of view, because I believe in the long-term advances that scientific progress, including in relation to GM technology, can bring to humankind.

Ms Rosemary Byrne (South of Scotland) (SSP): In light of the fact that the GM crop trials that were conducted in May did not test whether genes could flow from GM crops to other crops, whether the pollen would spread or what effects GM crops might have on soil organisms, will the minister explain how the liability regime will protect non-GM farmers? He has not given us much of an explanation of that today and I would like to hear more from him on the subject.

Allan Wilson: Ms Byrne asks some interesting and complex questions.

The purpose of the farm-scale GM evaluation programme was not to test the safety of the crops. Approval would not have been given for the programme to go ahead if the safety of the crops had not been established over more than a decade of research. Indeed, Chardon LL maize, which is now the subject of discussion, was approved back in 1998.

Gene flow was tested in some separate experiments. Gene flow is not a safety issue per se and does not, of itself, constitute harm to the environment. However, the gene flow research will inform all our deliberations on the development of a programme of statutory co-existence. I would be happy to get back to the member separately and in more detail on some of the issues relating to gene flow, but the important point to make is that we have responded to the scientific advice and the outcome of the farm-scale evaluations, as I said we would. We have refused permission for the growing of spring-sown oilseed rape and beet but, with the UK Government, we have applied for amended consent to the pre-existing consent for Chardon LL maize.

Mr John Home Robertson (East Lothian) (Lab): I hope that every member of the Parliament will endorse the application of the precautionary principle to the testing and licensing of genetically modified crops. However, does the minister agree that there must be a place for bioscience in a smart, successful Scotland? Does he further agree that it would be a bad day for Scotland if blind prejudice were ever to take precedence over good science?

Allan Wilson: Absolutely, and I said as much in response to Alex Fergusson's question. I will not be the minister who allows prejudice and misinformation to blind us to the potential of science and technology. Scotland has a global reputation for science and technology, which does our economy tremendous good.

I quote Sir David Carter, the chairman of the British Medical Association's board of science, whose assessment was published in association with our response. He said:

"Our assessment of all the available research is that there is very little potential for GM foods to cause harmful health effects. However the BMA recognises"—

as do I—

"the huge public concern over the impact of GM foods and believes that research is still needed in key areas to allay remaining concern about the potential risks to human health and the environment."

I endorse such a science and evidence based case-by-case approach as the correct one to adopt in this regard.

The Deputy Presiding Officer: I apologise to the three members whose names remain on my screen, but I must move to the next item of business.

Antisocial Behaviour etc (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-532, in the name of Margaret Curran, on the general principles of the Antisocial Behaviour etc (Scotland) Bill, and two amendments to the motion. As we are now behind the clock, I ask members to stick to their speaking times.

15:21

The Minister for Communities (Ms Margaret Curran): I will try to move as swiftly as I can through my speech, Presiding Officer.

When we were elected, we said that tackling antisocial behaviour was our top priority. That commitment remains. Moreover, when we were elected, we said that we would legislate without delay. That is exactly what we are doing.

The Antisocial Behaviour etc (Scotland) Bill will change the lives of Scottish people for the better. Let no one tell them that their fundamental right to live in safety and security is too basic, too mundane or too difficult to deserve our attention. I look forward to today's debate on the bill's proposals in the light of the report by the committees that have dedicated so much time to it. I do not think that today is the time to dwell on justifying the bill's existence. After all, we have done that so many times before. Instead, I want to focus on the bill and the changes that it will introduce.

The bill's provisions fall into four interlocking themes: empowering communities, support to change behaviour, environment and community and effective enforcement. On empowering communities, we recognise that combating antisocial behaviour will require a sustained and co-ordinated national and local effort. Although Government must play its part, local joined-up work among the range of agencies that have a role in tackling antisocial behaviour is probably more important.

That is why part 1 of the bill focuses on strategies for tackling antisocial behaviour. Indeed, that issue is set out at the very start of the bill because it is the most important one and properly should take the lead. The strategies in question recognise that simply bringing the usual suspects to the same cosy table will not work. Part 1 ensures that victims of antisocial behaviour will be involved. Moreover, it will require that strategies are publicised and regularly reviewed and it allows for accountability to local communities.

Marilyn Livingstone (Kirkcaldy) (Lab): The minister mentioned empowering communities and

joined-up working. In that light, I want to thank her for meeting my constituents and representatives of Fife police and Fife Council who have formed the Esplanade action group and are in the gallery today. Will the minister take on board the issues that they have raised about antisocial behaviour in vehicles, which is causing many tenants and residents in my community untold misery? Will she consider an amendment that I will lodge at stage 2 to close that gap?

Ms Curran: I was very interested to meet the member's constituents. Having spent so much time on the issue of antisocial behaviour in recent months, I thought that I knew about most of what was going on in Scotland. However, I was quite shocked by the group from Kirkcaldy's compelling arguments about having to live with the antisocial behaviour of people who drive fast cars all through the night, night after night. I will certainly be very sympathetic towards any proposals that we could include in the bill that would bring respite to the member's community. When people live in such desperate situations, they properly deserve the Parliament's support and attention.

Supporting people to change their behaviour is the second theme that runs through the bill, and it applies to children and adults and the families within which they live. These provisions are not about stigmatisation, punishment or tarring everyone with the same brush. They are targeted at the small minority of young people and adults who cause misery for their neighbours or communities. We will help those people to change their behaviour. Indeed, an important part of the process will centre on making it very clear what is acceptable behaviour and what is not. However, members should make no mistake: if those people refuse to change, we will ensure that they are held to account.

I want to go through the specific provisions in our proposals. Extending antisocial behaviour orders to 12 to 15-year-olds will provide an effective extra means of checking the behaviour of young people who cause problems in communities. The ASBOs will deal with the small number of young people for whom existing mechanisms have proved ineffective. An ASBO will make it clear to a young person what behaviour is unacceptable. The proposal has been supported by communities, the police and the trade unions, which represent those who have to work in communities.

Parenting orders recognise that parenting matters.

Nicola Sturgeon (Glasgow) (SNP): Before the minister leaves the point about extending ASBOs, which is a measure that I agree with in principle, will she comment on the proposals of the Justice 2 Committee and the Communities Committee that,

in every case in which an ASBO is granted for a child, the principal reporter should refer the child to a children's hearing, to ensure that the right package of support is available for the child at that stage and that an ASBO does not just become a passport to the criminal justice system?

Ms Curran: I am pleased to have the support of so many forces in the Parliament who originally questioned our proposals. They have begun to recognise that we are introducing a much more rounded package. There is an extra requirement to consult the reporter for 12 to 15-year-olds. When granting ASBOs, the courts will have the power to refer to the reporter and to require a hearing to be convened to consider the wider needs of the person under supervision. Therefore, we will ensure that the rounded needs of young persons are taken into account.

I want to move on to parenting orders. Parenting orders will focus on the behaviour of parents. They will be targeted at parents who have persistently refused to engage with support to improve their parenting. It is the Government's role to ensure that we have the means to support parents. We must also recognise that a very small minority of parents fundamentally fail their children. We cannot ignore the plight of those children who have been failed.

The bill also introduces community reparation orders and electronic monitoring for young people through the hearings system and the courts. Those measures, too, are about helping people to change their behaviour. Community reparation orders will provide an effective new sentence for the courts. No longer will a fine be the only realistic option for offences involving antisocial behaviour. We will ensure that offenders must make practical amends. We know that that is good for the community and better for the offender.

Electronic monitoring has proved to be an effective tool in helping to change the behaviour of adults and we believe that it will also work for young people. It will need to be used carefully and to be properly supported, as we have always said. We have always acknowledged that electronic monitoring on its own will not be appropriate for a young person, but it is another option that might prevent a young person's behaviour from escalating.

Elaine Smith (Coatbridge and Chryston) (Lab): I have concerns about the tagging of young people and, if I get a chance to speak in the debate, I will outline them. If members support that measure and the Executive goes ahead with it, will the minister consider putting a lower age limit on tagging, as is the case for ASBOs? There is no provision for a lower age limit at the moment.

Ms Curran: I am sure that we will discuss that when we get to stage 2. However, with the greatest of respect to Elaine Smith, her point misrepresents a wee bit our proposals for electronic monitoring for under-16s. We regard monitoring for under-16s not as a punishment, but as a way to help to support young people who are in danger. It will be for the hearings system to determine what is in the best interests of a child. It will take into account the broader rights of the child and will decide whether tagging is inappropriate for a child who is under 16.

I have a further point on our electronic monitoring proposals. We know that some young people can be at risk from their own behaviour, to the extent that they are sometimes removed from the community into secure accommodation. We believe that electronic tagging could be a useful pre-emptive step in preventing young people from going into such accommodation.

The third theme of the bill is the recognition that antisocial behaviour is not just about how people behave towards each other, but is about their environment and community. Litter, fly-tipping, graffiti, excessive noise and vandalism plague many of our communities. Without effective action to tackle them, any attempt at regeneration and long-term improvement will prove to be very shaky indeed. In that context, I confirm that we propose to lodge an amendment at stage 2 that will provide local authorities with additional powers to tackle graffiti.

As the Justice 2 Committee pointed out, in too many communities throughout Scotland a few unscrupulous landlords are renting out flats and houses.

Mr Kenneth Macintosh (Eastwood) (Lab): On the minister's previous point about giving local authorities powers to tackle graffiti, I believe that, through the Anti-social Behaviour Act 2003, local authorities in England and Wales have powers to charge private and public bodies for the removal of graffiti. Would the minister be sympathetic to the inclusion of such powers in the bill?

Ms Curran: We will take forward such issues at stage 2, certainly in part, and I offer Ken Macintosh the opportunity to discuss that point with me.

I am rapidly running out of time.

The Deputy Presiding Officer: Indeed you are.

Ms Curran: The bill also contains proposals around effective enforcement, fixed-penalty notices and the closure of premises.

I move on to the proposal about the dispersal of groups, which has received much public attention. I argue very strongly that the proposal is a vital part of the bill. First, we must recognise that

groups cause real fear and alarm in communities in Scotland. Secondly, the problem is not currently being dealt with and communities are suffering as a result. Thirdly, the new power in part 3 will give the police an effective tool that they did not have before for dealing with groups that cause problems.

I assure members that we have listened to many of the issues that have been raised with us. The police told us that they were concerned about the direction power in section 21, so we will lodge amendments at stage 2 to clarify the matter and to ensure the proper independence of chief constables in relation to operational policing. However, we believe that the proposal gives the police a time-limited and proportionate power to disperse groups from a designated area. Those who oppose the proposal must confront the reality of how people live in Scotland. We live in a Scotland in which, in some areas, dispersal already happens, because young people cannot walk down their streets at night and old people are afraid to go out. That dispersal of people must end.

We have never pretended that the new power of dispersal will solve all the problems that groups cause in Scotland, but it will give hard-pressed communities, who know what it is like not to be able to go out after dark, and people in sheltered housing complexes that are routinely targeted and harassed, a breathing space from their terrible experiences. We owe it to those communities, who have pleaded for the power, to give them the protection that the power will afford, despite the scorn of those who supposedly know best.

The committee reports on the bill are very substantial. We have given them and will continue to give them great attention. The way in which the committees have taken forward their work is a tribute to the processes of the Parliament and we will consider that work in great detail.

In conclusion, the bill is about getting the law right on antisocial behaviour. The approval of its general principles this afternoon will be a significant milestone in improving the lot of those who suffer from antisocial behaviour. The bill represents a crucial part of our comprehensive approach to antisocial behaviour.

I move,

That the Parliament agrees to the general principles of the Antisocial Behaviour etc. (Scotland) Bill.

The Deputy Presiding Officer: Before I call the next member to speak, I advise that, given the loss of time, the debate is heavily oversubscribed. It will be impossible to manage the debate on the basis of six-minute speeches, so I will allocate members only four minutes. I do so with great regret, but I hope that members understand why that is necessary.

15:32

Nicola Sturgeon (Glasgow) (SNP): This is an important debate and I want to begin my speech with some general comments.

First, as the minister said, antisocial behaviour destroys the quality of life of too many individuals and undermines the fabric of too many communities throughout Scotland. It is fair to say that all members want to do more to equip communities to fight back. However, that determination to do something must not lead us to suspend our critical faculties. It is not enough just to do something; what we do must be effective. We must be as convinced as we can be that what we do will help to make the problem better and does not risk inadvertently making it worse.

Secondly, we should be aware that new laws are not always the best solutions to problems. Sometimes the solution is more resources, the better deployment of resources or a straightforward change in policy.

Thirdly, we must ensure that debates about antisocial behaviour do not—even inadvertently—become proxies for having a gratuitous go at young people.

Ms Curran: Will Nicola Sturgeon tell me whether I have ever said anything that could be interpreted as having a gratuitous go at young people?

Nicola Sturgeon: The minister is being a touch sensitive. I did not refer to her; my comment was about the obligation that I believe rests on all our shoulders to ensure that, when we talk about antisocial behaviour, we do not allow our rhetoric to stigmatise young people, however accidentally. The important point is that not all people who behave antisocially are young and not all young people behave antisocially; only a tiny minority do.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): Young people are also victims.

Nicola Sturgeon: As Duncan McNeil is saying from a sedentary position, many of them are victims of antisocial behaviour. We must never punish young people simply for being young; instead, we must provide them with the opportunities, the encouragement and, where necessary, the support to channel their energies towards their own development and that of their communities.

I believe—and I say this in an attempt to be constructive—that the punitive approach must be reserved for the minority of young or old people who have no regard for the rights of others and whose behaviour cannot be tolerated. We could probably all agree on that.

I make those comments for the benefit of all of us in the chamber—I am not trying to be partisan or party political. Sometimes we would all do well to reflect on the rhetoric that we use.

Johann Lamont (Glasgow Pollok) (Lab): On the issue of not being partisan, does Nicola Sturgeon think that we should have some respect for people whose experience of crime is directly as a consequence of young people? In the past, I have identified male violence as a problem. I have never been asked to apologise to all men in the community before I make such comments. An issue arises when it is assumed that people have to be defensive when discussing such issues.

Nicola Sturgeon: With the greatest of respect to Johann Lamont, I do not think that all men are blamed for the behaviour of a minority of men in the way that all young people sometimes tend to be blamed for the behaviour of a minority. That is a very important point.

To conclude my general comments, I want to raise an issue that was commented on by the committees: the fact that the bill can be seen by some as being subjective.

As drafted, the bill defines antisocial behaviour as conduct that

“causes or is likely to cause alarm”.

I do not think that there is anything wrong in regarding the problem of antisocial behaviour from the perspective of the victim, but we must be aware as legislators that what may cause harm to one person will be water off a duck's back to another. At the extremes—and I stress the word “extremes”—there are individuals who would be alarmed by behaviour that could not, in any objective sense, be considered to be a problem. That is why I believe, like the Communities Committee and certainly the Justice 2 Committee, that a test of reasonableness should be introduced to the bill. Conduct would then be considered antisocial if it caused or was likely to cause alarm to a reasonable person.

Let me turn now to the specifics of the bill. Subject to some of the suggestions that the committees have made, I support the majority of the provisions in the bill. However, unsurprisingly, I want to focus on the part of the bill that causes me most concern, which is part 3, on dispersal powers.

The Queen's counsel and new Labour peer Helena Kennedy says in her latest book:

“The problem with New Labour and crime so far is that the government is so afraid of appearing in any way liberal or soft that it goes for measures that appear tough but are ineffective.”

Those words could have been written about part 3 of the bill. Part 3 was supported by the Justice 2

Committee and the Communities Committee only by the narrowest of margins. The overwhelming body of evidence was against it.

Johann Lamont: Will the member take an intervention?

Nicola Sturgeon: I have to make progress. I have been generous with interventions but I am running out of time.

In effect, part 3 gives the police an additional ground for dispersing groups of people. Under common law or statute, the police can already move people on if they are committing an offence. If the proposals in the bill are accepted, the police will be able to move people on simply because they are gathering in an area that, after a very bureaucratic procedure, has been designated as a no-go area. The police will be able to disperse groups even if no offences are being committed; they will be able to disperse groups just because the very presence of the group is causing, or is likely to cause, alarm. Again, no test of reasonableness is applied in that part of the bill.

Arguably, a power that allows the police to disperse groups that are committing no offences will do little to help to build relationships between the police and young people. Crucially, that power will not help the police to focus scarce resources on people who are genuinely causing real problems in communities. The power may also result in groups simply moving on to non-designated areas. The risk then would be of a domino effect whereby, over time, whole towns and cities would end up as designated no-go areas.

Of course, we all want the police to deal more effectively with groups of yobs who are making other people's lives a misery. We all know people who are in that situation and we all have the same commitment to wanting to help them to tackle the problem. It does not help when any politician takes the moral high ground in that regard. However, the police have said that they do not want or need extra powers. As an aside, I ask the minister to make it clear today that no further attempt will be made through the bill to introduce a political power of direction over chief constables and that section 21 will be deleted at stage 2.

What the police and, by extension, the public whom they serve want and need are the resources that will allow the police to use their existing powers more effectively. Most people to whom I speak want more police officers responding more quickly when they need them. We should all listen to them. It is hard to see what possible vested interest the police could have in opposing a measure if it was going to make their job easier. That is why my amendment asks the Executive to go away, think again and come back with more

considered proposals—proposals that will not just sound tough, but will be effective in the interests of hard-pressed communities all over Scotland.

I move amendment S2M-532.1, to insert at end:

“but, in so doing, calls on the Scottish Executive to review Part 3 of the Bill, in light of comments made by the Communities and Justice 2 Committees.”

15:40

Colin Fox (Lothians) (SSP): Earlier on this afternoon, the Minister for Parliamentary Business suggested that the Scottish Socialist Party did not want to discuss antisocial behaviour—nothing could be further from the truth. That is probably not the last point on which I will disagree with her and other Labour members in the course of my speech.

I want to put on record a statement on which I hope that we can all agree: our communities face a problem with antisocial behaviour. I fully appreciate that the behaviour that is described in the bill as causing distress and alarm is a real concern for communities throughout Scotland. I see the mental and physical suffering—I often see both—that can result from the intolerable stress, nuisance and aggravation that antisocial behaviour brings. No one should have had to put up with that in the past and no one should have to put up with it now or in the future.

I have had first-hand experience of such behaviour. In the scheme in south Edinburgh where I live, my family, my neighbours and I suffered a prolonged episode of antisocial behaviour at the hands, voice and actions of an antisocial owner-occupier neighbour in our council block, so I have every sympathy with people throughout Scotland who suffer from intolerable behaviour in the schemes. I am not about to take issue with what such behaviour does to the people and communities that suffer from it, but I question the Executive's suggested approach to dealing with it. That is the message that I want to send out today to communities throughout Scotland.

As I have said before in the Parliament, I believe that the Executive is using the issue—it is exaggerating the extent of the problem to peddle as solutions measures that are mostly punitive, when it knows full well from all the available evidence and historical lessons that it will not eradicate the essential causes of antisocial behaviour by that route.

Numerous different organisations and bodies gave oral and written submissions to committees, including the Justice 2 Committee, to which I belong, in which they were critical or extremely critical of different parts of the bill. As the minister knows, four out of every five organisations that replied to the consultation exercise were opposed

to some aspects of the bill. Children's charities, human rights groups, Safeguarding Communities-Reducing Offending, the police and law officers all had serious and varied objections. They objected to the bill on the ground that existing law already covered each eventuality and offence or on the ground that other routes were better.

Johann Lamont: Will the member give way?

Colin Fox: I will give way in a second, if the member will give me a minute.

Taken in the round, that evidence mounts up to a fairly large body of criticism.

The punitive approach that underlies the bill has been tried before—by Mrs Thatcher. I suppose that it was only a matter of time before new Labour aped her on antisocial behaviour, too.

Johann Lamont: Will the member give way?

Colin Fox: I will give way in a second.

I had to laugh when I watched the Scottish Labour Party conference on television, live from Inverness the other day. During the debate on antisocial behaviour, critics—including me—were sneeringly dismissed by the minister as middle-class journalists in their wine bars. She said that such critics would not deflect the Executive from giving communities what they needed.

Johann Lamont *rose—*

Ms Curran *rose—*

Colin Fox: I will give way to the minister, as I mentioned her name.

Ms Curran: When I made my remark about middle-class journalists, I was not referring to Colin Fox; I was referring to middle-class journalists. I associate the member and his speech much more with the vested interests that I attacked.

Colin Fox: I welcome the minister's intervention, as I was just coming to that issue. I thought that mentioning middle-class journalists and vested interests was a funny way of putting her criticism. She did that because she thought that dismissing the organisations that gave evidence to parliamentary committees in that way would look good in the schemes. Mind you, it is not likely that many people in the schemes were watching the Labour Party conference on a Saturday afternoon on BBC2. As Duncan McNeil is saying, it is more likely that they would be serving at the tables of the wine bars that ministers who are on £100,000 use to brief the self-same middle-class journalists about various initiatives that are described as being only one tool in the toolbox.

I remember when Labour used to value the research and evidence that was presented by

distinguished criminologists. [*Interruption.*] If Labour members were to listen, they might hear some of the other evidence. Dr Lesley McAra and Professor David Smith at the University of Edinburgh produced facts and figures, which the Executive tried to rubbish, and the Scottish crime surveys between 1993 and 2000 showed that crime rates fell in that period, as did the fear of crime.

Mr McNeil: Tell that to people in the estates.

Colin Fox: If Duncan McNeil would only listen, the next fact will kill him. In 1993, the survey showed that 44 per cent of respondents believed that crime was a serious concern, yet by 2000 that percentage was down to 8 per cent. [*Interruption.*]

The Deputy Presiding Officer: Order. The member is in his last minute.

Colin Fox: As the minister said, building attractive communities is one of the aims of the bill. The City of Edinburgh Council has announced the closure of six schools and community centres. Is that part of the Executive's toolbox of measures for building attractive communities? That picture is replicated across Scotland.

Labour's line is to say that communities are crying out for help and that it wants to help. What has the bill got to offer in the drive to build attractive communities? Nothing. There is plenty of money for tagging, punitive initiatives, secure units and custody, but none for the diversionary activities, leisure pursuits and youth programmes that will engage the passions and energies of our young people.

The Executive's approach is wrong. The reality is that it seeks to undermine Kilbrandon and the young people who come before the children's hearings system. We are trying to keep youngsters out of the criminal justice system, yet the bill extends the use of antisocial behaviour orders, which, when youngsters breach them, become offences that put youngsters slap bang in the middle of that system.

If I may, Presiding Officer, in the last second that is available to me, I want to say that I disagree with the proposals on dispersal, as is mentioned in my amendment. Young people should have the right of freedom of association and the Executive ought not to take it away.

I move amendment S2M-532.2, to leave out from "agrees" to end and insert:

"does not agree to the general principles of the Antisocial Behaviour etc. (Scotland) Bill because it believes that the most effective way to address antisocial behaviour is through greater investment in a wide range of community support services, does not believe that the punitive measures contained in the Bill will address this issue, believes that a fully-resourced Children's Hearings system represents the best way of dealing with young offenders;

does not believe that extending the use of Antisocial Behaviour Orders to under-16s is appropriate, and considers that, rather than creating extra legal powers such as dispersal, the police should be provided with extra resources."

15:46

Miss Annabel Goldie (West of Scotland) (Con): Despite the recent concentration of public and political attention, antisocial behaviour is not a new phenomenon. We should not be gulled by jargon into thinking that it is. Sadly, behaviour that is offensive or causes distress to another citizen has been a fact of life for centuries, hence the development in Scotland of a comprehensive criminal justice system.

Indeed, the definition of antisocial behaviour that is used in the bill was devised for the Crime and Disorder Act 1998. What seems to have changed is the apparent mushrooming of the number of people who behave more often in a manner that is unacceptable to law-abiding citizens. The kernel question that has to be asked is whether that pattern of behaviour arises out of too little law or because there is not enough enforcement of existing law.

I want to make it clear that my party agrees, as does every other party, that antisocial behaviour is the blight on and a nightmare for too many of our communities. For that reason, we will support the general principles of the bill, which we recognise as being a genuine and sincere attempt to address the problem. However, the answer to the question whether the bill is regarded as a landmark piece of legislation or as window dressing that simply slaps a bit of lipstick on the face of our criminal justice system depends on two things: first, the extent to which our law is enforced, the new provisions are monitored and the breaches are enforced; and, secondly, the substantive content of the bill.

The Executive will not be surprised to learn that I have grave reservations about the first aspect. Those reservations are not borne out of some bilious party-political prejudice, but are founded on fact. Mr Douglas Keil told the Communities Committee:

"We can have as much legislation on the statute book as we like, but unless we have police officers to deal with the problem, there is little point in that legislation."—[*Official Report, Communities Committee*, 21 January 2004; c 479.]

A further fact for the ministers is that, at the moment, only 140 police officers are on our streets at any one time throughout Scotland. Many of them are doing things in other places, but they are not out on our streets. A final fact on this subject is that, in New York, the template for the reduction of crime and the restoration of law and order is for there to be one policeman for every seven committed crimes, whereas in Scotland there is

one policeman for every 27 committed crimes. That is why I have very serious concerns about the capacity of our Scottish police forces to deal with the enforcement of existing law, far less to cope with the deluge of new statutory obligations.

I turn to the substantive content of the bill. In that connection, I thank and pay tribute to my colleagues on the Justice 2 Committee. However the bill may be painted, in essence it is a justice bill—the majority of its provisions relate to law and order. The Justice 2 Committee carried out a robust and forensic scrutiny of the bill and I hope that our stage 1 report was of assistance to the Communities Committee.

The issue of principal concern to me and my Conservative colleagues is part 3, which I was unable to support. We are not concerned because we think that groups of two or more persons who are breaking the law should not be dealt with—they should be dealt with, and under current law they can be dealt with if there are sufficient police officers in our communities to enforce the law. It is interesting that the only witness before my committee who supported the dispersal powers in the bill was the Deputy Minister for Justice.

Ms Curran: I am aware of the arguments that Annabel Goldie puts forward—she does so with her usual attempt at persuasiveness. However, one point perplexes me: if she and her party are so strongly against the power of dispersal, why did Michael Howard and nearly all the Tories vote for it at Westminster?

Miss Goldie: The context for the bill is the framework of Scots law. I remind the minister that, in the criminal context, Scots law is very different from English law. We have an amplitude of available remedies, but they are not being enforced. If they are not being enforced now, what perils may lie in wait for the subsequent enforcement of the bill when it is enacted?

Karen Whitefield (Airdrie and Shotts) (Lab) rose—

Johann Lamont rose—

Miss Goldie: I am sorry; I am running out of time and I do not propose to take any more interventions.

Those members of my committee who were supportive of the dispersal power described it as another tool in the box, but there are two difficulties with that analogy. If there is no one to take the tool out of the box, it is useless. If the tool, once taken out of the box, is found to be unfit for the purpose, it is still useless. The dilemma of part 3 is that existing solutions are not being applied and the new provisions do not provide a solution. Part 3 will simply create a conveyor belt that will transfer groups of people from area A to area B.

No doubt when area B is then designated, the group will move on to area C. Why not deal with the problem in area A in the first place? It is frightening to me that this ill-thought-out proposal could criminalise people who are not committing any criminal act. That is illiberal, oppressive and excessive. Far from being a tool in the box, part 3 is a case of mobilising a JCB to manicure a toenail.

We need greater accountability to local communities and transparency in police operation, hence my party's suggestion of having directly elected conveners of local police boards. The Executive may deride that suggestion, but it is finding favour elsewhere.

My colleagues will mention other aspects of the bill, but I echo Nicola Sturgeon's concern that the children's hearings system should be tied into any measures that will affect children and young people. That is absolutely critical, but the minister's comment on the matter lacked clarity.

I confirm that we support the general principles of the bill, but I hope that the minister will regard seriously the concerns that I have expressed.

15:53

Donald Gorrie (Central Scotland) (LD): I am happy to confirm that all the Liberal Democrat members will support the principles of the bill, which we see as part of an overall package to deal with antisocial behaviour and associated problems, such as youth crime. Like other members, we recognise that the issue is a major one. We believe that we need an all-embracing policy that involves every department, nationally and locally. Margaret Curran has the ability to bring together ministers and civil servants from all departments to concentrate on sorting out communities and young people in those communities. Getting departments and ministers to co-operate is a Herculean task, but the minister is a female Hercules and I have high hopes for her.

Some members attended a meeting at lunch time about parks and green spaces, during which the point was made that turning a derelict and unused urban ex-playing field into a well-used and well-laid out attractive park does a lot for the community involved and reduces antisocial behaviour. That is one small example of the many measures that can contribute to tackling the issue.

Karen Whitefield: Does Donald Gorrie accept that the issue is not just about providing resources for communities? In one community in my constituency, a lot of money has been spent on a new community centre that was designed by young people, but the young people who cause difficulties prevent other young people from

accessing the services. That is unacceptable. As well as putting resources into communities, we need mechanisms and tools that the police can use to tackle such problems.

Donald Gorrie: I agree with that. It is important to have youth workers and the police working together in the community and on the street to deal with such problems. People are more important than facilities.

I hope that in due course the minister will manage to meet some of the concerns that have been expressed by the Communities Committee. Long-term funding and human resources must be put into youth work and the voluntary organisations that help in that sphere of activity. There is too much short-term funding. A lot of good programmes deal with particular aspects of antisocial behaviour but people do not, on the whole, know about them. We have to get the successes better known and have them copied in more places. A lot of those programmes suffer from the short-term funding that is the curse of voluntary youth activity.

There needs to be more investment in street youth work, community activities and programmes, and leisure facilities, as well as places to go. We need early intervention to help families when the children are very young and are in danger of going down the wrong path.

We need more mediation. Some good work is going on but there needs to be more investment in mediation, in support for children's hearings and in alternatives to custody, so that we stop young people offending and reoffending.

I suggest that we need a major programme to consult and involve young people. Whatever the causes of antisocial behaviour, young people have had a bad press in a sense. We have to confirm that we all acknowledge the huge contribution that the majority of young people make. We want to involve them and find out what they think and want in the way of activities. I suggest that we hold a national and local campaign of consultation with young people, as we did for communities in general last summer.

We could support some changes to the bill. All committees' reports are taken on board by ministers who respond to them. The Communities Committee report says that council strategies should include

"Provision for appropriate mechanisms for mediation, consultation, including getting the views of young people, and personal support for young people who are in danger of starting on offending behaviour, and their families; ... Commitment to meet directions by Children's Panels within agreed timescales",

and

"A statement of the provision of youth work and recreational facilities in its area and the plans for developing these."

If each council had to do that, it would be a huge step towards tackling antisocial behaviour.

We also want to involve reporters and children's panels much earlier and more thoroughly in such matters as applications for antisocial behaviour orders, parenting orders, breach of parenting orders and, in dealing with tagging, restriction of liberty orders. We need guaranteed intensive support packages with parenting orders and restriction of liberty orders. Those are mentioned in the bill, but the provisions are not tight enough.

On dispersal, we believe that there have to be serious and continuing discussions with the police to form a sensible policy to distinguish between the small groups of young people who cause problems and the majority who do not. We should have community conferences that involve mediation and youth work to try to stop those problems happening at all.

There are a lot of potential positives in the bill and we support it on that basis.

16:00

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to speak in this debate, the curtailment of which I regret. Many important aspects of the bill's proposals require full examination. I hope that people have taken the time to read the Communities Committee's report, which is measured and remarkably consensual. I also hope that the minister takes on board some of its points.

A feature of this debate has been the glib commentary about people being intolerant or having motives that are wrong. People have to move on and to recognise that antisocial behaviour is a serious and complex problem. As public representatives, we have to wrestle with important issues.

I do not speak on behalf of the Communities Committee, but as its convener I would like to thank the clerks, committee members, those who visited local communities and those who gave evidence to the committee. I thank the Justice 2 Committee, the Local Government and Transport Committee, the Finance Committee and the Subordinate Legislation Committee, all of which played a role in shaping the final report, which I reiterate is a measured and serious response to the bill. The line spun by some witnesses to the Justice 2 Committee received remarkable coverage, which was not matched when the evidence was challenged by the Communities Committee.

I was interested to hear Colin Fox's comments about the problem being exaggerated. I invite him to examine my caseload, in an average week, of problems faced by people. I encountered four intractable problems relating to private landlords on Monday alone, and today I was told about the serious problems that are being caused by an antisocial neighbour.

Tommy Sheridan (Glasgow) (SSP): Johann Lamont's constituency was mentioned by the First Minister on 8 January last. He spoke about 150 youths gathering outside the home of an 80-year-old pensioner night after night. Is she aware of such incidents?

Johann Lamont: I would be surprised if Tommy Sheridan did not recognise that serious problems are caused by young people gathering in Pollok. I will be keen to let people in Pollok know that he does not regard such problems as serious, but as a means of making a debating point. I have said that members are welcome to examine my caseload, rather than diminish the seriousness of the problems.

There is a fundamental inequality at the heart of this debate. Many of the briefings that we have received on the bill are hostile to the Executive's proposals. Members will not have received publicly funded lobbying material from those who will pay the heaviest cost for our inaction. The inequality in this debate is encapsulated for me in the public denunciations of the bill throughout the media by some of those who attended meetings of the Communities Committee and other committees.

Nicola Sturgeon rose—

Johann Lamont: Let me finish. The lack of coverage of the comments of unions such as the Union of Shop, Distributive and Allied Workers is in stark contrast to the evidence that we heard from representatives of one community group, who had to ensure that the cameras were switched off before they could open their mouths in front of the committee.

Nicola Sturgeon: Johann Lamont has criticised certain misrepresentations that have been made during the debate and appealed to people not to indulge in glib commentary. Will she do me the privilege of conceding that not a single person in the chamber advocates inaction? Those of us on this side of the chamber are advocating effective action. If she admitted that, perhaps we would have a more constructive debate.

Johann Lamont: I would be interested to know whether Nicola Sturgeon agrees with the Association of Scottish Police Superintendents, which said that it has no knowledge of any instance of an officer not being able to deal effectively with group disorder situations under

current legislation. At the heart of the Communities Committee's report is a sharp divergence between what the police and other groups said to the committee and what people reported as having been said to them by the police in their local communities. The bill will allow communities to negotiate with the police and other agencies about why they are not using the powers that—allegedly and reportedly—they already have.

I recognise that the debate has moved on. We no longer hear claims that antisocial behaviour is not a problem—we have shifted the discussion that far. If one recognises that there is a problem, one recognises that there is a need for voluntary measures, youth facilities and so on.

Ultimately, nobody was born believing in the power to disperse. If one confronts a problem in one's local community, one owes it to the community to implement solutions in a logical manner. One should examine the problems rather than address them from a pre-determined set of views that one brings to them. One should work with the local community to see what the solutions are. The bill offers us some hope, which will be dispelled if people undermine its provisions before the agencies are given their new powers.

16:04

Campbell Martin (West of Scotland) (SNP): The seriousness associated with problems related to antisocial behaviour is exemplified by the fact that virtually every member can relate stories of how such behaviour has affected people in the communities that they represent. It is clear that antisocial behaviour can destroy the quality of life of those affected by it, but it can also destroy the lives of those involved in such acts.

As parliamentarians, we need to recognise that some of the people currently involved in those actions are a product of their environment and of the circumstances in which they have grown up, and that those circumstances have been dictated not by them, but by the policies of successive unionist Governments. [*Laughter.*] That is actually true.

Karen Gillon (Clydesdale) (Lab): Will the member take an intervention?

Campbell Martin: No, thank you—have a wee seat.

As a member of the Communities Committee, I signed up to the general principles of the bill. However, I have some concerns about certain aspects of it, to which I hope the Deputy Minister for Communities might refer in her summing up.

I do not think that the Executive will achieve what it hopes to achieve with respect to certain aspects of the bill. On the extension of antisocial

behaviour orders to people under 16, in the course of the Communities Committee's evidence-taking sessions, I asked the officials with the Minister for Communities, and the minister herself, why some local authorities did not use their current powers in respect of ASBOs. Unfortunately, neither the officials nor the minister could give a specific answer about that; I think that that was because no one had got round to asking councils why they did not use those powers. That is a slight oversight, given that we are talking about extending that provision. The minister gave a commitment to investigate the matter further and to let us know why councils have not been using the powers that they have. When the deputy minister sums up, she could perhaps tell us the extent of that investigation and what the result has been.

Ms Curran rose—

Campbell Martin: I would prefer ministers to use their time at the end of the debate—back benchers get only four minutes.

My other main concern is over what has become probably the most contentious part of the bill: the power to disperse groups. From the evidence given to the Communities Committee, it became very clear that the police do not think that they need such a power and that they think it unnecessary. The contention was made that the police would not use the power if they had it.

My concern, however, relates to the practicalities of policing the policy. At the moment, if a group has gathered and the police are called and turn up, the people in that group simply run away and the police do not catch them. Under the bill, an area where people cannot gather may be designated. If people gather there, and if the police are called and turn up, the youths will run away and the police will not be able to catch them. In other words, there will be no difference, and the problem will still exist. That is the reality that we face with the proposed power to disperse groups. We should not seek to introduce legislation that will not make things better, but that is what the power to disperse represents.

Overall, I support the general principles of the bill at this stage, but I ask the Minister for Communities and the Deputy Minister for Communities to reflect on what, for me, was the consistent message that came across from the people who gave evidence to the Communities Committee. That message can be encapsulated in just one sentence: we do not need more legislation; we need more resources, more police and more funds to tackle the problem. People said, "Give us the money and we'll do the job that you've tasked us with."

16:08

Margaret Mitchell (Central Scotland) (Con):

The term “antisocial behaviour” covers a wide range of behaviour and manifests itself in a variety of ways. Perpetrators’ ages also vary. One common feature is the distress, frustration and even intimidation that are experienced by all people—including shop workers, individuals and whole communities—who are unfortunate enough to be on the receiving end of such behaviour.

The Scottish Executive recognises the scale and extent of the problem. Therefore, the general principles of the bill, which represent an attempt to address this vexing issue, are to be welcomed. That said, I genuinely believe that the Executive has missed an opportunity to get to grips with the underlying causes of antisocial behaviour. Instead, it has concentrated on the symptoms by producing measures that, while attracting the attention of the media, are for the most part unnecessary and superfluous, as existing statute law and common law can already address antisocial behaviour.

Much has been said about young people who offend, but it is young people and their parents who have been most let down by the content of the bill.

I fully acknowledge that the Scottish Executive has attempted to address the problem of parents struggling to cope with disruptive youngsters through the introduction of parenting orders. Those orders require the parent to comply with their terms, which are normally that the parent must attend counselling or guidance for a maximum of three months. That is good.

Breaches of the requirements that are specified in the orders can be a criminal offence. In so far as the measure requires the parent to take their parental responsibilities seriously, it is to be welcomed. However, the orders would not be fair or acceptable, and the legislation would not be effective, if the requirements that are specified sought to extend the principle of vicarious liability in criminal law so that responsibility for the acts and omissions of the child was transferred to the parent, even in circumstances in which a reasonable parent could not have done anything further to prevent an incident of antisocial behaviour.

Parents are the key to addressing antisocial behaviour in young people, but the success of any policy that attempts to promote parenting skills depends on active parental co-operation. In other words, success involves working in partnership with parents to curb a pattern of disruptive or antisocial behaviour as early as possible. For the most part, that co-operation is forthcoming. However, occasionally, as the minister acknowledged, it is not. That is particularly the

case if the parent's lifestyle is chaotic as a result of drink or drug abuse or other factors. In those circumstances, the school environment is all too often the most stable thing that children have in their lives. That is why it is important that when a child begins school, the head teacher should take the time and trouble to visit the reception class regularly. In that way, they will establish a relationship with new primary 1 pupils that will continue as the children progress through the school. That, in turn, will help discipline in the school and will minimise incidents of disruptive behaviour.

Unfortunately, in too many schools, the head teacher moves on to another post somewhere else before the relationship that they have built up with the primary 1 children has had a chance to influence the children's progress. Furthermore, head teachers are all too frequently called to meetings outwith the school, as a consequence of which they are often not present to deal with a particularly disruptive or violent incident when it arises. As a result, the incident is not dealt with on the spot as effectively as it could be, which can lead to an escalation of disruptive behaviour that translates into antisocial behaviour outside the school gates.

In conclusion, although the Executive recognises the principle of early intervention, it has not fully grasped the opportunity to provide measures in the bill to establish good practice for parents and others who struggle to cope with antisocial behaviour in children.

The Deputy Presiding Officer: I have to hurry you.

Margaret Mitchell: I hope that the Executive will take my comments on board at stage 2 and that it will rectify that omission in order to make the bill a really effective piece of legislation.

16:13

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome the opportunity to speak in today's debate. The Antisocial Behaviour etc (Scotland) Bill is a vital part of a range of measures that are designed to improve Scottish justice and to help to make our communities more secure. It is vital that the Parliament address the problem and work to produce policies and legislation that will support communities in their fight against antisocial behaviour. I will concentrate on the main issues that were tackled by the Justice 2 Committee in preparing its report to the Communities Committee.

Shakespeare famously wrote of the
“slings and arrows of outrageous fortune”.

Today, I have with me the rocks and stones of an equally outrageous misfortune. The rocks in the bag that I am holding were handed to me by a distraught constituent from Shotts. These stones were all thrown at her windows in one night, and such behaviour happens night after night.

Nicola Sturgeon: I hope that this is a helpful intervention. Does Karen Whitefield agree that that behaviour is not antisocial but criminal, and that it should be dealt with as such?

Karen Whitefield: I will answer that point directly. I accept that it is criminal behaviour. Night after night, a group of young thugs hangs out in the shadows on a path at the bottom of my constituent's garden. If the police catch them in the act, they can indeed charge them, but the problem is that they hang out there night after night. We must deal with that problem; we must designate that area and state that such behaviour will not be tolerated there. These are real concerns, which cause real distress to my constituents.

Much has been said about young people having the right of association. I agree that young people have the right of association, but they also have the responsibility that accompanies that right of ensuring that their behaviour does not impact on and destroy the lives of hard-working people throughout Scotland.

It is also interesting to note that although some people undoubtedly told the Justice 2 Committee that they were not in favour of the power of dispersal, one senior police officer was brave enough to say that there was a place for it—that was said by the president of the Association of Chief Police Officers in Scotland, John Vine. He said that the introduction of the power of dispersal might have some benefits and that it would be useful. In his recent interview in *The Courier*, he said:

"In many respects, I support the intention behind its introduction."

In taking on board all the evidence, we should remember that it is not only those who are against the power who have the right to be listened to.

The bill includes provisions to introduce community reparation orders, which will compel offenders to undertake between 10 and 100 hours of unpaid work as reparation for their antisocial behaviour. That vital tool will allow us to address offending behaviour and make young people and others take responsibility for their actions.

The Justice 2 Committee took a wide range of evidence on the extension of restriction of liberty orders to under-16s. Unfortunately, a small number of young people cause havoc in the communities in which they live. The introduction of

RLOs for the most persistent offenders will help to protect not only communities, because those young people will not be able to get out and about, but the young people, as the RLOs will ensure that they are no longer involved in situations, or associating with people, that aggravate their behaviour.

Children's charities including the Aberlour Child Care Trust and NCH Scotland have said that it is vital that young people are allowed to become involved in the development of antisocial behaviour strategies. I could not agree more. I know from contact with young people in my constituency that they demand that the Executive take action. In my constituency, a young person who is aged 17 is organising meetings on behalf of his community.

The bill will provide the assistance that communities in Scotland are asking for. I urge members to support the motion.

16:17

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I make it clear that, in accordance with the partnership agreement, I will vote in favour of the bill's general principles and against the Opposition amendments to the motion. I will outline the reasons why I hope that the Executive will think again on the need for part 3 of the bill, but an amendment to the motion to call for a review of part 3 is not necessary or desirable at stage 1.

As members may know, I believe firmly that the partnership agreement, to which I have referred, is an excellent document. It is the product of exhaustive negotiations between both Executive parties. I speak this afternoon because, on two matters, the bill appears to depart significantly from that agreement.

The partnership agreement is absolutely clear on the electronic tagging of our children. It says:

"We will provide sufficient secure accommodation and allow children who might otherwise be in secure accommodation to remain in the community through the use of electronic tagging."

The policy memorandum that accompanies the bill makes it clear that that is the reason why section 90 is in the bill. However, the Minister for Communities has made it clear in her evidence that she believes that the use of electronic tagging will not be restricted in that way. I cannot see how that departure from the negotiated position in the partnership agreement was arrived at. I do not want many more of our children to be treated in that way. The point of the provision in the partnership agreement was to keep children out of secure accommodation. Are we turning a liberal

and progressive measure into an illiberal and backward measure?

Part 3 deals with the dispersal of groups.

Karen Gillon: Will the member give way?

Mike Rumbles: No. I have only four minutes. If I had been given the six minutes that we were told we would have, I would certainly give way.

The no-go, or banning, areas are illiberal and completely unnecessary, according to many witnesses who gave evidence during stage 1. For instance, Douglas Keil of the Scottish Police Federation said:

"Every police officer to whom I have spoken has said that there are more than enough powers".—[*Official Report, Justice 2 Committee*, 6 January 2004; c 435.]

Many people are specifically concerned that our hard-won rights to peaceful assembly are under threat and I have heard no reasons in the debate so far as to why we should support what many people consider to be draconian measures.

I would like to know where those specific powers in the bill came from; they did not come from the partnership agreement.

Karen Gillon: Will the member take an intervention?

Mike Rumbles: No.

Having outlined my concerns about those two issues, I ask the deputy minister to give me two assurances in winding up. First, I ask her to assure me that in the stage 2 process, the Executive will return to what was agreed in the partnership agreement about the electronic tagging of our children to ensure that large numbers of our kids are not treated in such a way. Our agreement made it clear that the use of electronic tagging is to be limited. Secondly, I ask the minister to think again about part 3 and the last-minute entry into the bill of banning orders that are designed to give more powers to the police, which they do not want.

The whole point of negotiating a partnership for Government was to ensure that we had detailed policy that both parties could support in the Parliament until 2007. We had a mechanism inserted into the agreement to sort out new policy that arose after the agreement was signed, which involves regular meetings between ministers and party spokespeople. In my own field of responsibility—health and community care—that mechanism has worked well, but is obvious to me that it has not worked, for whatever reason, in the approach to the bill.

If the coalition is to work properly, ministers cannot deviate far from agreements that have been reached. The partnership agreement is in

danger of being breached on the two issues that I have raised. I ask the minister to return to the partnership agreement and to address those issues at stage 2. I do not want to debate them at stage 3, and I want to ensure that stage 3 is not a divisive and controversial process.

16:22

Patrick Harvie (Glasgow) (Green): I will begin by discussing the scale of the criticism of the bill, which all committees have heard. There have been criticisms from the people who work with and try to change antisocial behaviour, such as youth workers, community workers, housing organisations, the voluntary sector and representatives of the youth justice system.

There is a huge body of opinion against the basis of the bill. To dismiss those critics as being the usual suspects, vested interests or people from the leafy suburbs—as if anyone who lives near a tree is incapable of reason—is nonsense. It appals me to see those people being dismissed in such a way.

What criticisms do they make?

Johann Lamont: Will the member take an intervention?

Patrick Harvie: I will allow one intervention. The member might want to make what she will say a point of substance later on when I discuss the bill itself, although I will take an intervention now if the member wants me to—I do not mind.

Johann Lamont: I have a serious point to make. We should recognise that we must listen to the people who live with the problem of antisocial behaviour. People are working with and enduring the problem. It does not help them to imply that, because some people are organised and have bits of paper to send to us, what they say should somehow have more weight in our committee system than what those who raised the problem so that proposals could be brought forward have to say.

Patrick Harvie: In my experience of the process of listening to those people, the people who discussed the scale of the problem were, by and large, from communities that are living with the problem. I do not deny the passion and concern with which the member responds to such experiences, but the people who made criticisms were those who are working on the ground to try to change behaviour and not those who are living with the problem. I point out that balance.

I want to discuss subjectivity in relation to antisocial behaviour. Several members have mentioned that antisocial behaviour is not the same as crime. Crime involves a list of proscribed actions, but antisocial behaviour is a concept that

is defined by other people's emotional responses. It is quite clearly defined in the bill as being based on some people's emotional responses—fear, distress and alarm. I do not deny the importance of those emotional responses.

Karen Gillon: Will the member take an intervention?

Patrick Harvie: No, thank you—I have already taken an intervention.

However, I am denying that the same is true of crime. Crime and antisocial behaviour are fundamentally different concepts. It is inappropriate for the response to the extreme situations that we have heard Johann Lamont and Karen Whitefield describe to be applied to all antisocial behaviour.

I will mention a few specifics while I still have time. On involving communities—specifically young people—in the strategies, the difference between Karen Whitefield's opinion and mine is one of emphasis. I would like to see a clear commitment in the bill to wider involvement in consultation on strategies. The only people who will be involved directly under the bill are local authorities and the police. I want wider involvement than that.

There has been criticism in respect of how tenants of registered social landlords will be affected disproportionately by the use of ASBOs, which have been seen traditionally as a housing-management tool.

Karen Whitefield: Will the member take an intervention?

Patrick Harvie: No. I am sorry, but I am in my last minute.

I wish that I had time to move on to other issues, of which the dispersal power is obviously the most important. The Minister for Communities has said that it will be an effective tool, but there has been no explanation of why the existing tools are ineffective. Problems of gathering evidence, of police call-out times and of the design of urban environments will remain even under the new power.

Beyond the criticisms of what is in the bill, I say that there is a lot missing from it; for example, there is no focus on the causes of antisocial behaviour, no commitment to the welfare principles of the children's hearings system and no respect for the organisations that work to change behaviour. In some respects, there has also been no mature approach to respectful disagreement. Just because we disagree, we do not have to portray one other as being unconcerned with the reality of the problem—which I am not. If Labour members agree not to portray me in that way, I will agree not to portray them as playing to the gallery.

16:26

Cathie Craigie (Cumbernauld and Kilsyth)

(Lab): It is a pleasure to speak in today's debate and to know that measures that will help to deal with the plague that is antisocial behaviour are nearer to becoming law. As members will see from the Communities Committee report and annexes, we listened to people of all ages from throughout the regions of Scotland and we took evidence from recognised representative groups and individuals. To me, the message that is coming out loud and clear from witnesses and my constituents is that people need protection from antisocial behaviour and our constituents want to see Parliament take action to give them it.

We need to support and offer protection to decent folk who are being harassed and bullied by their neighbours, whether they live in public or private sector housing, and we need to acknowledge the torment that they are going through. Decent folk, whose lives are made a misery by groups of youngsters who have no respect for themselves or their communities, need our protection, too.

The Communities Committee highlights the need for community involvement and discussion and sees mediation and youth work as being necessary options for communities. I agree totally with that, as do local authorities. Local authorities, the police and the voluntary sector are working with communities throughout Scotland and the committee acknowledges that the Executive has to provide resources to local authorities in particular in order to allow them to continue that work and implement the provisions in the bill. However, where those intervention measures fail and where unacceptable antisocial behaviour continues, perpetrators need to know that they will have to face the consequences when they go beyond the boundaries of common respect for individuals and property.

The bill will offer a final line of defence for our long-suffering individuals and communities. Members might have seen the briefing paper on the bill from Shelter Scotland. I do not accept its interpretation of the bill's impact and I believe that it is scaremongering. There is absolutely no case for saying that the bill will dramatically increase homelessness in Scotland. There is no evidence behind that claim; indeed, there is no reason why the bill should increase homelessness.

Shelter Scotland would also have us believe that the bill perpetuates the myth that antisocial behaviour happens only in the social rented sector. We have said many times before that it does not. Antisocial behaviour orders, parenting orders, orders for dealing with noise, measures for tackling fly-tipping and dispersal will affect all our communities throughout Scotland regardless of

the tenure of the homes in them. People are being made homeless by the antisocial behaviour of their neighbours, particularly in difficult areas where the private landlords are taking over. People are forced to leave their family homes because local authorities are unable to identify the landlords and take action. I put on record my support for the private rented sector and acknowledge the valuable service that is provided by responsible and professional landlords.

However, there are major problems where the rogue private landlord exists. The bill does not go far enough to protect communities from the blight of antisocial tenants who live in private rented accommodation, or to protect communities from private landlords who abuse the system by buying property only as a means of investing money that they have gained by illegal means. I welcome the commitment to introducing a private housing bill, but there must be amendments to this bill that will protect people and ensure that unlicensed private landlords are registered.

Let us not listen to the scaremongering of the few, but to the pleas of the many ordinary decent folk who just want to live in peace and quiet in the comfort of their homes. Let us listen to the young people who tell us that they want to be able to walk down the street to their youth clubs with their friends without fear of being set upon by idiots and thugs.

The message that I bring to the minister today from the people of Cumbernauld and Kilsyth is that she should continue with the strategy for dealing with antisocial behaviour, remain firm in her resolve to deliver for our communities, be on their side and listen to what communities are saying. They want action now.

16:31

Ms Rosemary Byrne (South of Scotland) (SSP): The Scottish Socialist Party recognises the widespread public concern about antisocial behaviour in our communities. We welcome measures to deal with litter, graffiti, noise nuisance and vandalism and the proposals for mediation and restorative justice. However, the bill will not address many of the problems in our communities and may exacerbate them. Not only will it alienate groups of young people but—by providing harsher punishments for those who live in social housing—it reinforces the view that only social housing sector tenants are responsible for antisocial behaviour.

Margaret Curran talks about supporting people to change their behaviour. I welcome that. However, I disagree that electronic tagging is the best route to take. I do not want young people in placements in secure accommodation to be locked

up and not treated. I want the very small minority of young people who cause problems in our communities, who are outwith the control of their parents, who do not attend school and who create problems in school to be taken into residential establishments where they can be treated for their difficulties and problems. Alongside that, their families should be supported. I do not want young people to be tagged in their homes because they may end up beating up their siblings or their mothers and may become more alienated than ever from the system.

I believe that the children's panel system is excellent but, with the best will in the world, children will not get treatment because of the lack of resources. We need to examine electronic monitoring with much more caution. We cannot just talk about it and say that the resources are in place in the community to deal with it. Clearly, they are not.

I would like to discuss other aspects of the bill that the SSP and I believe are wrong. What is the best advice in respect of dealing with young offenders? It is that they should be kept out of the criminal justice system. Colin Fox touched on that.

Johann Lamont: Does the member accept that the bill tries to give children and young people messages early, so that they are not lured into serious offending? The bill can be seen as a preventive measure to ensure that that happens before we reach the stage at which the police have to lift young people.

Ms Byrne: I do not accept that—the problem with the bill is that resources are not being invested in working with children at an early age. Nursery nurses, who are fighting for professional pay and who do a wonderful job with our young children, could tell the member that they are able to identify many of the young people who will later display the kinds of behaviour that we are discussing. That has been the case for years. When I worked in a secondary school, I spoke to nursery nurses who taught in one of the cluster primary schools. They could name to me children in secondary 1 and S2 with whom I was working in my base, trying to modify their behaviour. They said that they knew the problems that existed, but there was no help. There is still no help—the situation has not changed. That is the key to the problem.

We want to keep young people out of the criminal justice system. Although receiving an ASBO does not criminalise a person, breaching one does and what is being proposed is that ASBOs will be slapped on children who are as young as 12. The minister tells us that the only 12-year-olds who will receive ASBOs will be the persistent offenders, but that is the group that is most likely to breach them. When the ASBO is

breached, a criminal offence will be committed and the attempt to keep children out of the criminal justice system will have failed miserably.

We should value children's panels, as I said earlier, but they are being undermined by the extension of ASBOs to under-16s. Let us be clear: the bill further undermines the children's hearings system. Despite its being a brilliant system that is admired the world over, we are going to leave it rusting in a shed. In the 1960s, the Kilbrandon report established that youngsters' offending behaviour must be seen in the round—in other words, it said that there are explanations for why offending behaviour occurs and only by addressing those can we hope to turn the situation around. Proper treatment and early intervention are required, but the holistic approach is entirely at odds with the completely punitive approach that is taken by the bill.

I will end by mentioning the lack of resources in our communities. The chronic problems that face children's panels is one area in which that is evident, and the shortage of social workers is another, as are the cuts in youth workers and youth teams.

I ask members to support the Scottish Socialist Party amendment.

16:36

Mike Pringle (Edinburgh South) (LD): The bill has the intention of relieving the undoubted pressures on communities that feel that they are under pressure from some young people. Residents and community groups from all parts of Scotland repeatedly report instances of young people commenting or boasting, "You can't touch us." Such young people display little fear of the system: there is indeed a general lack of respect for authority. As did Nicola Sturgeon, Donald Gorrie and others, I point out that only a few young people cause the problems. It is therefore vital that we do not brand all young people as troublemakers. We must encourage all young people to become active members of our communities and we must recognise that almost all of them have a positive contribution to make. Many young people are in the public gallery today, taking part in our democracy. Is not that a positive thing? The bill will tackle the antisocial behaviour of the few.

The minister knows of a great initiative in my community that involves a social inclusion partnership and a youth action team. The police informed me yesterday that, since the start of the initiative, there has been a 50 per cent reduction in phone calls from youths about the antisocial behaviour of other youths in south Edinburgh. That is the sort of initiative that we need throughout

Scotland. It is essential to remember that young people are most likely to be the victims of antisocial behaviour.

The root causes of antisocial behaviour are complex and varied. They include family problems, parental criminality, poor parental control and supervision, lack of parental care and consideration and problems at school, such as non-attendance and lack of motivation. However, I suggest that the biggest problem is often boredom. If young people had greater opportunities to engage in positive activities, there would be less antisocial behaviour. Donald Gorrie expressed that view extremely well.

Karen Whitefield: As I said to Donald Gorrie, in my constituency there is a community that has had more resources poured into it than many others have. The issue is not only about engaging young people and giving them activities; it is also about addressing some of the causes of their offending behaviour and giving the police the necessary tools to deal with it. If we simplify the debate and pretend that it is only about providing community centres and new community resources, we will fail to address the problem.

Mike Pringle: I reiterate that the biggest problem is often boredom. If we give kids something to do, even if it costs us money, we will help solve the problem.

Part 2 deals with ASBOs and their extension to 12-year-olds. Initially, I was extremely concerned about that proposal and there is no doubt that much of the evidence that was given to the committee was not in favour of such an extension. The Law Society of Scotland was concerned because a breach of an ASBO will be a criminal offence, which will result in under-16s having criminal records. The Association of Chief Police Officers in Scotland, however, welcomed the proposal. There was much discussion about the involvement of the children's hearings system and the Communities Committee recommended that the bill be strengthened to ensure that, in every case in which an antisocial behaviour order or an interim order is made in respect of a child, the sheriff will require the principal reporter to refer the child's case to a children's hearing. I am glad to hear that the minister has taken those comments on board.

As almost every member has said, the provisions in part 3 are clearly the bill's most controversial proposals. For example, the Justice 2 Committee received no oral evidence in support of them. Indeed, when I suggested to David Strang during the committee's evidence taking that the police would not use the dispersal powers because they already had the tools in the toolbox, he said that that was possible.

Moreover, the chief constable of Lothian and Borders police yesterday confirmed to me the view of the police force in my constituency: they do not foresee circumstances in which they will use dispersal powers. He said that use of the power would only displace the problem—it would not solve it. Nicola Sturgeon made that very point.

Karen Gillon: Will the member give way?

Mike Pringle: No, I will not.

As a result, I understand why Nicola Sturgeon has lodged her amendment to the motion and, indeed, I have some sympathy with it. I have no doubt that the Communities Committee will discuss the issue further. I believe that my colleague Donald Gorrie has had a very constructive meeting with the minister about various issues in the bill; further discussions of that sort would be a positive step.

There was also considerable concern about section 20 and, in particular, section 21, which gives the ministers the right to influence police operational matters. I think that the minister said at the beginning of the debate that an amendment will be lodged on that matter at stage 2. I ask the deputy minister to confirm that in her closing speech.

The final area of contention was restriction of liberty orders. Much of the evidence that we heard was not in favour of tagging; indeed, some witnesses suggested that an electronic tag could become a badge of honour or status symbol. I agree with some of the concerns that were expressed. However, the committee recommended that, in cases in which the RLO was imposed by the court, there should be automatic referral to the children's hearings system. I am content with that approach.

I am content with the bill at this stage and will support its general principles.

16:41

Mary Scanlon (Highlands and Islands) (Con):

As my colleague Annabel Goldie said, we support the bill's general principles, which seek to address the blight that is antisocial behaviour. However, we have some concerns, which have been raised both in committee and during today's debate. In particular, I highlight the Scottish Police Federation's comment that we need more police officers, not more legislation. Moreover, ACPOS told the Communities Committee that the police have never faced a situation involving a group of people that could not be dealt with under existing powers.

As far as Mike Rumbles's speech is concerned, I find it quite strange that in the six months that the Communities Committee has been working on the

bill, the Liberal Democrat member did not once mention that the Liberal Democrats have problems with measures in the bill such as the dispersal of groups, or that the bill raises issues about the partnership agreement. We have heard about no such problems until today.

As for the comments that Johann Lamont, Karen Whitefield, the minister and others made about dispersal powers, I understand that on BBC Scotland today Chief Superintendent Tom Buchan, the divisional commander for Motherwell and Wishaw, said of those powers:

"We didn't ask for the legislation, don't feel there is a need. I would think long and hard before I would put it into use. It is not addressing the issue."

He also revealed that those views had been put to the Executive. As a result, I ask the minister to clarify whether the First Minister was aware of those comments, whether he lends them any weight and whether he will continue to ignore the expert views of anyone who disagrees with him.

Cathie Craigie: Will the member give way?

Mary Scanlon: My time has been cut, so I really cannot give way. I also want to address issues that have not yet been mentioned.

Much of the media attention on the bill has concentrated on dispersing groups, locking up parents, guidance of and ministerial powers over chief constables, and the ned culture in Scotland in general. However, parts 5, 7 and 8, which contain very important measures, have barely been mentioned in today's debate. No doubt we will have more opportunity to debate them over time.

On parts 7 and 8, which relate to housing, there are concerns that landlords might become the whipping boys for the personal conduct of their tenants or indeed their tenants' visitors, over whom landlords have no control. There is also concern that an antisocial tenant may be rewarded by not having to pay rent and that the landlord may be penalised by his property management being transferred to a local authority.

Statistics for the year ending 30 September 2003 show that although local authorities made 20,725 applications for eviction, only 21 of those cases resulted in eviction for antisocial behaviour. Given that 10 per cent of the bill relates to noise nuisance, I ask the Executive to comment on the final sentence of paragraph 160 of the Communities Committee report, which relates to noise nuisance and the current provisions for dealing with it, particularly those under the Civic Government (Scotland) Act 1982. The Scottish Parliament should clarify the law rather than muddle it. I point out that the minister has incredible power in that she can set the permitted level of noise.

Bill Aitken (Glasgow) (Con): She makes plenty.

Mary Scanlon: My colleague Bill Aitken says that the minister makes plenty of noise—I would not say that. I make no apologies for asking that we take into account our national musical instrument—the bagpipes—when considering the permitted level of noise.

The bill addresses persistent offenders, but it also needs to address persistent complainers. The likelihood that one will be alarmed and distressed is different for each individual and is unique to the individual. I take the point that the Justice 2 Committee raised about the test of reasonableness. We need more clarification on that issue. Finally, more should be done to examine why existing legislation is not sufficient to deal with antisocial behaviour.

16:47

Stewart Stevenson (Banff and Buchan) (SNP): Time is running out not only for the debate but—more crucially—for the many communities throughout Scotland that suffer from the effects of antisocial behaviour and, ultimately, for the Executive if its nostrums fail to fix the problems that we have all heard about and recognise. However, we all know that and we are in suspense only about whether what is proposed will deliver the remedies that are sought.

It is my belief and my experience that no member of the Communities Committee, of which I am a member, has remained unchanged by the experience of visiting communities in eight regions, hearing evidence of people's concerns and tapping into their experience. For me in particular, as someone from the north-east and a traditional east coaster, visiting west coast communities with particular problems, especially in Glasgow, left me in no doubt that the comments that Johann Lamont has long expressed on the subject of antisocial behaviour draw on a deep and legitimate well of concern. I entirely accept that.

The divergence that there may be between my colleagues and me and the Executive parties is not in the analysis but in the prescriptions that follow from that. We are briefly discussing today what is a large bill, consisting of 13 parts and 112 sections. There are parts of the bill about which we have said nothing. Part 1 of the bill is about having a strategy, which is an excellent idea and I am happy to support it. Part 2, which relates to ASBOs, is fine as far as it goes. I will return to that point. Part 3 has been exercised considerably.

At this point it is appropriate to refer to the experience that reporters to the Communities Committee had when they visited Gilmerton and

the Inch in Edinburgh. We found that there were significant problems there, including physical intimidation and assault; attacks on pensioners at bus stops; alcohol and drugs; public sex; under-age drinking—which was a major problem; and ball games to the early hours in an open area adjacent to housing. When people complained, the situation escalated into verbal and physical threats. Those are precisely the problems that the bill seeks to address.

However, the interesting thing there is not the description of the problem but the response of that community and its leaders to the problem. Before I describe the attempts to fix the problem, I should say that they were led by a Labour councillor—so I make no partisan points on behalf of anyone in my party. The councillor had the initiative and the guts—as councillors and members of the Parliament should have—to bring community groups together, to hold public meetings and to ensure that interim ASBOs were sought and obtained. The community is also working on a ban on alcohol and nicotine products. Through multiagency meetings, the community has shared information and put in place acceptable behaviour contracts. It has received some money from City of Edinburgh Council—£90,000—which has helped. It has also changed the physical appearance of the area and painted shops with anti-vandal paint. It has found somewhere for the kids to congregate—unlike Karen Whitefield, I think that hanging out is perfectly acceptable and indeed appropriate behaviour for youngsters.

Mike Rumbles observes that there is nothing in the partnership agreement that requires him to support the proposal to give the police powers to disperse groups. I imagine—although I did not read this—that the partnership agreement must contain something about blank cheques and require him to support measures that the Government comes along with at a later date. Perhaps he will explain that, although there is not enough time for him to do so just now.

Part 4 is on the closure of premises. There is a danger that areas will be stigmatised in the long term, so an attempt to deal with the few will be to the disbenefit of the many. Part 5, on noise, is fine. Part 6, is on the environment. I think that litter problems in rural areas will be addressed at stage 2.

Part 7 is on housing and antisocial behaviour. Karen Whitefield and others had considerable concerns about linking antisocial behaviour orders to tenure. The extended powers in the bill will exacerbate problems and will, of course, leave private owners entirely outside the sanctions that will be applied to tenants. That is intrinsically unfair and unreasonable and is likely to lead to problems in due course.

I will skip ahead to part 10. Landlords, too, want reform and support registration, because they want to get rid of the cowboys in their business, as we all do. We must make rapid progress on that. On part 13, the minister should consider who is a "relevant authority".

I conclude by saying that I think that the Executive's policy is based on weedkiller—the attitude is, "Let's spray it on the problems." Perhaps we also need a little Baby Bio to support the parts that will benefit us in the future.

16:53

The Deputy Minister for Communities (Mrs Mary Mulligan): This afternoon's debate has demonstrated yet again that antisocial behaviour is a key issue for the people of Scotland and for their representatives in the Parliament. That is exactly as it should be. The Parliament's primary purpose is, after all, to improve the lives of Scotland's people. Too many of our constituents' lives are ruined by antisocial behaviour. The bill represents an important step forward in our determination to put those people first.

I take this opportunity to thank the people whom we met as we visited communities, who gave us their views and helped us to structure the bill.

Most of my speech will be taken up with dealing with the points that members made in the debate. However, let me first draw a few general conclusions. Antisocial behaviour kills confidence and damages people. It is a modern phenomenon that reflects an age-old truth: the weak and the vulnerable will be picked on and victimised if the rest of society silently stands by. The Executive is not prepared to be that silent witness.

Antisocial behaviour will not easily be eradicated. It is a complex problem that requires sophisticated solutions. Margaret Curran made clear our commitment to the whole range of interventions from prevention through to sanction. They all have to be in place if we are really to change behaviour, which is our ultimate goal. I am happy to reaffirm that commitment here today.

Our strategy to tackle antisocial behaviour must be seen within the context of our wider policies on regeneration and social inclusion, on improving the justice system, on supporting education, on the environment and on housing. It supports and is supported by all those policies.

Let me turn to issues that have been raised. Too many members have attacked the bill and sought to do so on the basis that it is unfairly aimed at young people. It is not. It is aimed squarely at those who cause misery and fear in our communities, whatever their age may be.

Someone once said that our children are our future. They were right. The bill is about protecting that future. It is about ensuring that young people can go to the youth club or to the swimming pool. It is about protecting the young man I spoke to in Currie this week who said that he had been on a bus that was pelted by stones, which shattered the windows—he had just been going for a night out with his friends.

Karen Gillon: Does the minister accept that some of us on these benches find it galling that parties that want to make it a criminal offence to disturb birds in their nests do not feel that the Parliament should be taking action to protect the very people she has just been talking about?

Mrs Mulligan: There can be no doubt that the Parliament is determined to deal with the consequences of some people's actions. However, some do not seem to see the reality of the situation.

Miss Goldie: Will the minister take an intervention?

Mrs Mulligan: I am sorry, but I cannot. My time has already been reduced.

I want to deal with Nicola Sturgeon's amendment. It asks us

"to review Part 3 of the Bill, in light of comments made by the Communities and Justice 2 Committees"

on the dispersal power. Of course, we will study the reports of both committees in detail and give serious consideration to the specific points that they raise about the provisions in part 3 and elsewhere in the bill. The Executive believes in the committee process and will give the reports their due consideration without the encouragement of what is a superficially innocuous amendment—but is the amendment innocuous? The plain fact is that Nicola Sturgeon cannot accept that a majority in both committees supported the dispersal power. Make no mistake: the amendment is not about a review and it is not about taking the reports of committees seriously. It is about overturning the considered views of those two committees, it is about removing the dispersal power from the bill, and it is about a rather pathetic attempt to inflict a bloody nose on the Executive.

Nicola Sturgeon: I have never had any objection to doing that, but that is beside the point. During the debate, I have made no secret of the fact that I oppose part 3. My amendment asks simply for a review in light of the comments made by both committees. The minister says that she will study those comments and take them into consideration. Does that not simply add up to reviewing in light of those comments? Would it not be in the interest of achieving some consensus in

the chamber if the minister stopped playing on words and simply backed the amendment?

Mrs Mulligan: And Nicola Sturgeon, of course, would never play on words.

The committees asked for a commitment to evaluate and report back on the operation of the power. We have given that commitment. The committees stressed the need for a comprehensive approach to problems caused by groups—an approach that would seek alternative resolutions. We agree. The committees asked that we review the direction-making power in section 21. We are doing so. The committees urged us to continue discussions with the police about the practical arrangements for using the power of dispersal. We are doing so. The committees also agreed that, if necessary to give relief to hard-pressed communities, the dispersal power should be introduced as a last resort. We agree. If Nicola Sturgeon does not agree, she should have the courage to tell us and those hard-pressed communities. She should not hide behind the amendment.

I will turn now to Mike Rumbles's concerns about the power of dispersal. He asks where the power came from. It came from the communities and it came from our listening to people. If we can see a problem and can identify a way of resolving it, are we not right to act? I think that we are.

Mike Rumbles: Will the minister give way?

Mrs Mulligan: No, I cannot; I do not have time.

Mike Rumbles also asked about tagging. I reassure him that tagging is not about punishment. It will be used only if it is in the best interests of the child. We will use it only as part of a package of measures that will support the child, keep them out of secure accommodation and give them other options. We must consider tagging as an alternative to secure accommodation. I hope that Mike Rumbles will view the issue in that way.

As ever, Johann Lamont spoke passionately about her constituents. She also mentioned communities' concern that their views would not be listened to in the same way that some of the professional views would be. I, too, have heard that concern expressed on recent visits to communities. It is incumbent on us to give the constituents of Johann Lamont and other members the reassurance that the Executive will listen to the views of the communities.

At stage 2, we will have the opportunity to return to all the issues, on many of which I have not had time to respond today. As I said at the outset, the bill will improve people's lives. It puts ordinary, decent, hard-working people and their communities first and for that reason alone—what

better reason could there be?—I ask members to give it their support.

Antisocial Behaviour etc (Scotland) Bill: Financial Resolution

17:01

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of motion S2M-614, in the name of Andy Kerr, on the financial resolution in respect of the Antisocial Behaviour etc (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Antisocial Behaviour etc. (Scotland) Bill, agrees to any increase in expenditure charged on, and any expenditure payable out of, the Scottish Consolidated Fund in consequence of the Act.—
[Mrs Mary Mulligan.]

Business Motion

17:02

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of motion S2M-1023, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, which sets out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 17 March 2004

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Debate on Enterprise and Culture Committee's 3rd Report, 2003 (Session 2): Scottish Solutions Inquiry

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 18 March 2004

9.30 am Scottish National Party Business

12 noon First Minister's Question Time

2.00 pm Question Time -

Education and Young People,
Tourism, Culture and Sport;
Finance and Public Services and
Communities;
General Questions

3.00 pm Executive Debate on Action to Promote Women in Scotland

followed by Motion on Justice (Northern Ireland) Bill – UK Legislation

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 24 March 2004

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 1 Debate on the Local Governance (Scotland) Bill

followed by Financial Resolution in respect of the Local Governance (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 25 March 2004

9.30 am Scottish Green Party Business
 12 noon First Minister's Question Time
 2.00 pm Question Time -
 Environment and Rural
 Development;
 Health and Community Care;
 General Questions
 3.00 pm Executive Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

and (b) that consideration of the National Health Service Reform (Scotland) Bill at Stage 2 be completed by 2 April 2004; that consideration of the Criminal Procedure (Amendment) (Scotland) Bill at Stage 2 be completed by 31 March 2004; that the timetable for completion of consideration of the Education (Additional Support for Learning) (Scotland) Bill at Stage 2 be extended to 17 March 2004; and that the timetable for completion of consideration of the Prostitution Tolerance Zones (Scotland) Bill at Stage 1 be extended to 2 July 2004.—
[Patricia Ferguson.]

Motion agreed to.

Parliamentary Bureau Motions

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of three Parliamentary Bureau motions. I ask Patricia Ferguson to move motion S2M-1025, on the approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the draft Advice and Assistance (Financial Conditions) (Scotland) Regulations 2004 be approved.—*[Patricia Ferguson.]*

The Deputy Presiding Officer: I ask Patricia Ferguson to move motion S2M-1026, on the approval of an SSI.

Motion moved,

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No. 2) (Scotland) Order 2004 (SSI 2004/43) be approved.—*[Patricia Ferguson.]*

17:03

Mr David Davidson (North East Scotland) (Con): I wish to speak against the motion, not because the Scottish Conservatives take food safety lightly, but because, as we have stated regularly in the past, the operation of what is a blanket ban unnecessarily disadvantages our fishing communities. According to evidence that a member of the Food Standards Agency gave at a meeting of the Health Committee, the Irish end-product testing scheme is perfectly acceptable to the European Parliament. Scallops from Ireland that have been the subject of end-product testing can be sold here in Edinburgh, yet our own fishermen cannot collect or sell their product in Scotland.

The Executive's approach of not adopting end-product testing is denying our valuable industry access to markets. If the balance of control activity for monitoring were moved on to processors, it would be possible to improve public safety, protect the industry and reduce the amount of Government expenditure that is necessary to manage the problem. I ask the minister to explain why the Executive will not move to end-product testing.

17:04

The Deputy Minister for Health and Community Care (Mr Tom McCabe): We are in danger of repeating ourselves. I must say again that our approach is predicated on the need to ensure public safety and public health.

Mr Davidson raises the specific issue of end-product testing, but he does not say—and we do not know—how many scallops were ruined when,

through end-product testing, they were found to be contaminated. They had to be destroyed, with all the consequential impact that that had on stocks.

Of course, end-product testing is an option, but the approach that we have adopted in Scotland is to close boxes. After a period of time, the toxins dissipate and the stocks can be fished again. There is no loss. If we fish the stocks while the toxins are present and, through end-product testing, those toxins are discovered, the stocks are automatically lost—there is no use for them.

There is no universal view in the industry on whether end-product testing is a better option. In addition to concerns about public health and public safety, legitimate concerns arise about the overall conservation of stocks. The Executive is anxious to avoid the unnecessary destruction of fish stocks through adherence to end-product testing; we would rather use the existing regime. We recognise that a lot of time and money is spent on the matter. The FSA is always active in its consideration of alternatives.

The Deputy Presiding Officer: The question on the motion will be put at decision time.

I ask Patricia Ferguson to move motion S2M-1027, on the approval of an SSI.

Motion moved,

That the Parliament agrees that the draft Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2004 be approved.—[*Patricia Ferguson.*]

The Deputy Presiding Officer: The question on that motion will be put at decision time, too.

Decision Time

17:06

The Deputy Presiding Officer (Trish Godman): There are seven questions to be put as a result of today's business. The first question is, that amendment S2M-532.1, in the name of Nicola Sturgeon, which seeks to amend motion S2M-532, in the name of Ms Margaret Curran, on the general principles of the Antisocial Behaviour etc (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Canavan, Dennis (Falkirk West) (Ind)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 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)
 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)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (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)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 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)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)

Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Sheridan, Tommy (Glasgow) (SSP)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 47, Against 63, Abstentions 8.

Amendment disagreed to.

The Deputy Presiding Officer: The second question is, that amendment S2M-532.2, in the name of Colin Fox, which seeks to amend motion S2M-532, in the name of Ms Margaret Curran, on the general principles of the Antisocial Behaviour etc (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 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)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)

Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 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)
 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)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 Robison, Shona (Dundee East) (SNP)
 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)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Neil, Alex (Central Scotland) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Deputy Presiding Officer: The result of the division is: For 13, Against 101, Abstentions 3.

Amendment disagreed to.

The Deputy Presiding Officer: The third question is, that motion S2M-532, in the name of Ms Margaret Curran, on the general principles of the Antisocial Behaviour etc (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 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)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 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)
 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)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)

ABSTENTIONS

Canavan, Dennis (Falkirk West) (Ind)

The Deputy Presiding Officer: The result of the division is: For 103, Against 14, Abstentions 1.

Motion agreed to.

That the Parliament agrees to the general principles of the Antisocial Behaviour etc. (Scotland) Bill.

The Deputy Presiding Officer: The fourth question is, that motion S2M-614, in the name of Andy Kerr, on the financial resolution in respect of the Antisocial Behaviour etc (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 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)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 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)
 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)
 Morgan, Alasdair (South of Scotland) (SNP)
 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)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 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)
 Sheridan, Tommy (Glasgow) (SSP)

The Deputy Presiding Officer: The result of the division is: For 104, Against 6, Abstentions 8.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Antisocial Behaviour etc. (Scotland) Bill, agrees to any increase in expenditure charged on, and any expenditure payable out of, the Scottish Consolidated Fund in consequence of the Act.

The Deputy Presiding Officer: The fifth question is, that motion S2M-1025, in the name of Patricia Ferguson, on the approval of a Scottish statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Advice and Assistance (Financial Conditions) (Scotland) Regulations 2004 be approved.

The Deputy Presiding Officer: The sixth question is, that motion S2M-1026, in the name of Patricia Ferguson, on the approval of an SSI, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)

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)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 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)
 Sheridan, Tommy (Glasgow) (SSP)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (Aberdeen North) (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)

Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Welsh, Mr Andrew (Angus) (SNP)

The Deputy Presiding Officer: The result of the division is: For 71, Against 23, Abstentions 23.

Motion agreed to.

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No. 2) (Scotland) Order 2004 (SSI 2004/43) be approved.

The Deputy Presiding Officer: The final question is, that motion S2M-1027, in the name of Patricia Ferguson, on the approval of an SSI, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2004 be approved.

Point of Order

17:13

Tricia Marwick (Mid Scotland and Fife) (SNP): On a point of order, Presiding Officer. Earlier this afternoon during the debate on the Antisocial Behaviour etc (Scotland) Bill, I went to the desk at the back of the chamber to ask for a copy of volumes 1 and 2 of the Communities Committee's report on the bill. I was told that somebody would try to get me a copy, but one has not yet appeared. Presiding Officer, I ask you to use your offices to ensure that, in future stage 1 debates on bills, committee reports are available to members who require them.

The Deputy Presiding Officer (Trish Godman): I agree that that should happen. I will take the matter up.

There will now be a short suspension before members' business.

17:13

Meeting suspended.

17:15

On resuming—

Commonwealth Day 2004

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-913, in the name of Sylvia Jackson, on Commonwealth day 2004. The debate will be concluded without any question being put.

That the Parliament recognises the valuable role of the Commonwealth in strengthening relationships between nations across the world; welcomes the continued contribution of Scotland and its people to those relationships; reaffirms its support for the work of the Commonwealth Parliamentary Association, and commends the theme of Commonwealth Day this year, "Building a Commonwealth of Freedom", that raises important issues of governance, democracy, human rights, citizenship, building communities and development that are relevant to all peoples of the Commonwealth.

17:16

Dr Sylvia Jackson (Stirling) (Lab): I welcome to the gallery Don McKinnon, who is the secretary-general of the Commonwealth, and the high commissioners. We are having a reception later so we look forward to meeting them all then.

I am pleased to be having this debate today. My colleagues in the Scottish Commonwealth Parliamentary Association will be speaking about different aspects of the work of the Commonwealth and of the association. As everyone knows, Monday 8 March was Commonwealth day. This year's theme was "Building a Commonwealth of Freedom". The theme reflects the Commonwealth's commitment to democratic freedom as expressed by Commonwealth heads of Government at their summit in Coolumberr, Australia, in March 2002. They spoke of the need for the organisation to be

"an effective defender of democratic freedoms."

It also reflects the Commonwealth's commitment to freedom of expression, the rule of law and robust civil societies.

The Commonwealth works to promote many kinds of freedom. First is the freedom to express oneself. Individuals have the right to say what they think and to do what they believe in, as long as they respect the rights of other people.

Second is the freedom to develop. Sustainable economic development and the freedom to trade enable individuals to earn a living and to take care of their families. Third is the freedom to participate.

There is also the freedom to learn. As a former teacher and teacher trainer, I know that being able

to attend school is important, because it gives young people the opportunity to develop the skills that they need to lead fulfilling lives.

Rhona Brankin (Midlothian) (Lab): Does the member accept that it is particularly important for girls to have access to education, given the shocking number of girls and young women who still do not have it?

Dr Jackson: I thank Rhona Brankin for making that important point. Not many weeks ago we had a debate about science education and the need to increase the number of girls who study physics and engineering. The point is well made, and there is a much broader point.

There are two final points to make in relation to freedom. There is the freedom to aspire, which covers the importance of equal opportunities, and the freedom to choose. People have to have the right to elect their leaders, vote for justice and say no to crime and corruption. All those are laudable aims.

Commonwealth day is an annual event during which all 53 member countries celebrate their links with each other. There have been events up and down the United Kingdom and worldwide. The centre of the activity has been the UK, and the largest event was held at Westminster.

I would like to speak about the Commonwealth's general background. Some 53 countries throughout the world are involved in the Commonwealth. People may not be aware that its total population is 1.7 billion, or 30 per cent of the world's population.

Commonwealth countries share certain common threads, such as a common working language and similar systems of law, public administration and education. Over the years, the Commonwealth has built on its shared history to become a vibrant and growing association of states in tune with the modern world.

When we examine Scottish links with and influence on the Commonwealth, it is clear not only that ties have been strong in the past, but that they continue to thrive. We hope that the work of the Scottish CPA is a real force for good in that regard.

We are aware of Scotland's connections with Canada, Australia and New Zealand. The Scottish CPA feels that it can do more to strengthen links with Africa. We all know about David Livingstone and the Scottish missionaries who brought education, health and Christianity to Africa. There has been a Scottish influence in many African communities. Medical clinics and churches are often built next to each other to show that foundation.

I know from my constituency that there are close Scottish links with the St Andrew's Clinics for Children. Having spoken to constituents who are involved, I know that there are Scottish links with clinics in Sierra Leone, Nigeria, Uganda and Zanzibar in Tanzania. The support that is given by the clinics is basic, but it is effective. They plan to provide 1,000 Nigerian children with insecticide-treated bed nets, for example. One might think that that is a basic provision, but it will do a great deal of good in that area.

I gather that Dr Lorenzo Savioli, who works with the World Health Organisation in Geneva, gave a Land Rover and a trailer to a project in Zanzibar. That may appear like a small gesture, but it was a most generous act that meant that mobile clinics could be held in remote parts of the island of Pemba, two days a week, from January 2004. Such small initiatives are helpful.

The CPA, which was founded in 1911, is a unique forum. It involves 14,000 parliamentarians from all parts of the Commonwealth and has become highly respected. Its Scottish branch was established in May 2000, after the first election of the regenerated Scottish Parliament. The presidents of three Commonwealth countries, including Jerry Rawlings from Ghana, came here during the first session of the Parliament. Some 162 inward visits and 26 Commonwealth visits have taken place since May 2000, including five visits by speakers from other Commonwealth legislatures. The Scottish branch has strong links with Canadian provincial legislatures. It has visited New Brunswick, Prince Edward Island and Quebec.

As I said earlier, the Scottish branch of the CPA is looking elsewhere to raise awareness more generally and to encourage people to re-engage with the Commonwealth, particularly with Africa. It has contacted the centre of African studies in Edinburgh, the Royal Over-Seas League and the Council for World Mission, which have provided invaluable information and advice on a variety of issues, including Scottish education and health projects.

I hope that our guests in the gallery have had an enjoyable time in Scotland and have enjoyed their visit to the Scottish Parliament. I hope that strong links continue to exist between the Scottish CPA and our visitors.

17:19

Mr Keith Raffan (Mid Scotland and Fife) (LD): I congratulate my colleague on the CPA executive, Dr Jackson, for initiating this important annual debate. I join her in welcoming the secretary-general of the Commonwealth, the high commissioners, the deputy high commissioners

and the students from various Commonwealth countries who are studying in Scotland.

In a recent speech, the secretary-general of the Commonwealth quoted one of his predecessors—the first secretary-general, Arnold Smith. He talked about two of the greatest dangers that faced the world 30 years ago: the development of what Mr Smith called neo-isolationism, degenerating into mere regional thinking—becoming inward looking and thinking only in European terms; and the danger of the growing gap between the rich and the poor. Thirty years later, those problems and dangers remain. Indeed, they have got worse.

There are immense problems in sub-Saharan Africa, where 16—nearly a third—of the Commonwealth countries are situated. It is the only region to have grown poorer in the past 25 years; its share of world trade has halved during that period; it receives less than 1 per cent of direct foreign investment; an estimated 44 million children do not go to school there; and it contains 10 per cent of the world's population, but 70 per cent of people inflicted with HIV/AIDS, which is nearly 29.4 million people according to a recent estimate. In our own Prime Minister's words:

"Africa is the scar on the conscience of the world."

I welcome the Prime Minister's announcement of his international commission for Africa along the lines of the Brandt commission, which is to provide a comprehensive assessment of the policies towards Africa—of what has worked and of what has not worked. The commission is due to report next spring, which will coincide with the UK's presidency of the G8 and will be just before our presidency of the European Union. The commission for Africa will consult widely, and I hope that this Parliament's proposed CPA delegation to Africa in the summer will submit a report to the commission.

I strongly support, and warmly welcome, the Chancellor of the Exchequer's proposal for an international finance facility to provide long-term guaranteed funding to the poorest countries by the richest countries. It is a bold initiative, which seeks to raise the amount of development aid from just over £50 billion a year today to £100 billion a year in the years leading up to 2015. That would help us to meet our internationally agreed millennium goals; it would ensure that every child had primary schooling; it would radically reduce infant and maternal mortality; it would effectively tackle HIV/AIDS, malaria, tuberculosis and hepatitis in the developing world; it would halve world poverty; and it would halve the number of people who do not have access to safe drinking water and sanitation. The proposal is bold and visionary, and it deserves the support of all political parties in this country. In effect, it is a Marshall plan for the developing world.

In the recent speech, to which I have referred, the Commonwealth secretary-general emphasised the importance of fair trade and economic development. Although many poor countries have removed their trade barriers, many developed countries have failed to reciprocate. The World Bank has estimated that, were we to do so—and I hope that we will when the Doha round restarts—by opening up our rich countries' markets to poor nations, we could lift up to 144 million people out of poverty by 2015.

We in Scotland can play our part and do our bit to help, and I will give just two examples. There is a partnership between Lothian NHS Board and Zambia. The board shares expertise on the delivery of antiretroviral therapy and is helping to train health professionals. It shares methods to encourage testing and to deal with the stigma and discrimination around HIV/AIDS. Fife Council allowed the headmaster of Pitteuchar East Primary School, Ian Macaulay, a year off to work in Malawi, a country that is afflicted terribly by AIDS, where teachers are being lost as fast as they are being recruited—7,000 of them are currently HIV positive—and the classes contain over 300 pupils. Those are the kinds of initiative that the Scottish Executive needs to encourage.

In the oft quoted words of John Donne,

"No man is an Island ... every man is ... a part of the main".

That has never been more true than in this year of globalisation. We all live in one world, in one community and in one family. The problems of one member are the problems of us all. In helping to resolve those problems, Scotland has an important role to play.

17:29

Lord James Douglas-Hamilton (Lothians) (Con): I support what my parliamentary colleagues have just said and I commend to the Scottish Parliament the theme of this year's Commonwealth day: building a Commonwealth of freedom.

The Scottish branch of the Commonwealth Parliamentary Association was established in May 2000. As Sylvia Jackson said, it has organised a great many inward Commonwealth visits and has hosted the British islands and Mediterranean regional conference. The 19th Commonwealth Parliamentary Association seminar will be hosted in Scotland in 2007, which is very exciting for the profile and standing of the Scottish branch of the association and for Scotland as a whole.

As Sylvia Jackson said, Commonwealth day is celebrated each year by all 53 of the developed and developing nations, which comprise a staggering 1.7 billion people of different

nationalities, religions and cultures. The theme—building a Commonwealth of freedom—is one that the Scottish Parliament should commend, support and endorse. John Stuart Mill said:

“If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind.”

President Roosevelt summed up the theme of freedom in his speech about the four great freedoms: freedom of worship, freedom of expression, freedom from fear of armed aggression and freedom from want. Perhaps the most important of those freedoms is freedom from want, particularly in the context of sub-Saharan Africa, parts of Asia and India. I stress that that freedom is important to us all. Should we not all be allowed to live in a house with a roof and to have clean water to drink, food to eat and education for our children? The Commonwealth family believes that we should, which is why educational scholarships, basic literacy training, AIDS and HIV education and awareness, immunisation programmes, health aid and many other initiatives are and should be in place.

Scotland has a considerable number of Britain's most highly qualified and trained individuals and it is incumbent on us to share, contribute and exchange our valuable knowledge, resources and practices to benefit others. We should continue to build on our good international relations through the Scottish branch of the Commonwealth Parliamentary Association, with other Parliaments and at a technical level, and we should continue to encourage maximum participation and contact between the Scottish Parliament and important Commonwealth establishments.

I repeat what Sylvia Jackson said—we are extremely glad that the Commonwealth high commissioners and consuls general, as well as Commonwealth students who are studying at our universities and academics and business people who have links to the Commonwealth, are with us tonight. I pay tribute to the excellent work of Don McKinnon. He has made a substantial and lasting contribution, of which we are proud. We are delighted that he is with us tonight. *[Applause.]*

In the debate two years ago, I said that the Commonwealth brings a touch of healing to a troubled world. Scots have shown a commitment to improving the lot of mankind throughout the Commonwealth, through medicine, education, engineering, construction, science and administration. That is a record of which we in the Scottish Parliament can be justly proud.

We are right to support and be part of such a valuable global organisation, which has the power and the vision to help others. We should be proud of our country's commitment to the

Commonwealth and we should continue our hard work in the knowledge that we have made a difference and will continue to make the world a better place for all people.

17:33

Mrs Margaret Ewing (Moray) (SNP): Like others, I congratulate Sylvia Jackson on securing the debate and I welcome our distinguished guests in the galleries.

Much of what I was going to say has been touched on by my colleagues on the executive committee of the Scottish branch of the Commonwealth Parliamentary Association, but I want to mention, from a personal point of view, one or two issues that confront us.

Although saying that the world is a small place trips off the tongue, the sentiment applies particularly to the Commonwealth, because, despite all the geographical differences, it is easy to make and retain contact with the countries that make up this family of nations.

I remember that my brother and I had a stamp collection when we were children. We used to go through strange stamps that were bought in obscure ways or were sent to us—I am not sure how it all happened. My parents always insisted that we had an atlas so that we could look up countries to see where the stamps came from. The stamps often came from faraway places with strange-sounding names, although I assure the minister that I will not burst into song.

Many of the countries were originally part of the empire but they joined the Commonwealth and gained their independence. They are sovereign nations within the community of nations and they are proud of that. I confess that there is a wee bit of envy in me that so many others have managed to gain independence while Scotland seems to have found doing that more than a little bit difficult. I remember that, in the 1970s, Tuvalu, a place that I had not heard of, was given its independence in a two-page bill—Princess Margaret was sent out for the flag-lowering ceremony—while we struggled with the lengthy, complex details of a minor Scottish Assembly bill. The interesting fact is that all those nations have remained in the Commonwealth, because they do not want to sever ties with it.

When we have held similar debates over the past few years—particularly last year—the cloud of Zimbabwe has hung over us. That cloud has not gone away. Zimbabwe was suspended from the Commonwealth. There is no easy solution to the complex problem in Zimbabwe, which I find distressing, having visited the country and having happy memories of meeting people there. When I hear other politicians talking about regime change,

I often think of Zimbabwe. Perhaps the Parliament should address that issue.

The executive of the Scottish branch of the CPA agrees that the African countries should be our priority this year. That is not to ignore our other partners, who are immensely valued, but we regarded our priorities as lying in Africa. I hope that all members of the Parliament agree that that is where the priorities should lie.

I am fascinated that Lesotho has emerged on the pages of our newspapers. I have visited that little country, but I suspect that few people who were shown a map of Africa would be able to point it out. The fact that Prince Harry is there has given it a bit of publicity. I am sure that the Scottish Parliament's "University Challenge" team would have been able to find Lesotho on a map if that was a starter for 10.

We must think about such areas. Quite rightly, as locally elected MSPs, we talk about the impact of the shortcomings of public services on the daily lives of our constituents but, given the lack of services in many areas of sub-Saharan Africa, which face drought, famine, HIV/AIDS and civil war, we are truly blessed compared to the people who live in those areas. We should count our blessings. The shortest sentence in the Bible is, "Jesus wept." Quite honestly, we, too, should weep for some of the difficulties that the people in those areas face.

The theme is freedom, but freedom requires a level of socioeconomic standards and the achievement of goals. My ambition is to see the provision of clean, available drinking water for everyone, which could do more to save lives than anything else. Is it not a bit hypocritical that we are arguing about Coca-Cola selling processed tap water as pure water while people in Africa do not even have a tap?

17:37

Linda Fabiani (Central Scotland) (SNP): I am delighted that we are having this debate. The first line of Sylvia Jackson's motion states that we recognise

"the valuable role of the Commonwealth".

I think that everyone present recognises that. There are few people who do not. I recognise it so much that, even when Scotland is independent, I will be pushing for it to remain part of the Commonwealth.

Sylvia Jackson mentioned the number of countries that are part of that great organisation, which comprises 1.7 billion people. A heck of a lot of people around the world are part of the Commonwealth.

The Harare declaration of 1991 called for the promotion of democracy and good governance, human rights, the rule of law, and sustainable economic and social development. Commonwealth members from the developed world should look to those great goals and help the underdeveloped world to attain them. The Singapore declaration of 1971 set out the principle of international co-operation to promote peace and tolerance and to combat injustice, but here we are 30-odd years later and we are still having to aspire to adhere to that principle.

Co-operation sounds wonderful—it is how the Commonwealth should be run—but we have to examine the problems with member states over the past few years. Thankfully, Fiji has been reinstated as a full member, but Pakistan is still suspended. Moreover, after we suspended Zimbabwe, Mr Mugabe took it out of the Commonwealth. Although we have a spirit of co-operation, that does not mean that the basic principles that were set out in Singapore in 1971 and reaffirmed in Harare in 1991 should be ignored. Nobody should be able to usurp those principles. I have particular respect for Mr McKinnon for taking those principles seriously while trying to deal with, for example, the situation in Zimbabwe. He took a pragmatic view of the situation and tried hard to improve matters. Sadly, however, that did not work.

Margaret Ewing and Keith Raffan spoke about Africa. We are all aware of the awful problems there. Margaret Ewing summed them up well by saying that some people cannot even get a decent drink of water.

Another area of the Commonwealth for which I have particular love and affection is the southern Pacific. I hope to visit many of the islands this summer—I might even end up in New Zealand. I mentioned Fiji, but there is also Kiribati, Samoa, the Solomon Islands and all those places that were once very young members of the Commonwealth and are now very old members of it. Before I say how wonderful they are, I should add that I am a trustee of a charity called Just World Partners, which is registered in Scotland and does sterling work in the southern Pacific islands. The head office is just down the road, in Dalkeith. It is currently working in Fiji on environmental conservation of the coral reefs. We also have projects in Kiribati and the Solomon Islands.

Work is still going on even in areas that we do not hear much about nowadays and member states still co-operate to ensure that we can do everything that we can for all of those members that are not as fortunate as some of us are.

Keith Raffan mentioned the millennium development goals. One of the best things that the

Parliament could lobby the United Kingdom Parliament about is to try hard to reach some of those goals. We should start by matching the United Nations' recommendations for development aid and meeting the target relating to 0.7 per cent of gross domestic product, and we should do so immediately.

17:42

Richard Lochhead (North East Scotland) (SNP): I, too, welcome the debate and congratulate Sylvia Jackson on securing it.

The Scottish Parliament is only five years old and is a relatively new Parliament in world terms. As a result, we can learn much from other countries. I hope that, because we are a new Parliament, there are also things that we can share with other countries.

We live in world of many circles, of which the Commonwealth is one. It is important that the Parliament plays a full role in circles such as the Commonwealth in order to make a contribution to the wider world. Of course, I wish that Scotland was an independent member of the Commonwealth. We are not at the moment—that is a few years down the line—but powers have been devolved, so we have the opportunity to make a contribution.

I remember when I represented the Parliament at the Commonwealth conference, at which there were 500 parliamentarians from 50-odd countries. We met in Australia in 2001. I was there as part of the Scottish delegation with Cathy Jamieson, the Labour MSP who has since gone on to higher things. We sat at the conference as the duo from Scotland; we had a saltire in front of us, which was the first time that that had happened. For a week or so, we were able to pretend that Scotland was there as independent country. We were able to make a contribution. There was a huge, warm welcome from the other countries for Scotland's presence.

Christine May (Central Fife) (Lab): The member suggests learning from other Commonwealth members. Will he join me in paying tribute to and expressing gratitude to those many citizens of Commonwealth states who have played a part in the academic, social and economic life of this country? Does he agree that we have learned from them and from the contributions that they have made?

Richard Lochhead: I am happy to agree with the member. She makes an important point. However, it is also important to say that Scotland's contribution to many Commonwealth countries down the centuries has sometimes not been positive. We in Scotland, and people throughout the UK, should remind ourselves that we have a

debt to repay to many of those countries. We should keep that at the forefront of our minds.

The Commonwealth can play a key role in two specific areas. First, it can play a role in partnership and co-operation with Parliaments in order to improve their accessibility to their electorates. It can also use information technology to improve democracy and, of course, ensure that all the Parliaments learn from one another in scrutinising their respective Governments.

The second area that is extremely important is that of discussions around issues of international development. At the conference in 2001, the biggest and most important issue, which all the delegates wanted to talk about, was international development and the impact on their countries of globalisation.

Commonwealth day was 8 March. Just two weeks before that, the World Commission on the Social Dimension of Globalisation presented to the International Labour Organisation an important report entitled, "A Fair Globalization: Creating Opportunities for All". The report states:

"There are deep-seated and persistent imbalances in the current workings of the global economy, which are ethically unacceptable and politically unsustainable."

The report goes on to draw conclusions from its analysis, two or three of which are devastating. It found that the income gap between the richest and poorest countries was widening significantly. In 1960-62, the average annual income was \$212 for the poorest countries in the world and \$11,417 for the richest. By 2000-2002, the figures had risen to \$267 for the poorest countries and \$32,339 for the richest.

The report goes on to talk about

"a world in which 22 industrialized countries representing only 14 per cent of the world's population dominate about half the world's trade and more than half of its foreign direct investment."

It also states:

"Net overseas development assistance (ODA) flows have been decreasing and are far below the long-standing target of 0.7 per cent of GDP".

The report is important, because it calls for a reform of world governance, which is what Commonwealth countries are looking for. I hope that, despite the fact that Scotland is a small country, we can contribute to the call for the reform of international bodies such as the International Monetary Fund and the World Bank. I hope that when members of Commonwealth Parliaments get together, we can reach conclusions on those issues so that members can go back to their respective Parliaments and try to get their Governments to sign up to the changes. We have to get results from the Commonwealth, especially given that the Scottish Parliament is

sending its representatives overseas. I hope that the Scottish Executive representative who is about to speak will indicate the Executive's support for reforming governance globally so that we can improve the quality of life not only here in Scotland but particularly for the rest of the members of the Commonwealth who desperately need to improve their standard of living.

17:47

The Deputy Minister for Finance and Public Services (Tavish Scott): It is a delight to speak in a debate in which so many members have spoken with eloquence, care and passion about not only the Commonwealth but the world around us. Across the parties is a deep longing for a better world, which has been reflected in so much of what we have heard this evening. I join other colleagues in thanking Sylvia Jackson for introducing the subject for debate and I share her sentiments in welcoming the Commonwealth secretary-general and the high commissioners who are present with us this evening and who will be present later on as well, courtesy of our Presiding Officer.

This is a useful occasion on which to consider the arguments surrounding the work of the Commonwealth and the Commonwealth Parliamentary Association, the Scottish branch of which is here in Edinburgh. I had the pleasure of going on a CPA visit to Quebec a couple of years ago with Rhona Brankin, John Young and Mike Russell—Mike and John no longer grace this Parliament, but Rhona still does. The visit was a special occasion and was about learning not only from Quebec but from all the Canadian provinces about their ways of doing things, their governance and their style of relationships. That answers Richard Lochhead's last point to some extent, because just as he and Cathy Jamieson were in Australia a couple of years ago—I rather suspect that Cathy might have a slightly different perspective on that visit compared to Richard Lochhead's—it is important that our parliamentarians take opportunities to learn from colleagues throughout the Commonwealth.

The Commonwealth is a symbol of positive, constructive and peaceful international interaction. It is founded on the principles of liberty, democracy, international peace, the rule of law and equal rights for all. This nation's contribution to the Commonwealth in the past in building communities and in development is undeniable. Scotland is a land of pioneers; history records the role of Scottish explorers, engineers, doctors and missionaries in the countries of the Commonwealth. Sir David Steel gave me a particularly good example of that missionary work yesterday. He argued that the Scottish influence

on the Commonwealth is that there was no conscious separation of the spiritual from the temporal in its development.

Sir David also recalled this splendid tale. In the then Rhodesia, the development of a strong Christian consciousness of the worth and dignity of the individual was fostered by the spread of education. Amid some tension at a school, a list of grievances was presented to the principal by one of the senior boys. He paused at the end of his speech, bowed and concluded by saying to the principal:

"Sir, we thought it right and proper that this matter should be brought before you in this fashion, so that government of the students, by the students and for the students shall not perish from this mission station."

In passing, I take Mrs Ewing's point about modern-day Zimbabwe, as we all do.

Scotland has many growing links and contacts with countries in the Commonwealth. Last year, Scotland hosted the 15th conference of Commonwealth education ministers—as my colleague Peter Peacock, the Minister for Education and Young People, pointed out to me a moment or so ago. I understand that Don McKinnon was present at the conference, which had the largest turnout of any such conference to date and was recorded by all as a considerable success.

Scotland also held the first ever education youth summit of the Commonwealth. Young people from every country, overseas territory and Crown dependency in the Commonwealth participated in discussions on subjects that covered a substantial agenda for the future. Their conclusions and recommendations were part of the final Edinburgh communiqué. In that way, their impact on education across the Commonwealth will be both valuable and far reaching.

Learning and the pursuit of knowledge—issues that Sylvia Jackson very properly raised—are Scottish traits and are a Scottish theme in the development of the Commonwealth that continues to this day. For the past two years, Kelvin School in Glasgow has enjoyed links with a school in Nigeria that teaches deaf-blind children. Kelvin School has been involved in sending Braille material and equipment to Nigeria. Earlier this year, two teachers from Nigeria visited Kelvin School as part of exchange programmes.

Recently there was a study visit to Nova Scotia involving teachers from throughout Scotland. The visit was based on the cultural and heritage links between the two areas, including Gaelic language teaching. Anderson High School in my constituency is part of the global classroom project and has links with two South African schools. One, Langa High School, is in the heart of Cape Town's

oldest township community. The other is the South Peninsula High School. Anderson High School students were at Langa High School in February—just a month or so ago. At the first conference, a Langa student said:

“We live daily with the consequences of a past your country left us with.”

A Shetland student responded:

“We have to understand each other and this certainly is helping us to do that.”

Anderson High School is an island school with an international outlook. That is an objective that all our schools should aspire to meet.

Scottish universities are reaching out to provide the high-quality education that they can offer to students around the world. The University of Dundee's faculty of education and social work and the Department of Education are building capacity at the Botswana College of Distance and Open Learning. The team is training staff to deliver distance learning to rural Botswana from six outreach centres and is delivering staff development to strengthen basic education and training in Botswana.

The issue of the role of the Scottish Executive has been raised. Government can play a more direct role. Following a proposal made by the Lord Advocate at last April's Commonwealth law ministers conference, the Scottish Executive is offering a series of placement opportunities for lawyers from other Commonwealth countries in the office of the Scottish parliamentary counsel. The trawl, which was co-ordinated by the Commonwealth Secretariat, resulted in a positive response from the countries concerned. A senior state attorney from the Ministry of Justice and Constitutional Affairs in Uganda will take up the first placement in September this year. As a global citizen, Scotland has a role in ensuring that the knowledge that we are privileged to have is transferred as widely as possible. Teaching is fundamental to ensuring that that knowledge transfer takes place.

In closing this important debate for our young, evolving, new Parliament and in illustrating how important Commonwealth Day is, I can do no better than to quote Jordan Smith, a young, visually impaired lad from Anderson High School in my constituency. When visiting Cape Town High School earlier this year, he said:

“I'm never going to see the world ... but I want to know as much about it as I can.”

Meeting closed at 17:54.

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