

MEETING OF THE PARLIAMENT

Wednesday 16 June 2004
(*Afternoon*)

Session 2

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Scottish Parliament

Wednesday 16 June 2004

(Afternoon)

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

Time for Reflection

The Deputy Presiding Officer (Murray Tosh):

Good afternoon. The first item of business is time for reflection. Our time for reflection leader this afternoon is the Rev Alistair Morrison, the Church of Scotland parish minister at the Church of St Mark, Oldhall, in Paisley

The Rev Alistair Morrison (Church of Scotland Parish Minister, Church of St Mark, Oldhall, Paisley): William Shakespeare, in his play "Hamlet", has Polonius say to Laertes:

"to thine own self be true."

Robert Burns, in his poem, "To a Louse", invites us

"To see oursels as ithers see us!"

David, the shepherd boy who became king, writes in Psalm 139:

"O Lord, you have searched me and you know me. You know when I sit and when I rise; you perceive my thoughts from afar. You discern my going out and my lying down; you are familiar with all my ways."

That is a favourite passage of Old Testament scripture that affords me immense comfort, yet at the same time troubles me greatly. We have to be true to ourselves—to our beliefs and our standards—for if we are not, then of what value are they to us or to those who look to us and rely upon us for guidance and leadership? How other people see us, characterise us or judge us is a reflection on what we think, say and do.

What, then, of God's opinion of us? He knows, literally, everything about us—nothing is hidden from his knowledge. He knows all that is good and true; he knows what is wrong and false. He knows what is out in the open and he knows what we seek to hide from others and sometimes even from ourselves. God knows everything, and despite all that might be on the debit side of our life account he continues to show his love and compassion for us. Both the Old and New Testaments of the Bible speak of his continuing and unending involvement with humankind and his concern that we might honour and love him in the way that he loves us.

David was a leader who showed many great qualities in times of war and peace, yet his actions

also demonstrated the many flaws in his character. Above all, he recognised the place, the power and the presence of God in his daily life. As a prayer for us all, let us echo the words of David in the latter verses of the Psalm:

"Search me, O God, and know my heart; test me and know my thoughts. See if there is any offensive way in me, and lead me in the way everlasting."

May we, too, know Almighty God's, place, power and presence in our lives. Through Jesus Christ our Lord.

Amen.

Business Motion

14:33

The Deputy Presiding Officer (Murray Tosh): The next item of business is consideration of business motion S2M-1478, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a revised programme of business for this afternoon.

Motion moved,

That the Parliament agrees the following revision to the programme of business for 16 June 2004—

Wednesday 16 June 2004

after,

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

insert,

followed by Ministerial Statement on the Local Government Finance Review

followed by Ministerial Statement on the Transport White Paper – Scotland's Transport Future.—[Patricia Ferguson.]

Motion agreed to.

Local Government Finance Review

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a statement by Andy Kerr, on the local government finance review. The minister will take questions at the end of his statement and there should therefore be no interventions.

14:34

The Minister for Finance and Public Services (Mr Andy Kerr): I reassure the Rev Alistair Morrison that his voice was heard loud and clear, despite the fact that the microphone was not working too well.

We made a commitment in the partnership agreement to set up an independent review of local government finance. I am happy today to announce the remit of that independent review and I will confirm the membership of the review team to the Parliament in due course.

The support that we give to local government demonstrates that we are committed to the delivery of high-quality public services. We know that the people of Scotland deserve and expect services that are of the highest possible quality. They deserve and expect effective local services that are locally delivered by democratically accountable local councils. We have made a commitment to reform and modernisation and we have secured significant improvements in public service delivery through distributing record levels of resources to local government.

However, that is only part of the story. Around a fifth of local authority net revenue comes directly to local authorities from council tax payers. We all strive for a system of local tax that is as fair and reliable and as predictable and stable as possible and we need to ensure that we strike the right balance for the taxpayer and for local authorities.

It is fair to say that there are concerns about the current council tax system. Now is an appropriate time for a review. The review matters to the people who pay council tax, to local authorities and to the many services upon which we all depend. Local taxation pays for schools, for services for the elderly and the most vulnerable and for services such as the maintenance of roads, street lighting and refuse collection. Let us face facts: no one likes paying tax and any form of taxation has its critics. However, we must also face the fact that taxation is required to fund the services on which we, our families and our communities rely.

We will listen to what the review has to say and we will act. The review has a challenging remit. All the taxation alternatives are up for consideration.

Each of the parties in the Parliament has a different position, as do members of the local government and business communities. The review will examine each of these alternatives: the council tax in its current form; a reformed council tax; a local income tax with a rate that is set locally; a local income tax with a rate that is set nationally; a land value tax; and options for local business taxation.

The review will be independent of the Executive. It will be free to consider the proposals that are put to it by the various parties that are represented in the Parliament and by other interested groups. It will include any model of local taxation that it considers appropriate. Each alternative will be examined carefully and rigorously; its strengths and weaknesses will be identified and the practicalities and wider economic impact of any changes will be considered in depth.

Now is the time for detail and hard work. I have given the independent review the task of considering each proposed tax against a defined set of criteria. It will consider the effect of the proposed tax on economic growth, because a successful economy is key to Scotland's future prosperity and first-class public services are possible only in a successful economy. It is vital that the wider economic impact of any form of taxation is fully considered. We must not forget that high taxes, whether they are levied nationally or locally, have an impact on the economy, on business and, of course, on hard-working families.

The review will consider whether the proposed tax takes account of ability to pay and is fair. We need to be sure that the amount of tax that individuals pay is reasonable given their circumstances.

The review will also consider how easy the tax would be to collect, whether income could effectively be predicted and whether the system would be stable. It will consider what the shift to a new system would involve. It is vital that we get those matters right for local authorities, which require stable funding if they are to provide schools, social care and roads, to take cognisance of changing needs and to plan effectively for the future of their communities.

The review will consider the collection cost of the proposed tax and who would collect it. The administration of council tax, including council tax benefit, has an obvious cost for local authorities, but what would be the cost of administering the alternatives? For example, the Inland Revenue and businesses that have Scottish employees might incur additional costs.

The review will consider the impact of any proposed change on the relationship between the tax and the benefits system. Under the current

council tax system around a quarter of households receive council tax benefit at a cost of about £300 million to the Department for Work and Pensions. What would happen to that under a new system?

The review will also consider the impact of any proposed change on the relative contributions of local and national taxation to paying for local services. As I said, council tax payers currently contribute about a fifth of net revenue. Would that change under any reformed system?

The independent review will test each proposed tax. It will identify the strengths and weaknesses of each and it will make recommendations. We will examine its conclusions carefully.

As we all know, local government finance is complex. However, we must remember that the decisions that we take have major implications for the individuals, families and communities who receive and pay for council services. Any taxation system—local or national—will have implications for our economy and our businesses.

We know that it is not possible to look at local taxation in isolation—nor would we want to. Any change to local taxation will have wider implications for local government finance. I have therefore asked the independent review group to look at the implications for the rest of the distribution system; business rates; the mechanism for distributing grant between authorities; and the relationship of local taxation to domestic water and sewerage charges. Some issues are reserved to Westminster—council tax benefit for one.

Many will be keen to engage with the review and I am keen for them to do so. Only then will we have the full, thorough and independent review that we want. The remit of the independent review group is available from the Scottish Parliament information centre staff at the back of the chamber and it will be circulated to all local authorities today. It is also available on the Scottish Executive website.

The independent review of local government finance will have implications for every single person and business in Scotland. We all deserve a system of taxation that is as fair as we can make it, and we all deserve local authority services of the highest possible quality. The review will be comprehensive and it will represent the most serious consideration of local taxation in Scotland. I challenge this Parliament and the people of Scotland to engage with the review.

The Deputy Presiding Officer: The minister will now take questions on the statement; I will allow around 20 minutes.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I thank the minister for

personally providing me with a copy of the statement just before the start of these proceedings. The minister knows that the Scottish National Party has already presented a detailed policy in support of a local income tax. We will take the opportunity to present our ideas to the review. However, does the minister acknowledge that the reasons for the groundswell of opposition to the council tax are that the tax is not directly related to ability to pay and that bills rose by 40 per cent under the Conservatives and have risen by a further 34 per cent under the Labour Party since 1997? The inherent unfairness of the tax has been exacerbated by the burden of high bills.

If the minister believes in fairness, does he think it right for a senior citizen couple to pay more than £2,000 when their sole income is the pension? If he does not think it right, will he join the growing support for a local income tax?

I want to ask a specific question about timescales. As far as I can see from the papers that have been provided to us, the review and its remit have been announced but we do not yet know who will sit on the review group and we do not yet know when it will report. It has taken more than a year for today's announcement to be made; are we to wait another year—or two years, or three years—before we know the outcome of the review? Is this a case not so much of kicking the whole issue into touch, but of kicking it out of the political stadium in order to save faces in the Liberal Democrats' half of the coalition? The Liberal Democrats promised to axe the council tax, but not, apparently, until 2011. I would be grateful if the minister would clarify whether there is a specific time within which the review must report to the Parliament.

Mr Kerr: Quite correctly, I am limited in how I can respond to many of the points that Fergus Ewing has raised. On the day of the setting up of an independent review, it would not be very fair to slash and burn his proposals for a local income tax. Therefore, it is appropriate that my involvement in the discussion ensures that fairness and ability to pay, which are part of the remit, are considered by the review team.

As regards the timescale, the most important aspect is to get things right. I am sure that the Tories will agree with us on that. We do not want to introduce any short-term measures to mess about with local taxation; it is more important for the review to be carried out properly, in accordance with the criteria that are set out in the review process. Although it is envisaged that the review group will be a short-life working group, I think that it would be appropriate for the review team—once I have announced its membership—to report to interested parties on the timescales involved in the process.

It is tempting to engage in a dialogue about forms of taxation but, on a day like today, it is appropriate to say that the review will be open, accessible and thorough and will have deep meaning for everyone in Scotland. Getting local taxation right for the wider community is a very important part of our work as politicians.

Mr Brian Monteith (Mid Scotland and Fife) (Con): On behalf of the real Opposition, I thank the minister for providing an early copy of his statement.

The fact that we are able to have two statements today makes it quite clear that it would have been possible last week to have had a statement on Scottish Opera from the Minister for Tourism, Culture and Sport and a statement on Reliance contracts from the Minister for Justice. As the real Opposition, we will continue to press those matters at a future date.

I note what the minister said. I heard him say that he was unable to announce the members of the review team. Why can we not have such an announcement today, when that would surely have made sense? The minister also talked about the council tax providing 20 per cent of council revenues, but he will be aware that council tax payers actually pay only 14 per cent of that amount; council tax benefit accounts for the difference. That is an important issue, of which the review should not lose sight.

Although the minister's statement says:

"We know it is not possible to look at local taxation in isolation",

in some regards the review will examine local taxation in isolation, because the remit contains no mention of the responsibilities of local government in Scotland. I suggest to the minister that the review should take into account local authorities' responsibilities so that it will know what global sums need to be raised and how that should be done. By leaving out such consideration, the minister is missing an opportunity to ensure that local government is doing its job properly now that we have a devolved Parliament that may have views on those responsibilities.

I was interested to hear the minister say that any appropriate model of taxation can be considered. What method of local taxation does he or his party propose? I notice that the statement mentions a reformed council tax. Given that we have heard the other partnership party's views on local income tax, I would be interested to hear the views of the minister's party. If, as I suspect, he is unable to provide those views today, I ask him to ensure that all submissions to the review are published on the web.

Mr Kerr: I refer the member to the Labour Party manifesto, which probably provides a greater insight on such matters than anything else. That keeps me from any dangerous incursions into areas into which I should not stray today.

In my statement, I referred to the critical role that the DWP plays in relation to council tax benefit; I mentioned the sum of £300 million. It is part of the review's remit to consider the impact on that of changes to local taxation.

I am not sure where Mr Monteith was heading with his point about whether it was centralisation for us to say from the centre what local government should do and how it should spend its money. I believe that local authorities should be accountable to local people through elections, not through the Executive. However, there are bodies that examine what local government does with its money and how it provides its services—organisations such as the Accounts Commission, Her Majesty's Inspectorate of Education and other inspectorate bodies do that on a regular basis. Therefore, I would argue that, as regards the accountability of local government, we have got things right with the electorate on the inspection side. The Executive's light touch ensures that, through inspection bodies, local authorities are closely examined in their work. With regard to other matters, Brian Monteith can rest assured that the Labour Party will make its views known to the review team in due course.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Will the minister provide an answer for a constituent of mine who is a pensioner and who came to an advice surgery? My constituent has a fixed income, which in relative terms has declined markedly in the past few years, and says that if there is progression in the taxation that they pay—which is a large proportion of their income—the only option is to move away from the house in which they have lived all their life. Will the minister assure me that the independent review will address that point about the ability to pay?

I welcome the minister's comment that local taxation will not be considered in isolation. Will he give an assurance that the review has the potential to consider increasing the proportion of money that is raised locally by local authorities and to consider the most efficient way of doing that?

Mr Kerr: The points that the member raises will clearly be part of the considerations. If not, the member's constituent may raise the point directly, or the member may raise it in another manner. I am sure that the review team will discuss the issue. The balance of funding will also be part of the review.

Presiding Officer, with your permission I will respond to Brian Monteith's question about announcing the membership of the review team. I intend to ensure that we get the right team for the job and I will announce its membership to the Parliament as soon as possible. However, prior to the formal announcement, I will discuss the names with the convener and the deputy convener of the Local Government and Transport Committee in order to gain a wider view of the proposals. I expect to report to the Parliament soon, but I must deal with a few matters before doing so.

Mark Ballard (Lothians) (Green): I welcome the establishment of an independent review and the fact that it will consider systems that are based on taxation of the value of land, alongside other systems for collecting local government revenue. Does the minister agree that it is important that we do not use income as the sole measure of the ability to pay? Given the Executive's commitment to sustainable development, which includes social and environmental measures as well as economic ones, will the independent review consider social and environmental criteria alongside economic ones?

Mr Kerr: I am sure that it will do so, because I am sure that the member, if not others, will raise that matter with the review team. I recognise the member's point that the ability to pay is not simply based on income and his point about sustainable development, but those matters are for the review team. Given its remit, the team will be able to discuss those matters.

Tommy Sheridan (Glasgow) (SSP): I am sure that the people of Scotland will welcome today's announcement because—I hope—it is the beginning of the end of the unfair Tory council tax. I am disappointed that, although we have waited 13 months for the announcement of a review, we do not have a timescale for it, or the membership of the review team. Will the minister give a commitment to aim for a maximum timescale of 12 months for the review team to report to the Executive? Will he give a commitment in considering the membership of the group to consider including representatives from the senior citizen community and the anti-poverty lobby in Scotland to ensure that those voices are heard?

The minister mentioned that the review's remit will include business rates. Will he confirm that the review will be able to recommend that business rates be at long last returned to local control? Will he also give a commitment that, instead of the list of priorities that he mentioned today, he will place ability to pay and fairness at the top of the list? Growth in the economy does not mean much if we have continuing inequality in our economy. We must have fairness and equality. Will the minister put them at the top of the list?

There is a misunderstanding about council tax benefit. The minister said that council tax benefit is paid to a quarter of households in Scotland, but will he confirm and clarify that, in fact, council tax benefit is paid to no households in Scotland and that the removal of council tax benefit will not affect a single household in Scotland? Therefore, it should not be used as an argument against a proper income-based local tax.

Mr Kerr: I will do my best to respond to all those points. If I miss one out I will get back to the member later.

First, I am not in favour of a dictatorial approach that says that the review must report within 12 months. I do not know how long it took to think up the poll tax—probably more than 12 months—and look what that left us with. I am more interested in getting the review right, because it has fundamental effects: yes, on the Scottish economy; yes, on individuals; and yes, on many of the pensioner communities in Scotland. I want the review team to get it right, rather than to set it false deadlines. All of civic Scotland—pensioner organisations, low-pay organisations, anti-poverty lobbies—will have an opportunity to put across their views on local taxation systems. That is what the review is about.

Business rates are an associated issue, and therefore will be part of the work that the review team will undertake. With regard to what is top of the list and what is not, I would argue that all the matters on the list are of equal importance. It is important that our economy is vibrant and earning and that people are in jobs so that they can pay taxes, in order that benefits can be paid to the people of Scotland who are not in as good a position as others. The economy is as important as the other aspects on the list of things to consider. The items are not listed as 1, 2, 3 and so on; they are bullet points, and I would argue that they are all relevant and important.

On the point that the member makes about the council tax benefit system, that is a matter of opinion—an opinion that I am sure that the member will put to the review team.

Maureen Macmillan (Highlands and Islands) (Lab): I welcome the review of the council tax, but I ask the minister to be mindful of the fact that we are still waiting to hear what is going to happen to council tax on second homes. I hope that we might have an answer to that before the review of council tax as a whole begins.

Mr Kerr: I share that hope. Tavish Scott and I are trying to expedite the matter as quickly as possible. As I have said to the Parliament in the past, there is a degree of technical work involved, which we need to resolve, but the intent is there and the work is continuing.

Tricia Marwick (Mid Scotland and Fife) (SNP):

In 1999, the McIntosh commission recommended that there should be an independent review of local government finance, but the Executive at that time refused to set one up. The Parliament's Local Government Committee had to set up its own review. Since then, the council tax has risen by 50 per cent. Is that the reason why the minister now thinks that it is an appropriate time for a review of local government finance? Given the delays in the Executive getting its act together, it is unacceptable that the minister refuses to set a timescale. If he will not give a timescale for that review today, will he give an undertaking to the chamber that he will announce a timescale for reporting when he announces the membership of the review group?

Mr Kerr: First of all, the Executive said that the review would be a thorough examination of Scotland's local taxation system. It has implications well beyond local government; it has implications for working families and businesses in Scotland and it has implications for council services. I therefore repeat the point that I made earlier: this is about getting the review right, as opposed to the speed of response. That will be a matter for the review team to discuss and it will want to indicate the timescale of this undertaking to the Parliament and to others. It is a very significant undertaking. We have agreed, through the partnership, that this is the best way forward, in that it will get all forms of local taxation, and the effects that they have on Scotland, out on the table. That is important, and it is important to take time over that to ensure that we get it right.

Bristow Muldoon (Livingston) (Lab): I welcome the minister's statement that the review will be required to take into account the impact on the Scottish economy of any change in the taxation system. Does the minister agree that the policies proposed by some parties would have a severe impact on middle-earning people, such as academics, which in turn would have a potential impact on the opportunity for the Scottish economy to prosper? To what degree does the minister believe that the advocacy of a local income tax contributed to the abject failure of the Scottish National Party to overtake Labour in the European elections?

Mr Kerr: I will not go there, with due respect. Why intrude on pain?

It is critical that, as part of the review, we understand the implications of what we do in future, because whatever we do to local taxation will mean a reduction in tax for one person and an increase for another. We need to understand people's behaviour during that process and the implications of our actions.

I want to ensure that every model of local taxation—including reformed council tax and local income tax and whether it should be collected locally or nationally—is tested to destruction. Before we take a step, we need to be sure that we are not jumping from the frying pan into the fire. We have seen examples of that happening, and I want to ensure that the review does not do that.

Iain Smith (North East Fife) (LD): I welcome the minister's statement and the setting up of the review. Local government has been calling for one for as long as I can remember—which is longer than members might think. The Liberal Democrats have consistently opposed the council tax as unfair—because it hits hardest those who are on the lowest incomes—and supported the case for a local income tax and we will strongly promote that case to the review. Does the minister agree that it is incumbent on other parties in the Parliament to present their views—whether to retain the council tax, return to the poll tax as the Conservatives seem to want to suggest, or to have some other form of taxation—to the review team as strongly as possible so that it can come up with a genuine analysis of the strengths and weaknesses of all cases, which I believe will come out in favour of a local income tax?

Mr Kerr: The questions are not over yet, but—dare I say it—there has been little criticism of the core areas that the review team will examine. That suggests that, when all the different proposals for local taxation are tested to destruction against those criteria, we will at least have a recommendation on the direction of local taxation in Scotland that comes out of the review team's consultation and understanding and is based on study and reflection. That is the sole purpose of the review, which is about action and listening to civic Scotland on local taxation. However, we must ensure that we get it right and understand the implications of any future local taxation measures.

Des McNulty (Clydebank and Milngavie) (Lab): I ask that the review body be asked to make an early estimate of the costs of introducing an income tax to replace the council tax, because we have had a variety of estimates, from Fergus Ewing's estimate of less than 4p in the pound to the estimate of between 7p and 8p in the pound that most professional people have given. A rational debate would be to ask what such a tax will cost and how it might work, and that needs to come not only before the end of the process, but as near its beginning as possible.

The minister must ask how the deprivation redistribution that takes place under the present arrangements is to be continued under whatever new arrangements are put in place. To maintain services, areas such as Glasgow, West Dunbartonshire and Fife deserve to get some

redistribution above what is collected from them. That is a crucial question.

My final question for ministers is how the taper in any benefit system is to work. Those who are most disadvantaged under the present system are poor people on small occupational pensions. Whether we need to change the whole system or change how rebate systems work is a crucial dimension in the process, because those on small occupational pensions end up becoming liable for every bill, including council tax bills. I would like that to be taken into account in the review.

Mr Kerr: My job is to listen to the review team's findings, which will come after long evidence taking and consideration of all the matters that members have raised today and will raise in future.

Local government distribution is a matter with which I toil daily. Even after 37 distribution reviews since local government reorganisation, the variation for 16 or more councils has been limited to 0.1 per cent of aggregate external finance, which is the money and resources that go to local authorities. Over the years, we have tried to define, refine and closely examine issues such as deprivation and rural sparsity, and those issues continue to be discussed. The review's focus is on revenue—the income stream to local authorities—and its primary function is to consider local income tax, council tax models, land value taxation models and how the income stream works for local government, but as the review team's outline remit says, other matters will be covered.

The Deputy Presiding Officer: My regrets go to those members whose names are still on my screen, but we must now go to the next item of business.

Transport

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a statement by Nicol Stephen on the transport white paper, "Scotland's transport future". The minister will take questions at the end of his statement, during which there should be no interventions.

15:05

The Minister for Transport (Nicol Stephen):

I am publishing today the Executive's transport white paper, "Scotland's transport future". Copies have been placed in the Scottish Parliament information centre and are now available for all members.

Transport is important for our economy, for our communities and for every individual. Our challenge is to transform Scotland's transport, making it more reliable, accessible and customer friendly. It must deliver high-quality services to passengers and business. We are now investing more than ever in major projects: new railway lines and tram lines, the rail links to Glasgow and Edinburgh airports and road improvements. Our biggest commitment is to public transport. In 1998-99, less than a quarter—23 per cent—of the transport budget was spent on public transport. We now spend more than two thirds of the transport budget on buses, trains, ferries, cycling, walking and other forms of public transport.

We want to do more. The importance of transport is increasing. We want to make certain that we have the skills, experience and structures to deliver. In "Scotland's transport future", we set out our proposals. There will be a new transport agency for Scotland and a network of new regional transport partnerships. For the first time, there will be a national strategy for Scottish transport. After decades of neglect and underinvestment, we now have available record resources to deliver a truly integrated transport network for Scotland. The transport budget is substantial, rising to £1 billion per year in 2005-06. Between now and 2012, we plan to spend around £3 billion on major transport infrastructure projects. I have already mentioned the airport rail links; there are also the Stirling-Alloa-Kinross line, Edinburgh trams, the Airdrie to Bathgate line, the Borders rail link and many more projects.

We are making progress, but I fully admit that there is still a long way to go. We want improvements. We have a broad cross-party consensus—which I welcome—on all the projects and all the funding, but we must now create the right environment in which to speed up delivery. Delivering the current programme requires the right people, the right skills and the right structures at central, regional and local levels.

Our proposals for the future are founded on the creation of a new national transport agency and the development of a long-term national transport strategy. We will also legislate to create a network of new statutory regional transport partnerships, which will enable planning and delivery of projects of regional or strategic significance in a way that builds on the good work of the existing informal regional transport partnerships. The national transport agency will be directly accountable to Scottish ministers. It will be a centre of expertise, skills and knowledge. It will be a professional organisation, which will be tasked with delivery.

I make it clear that we have no intention of transferring to the agency any transport powers that are currently exercised by local authorities, with the sole exception of the rail franchise powers of Strathclyde Passenger Transport. Wherever practicable, we want powers to be devolved from the centre to the new regional transport partnerships.

We want to extend the benefits of concessionary travel by introducing national schemes, one for younger people and the other for older and disabled people. To help to achieve that, we propose to create discretionary powers that would allow the agency or regional transport partnerships to operate such concessionary schemes.

At the moment, there are four regional transport bodies: the Highlands and Islands strategic transport partnership, or HITRANS; the south-east Scotland transport partnership, or SESTRAN; the north-east Scotland transport partnership, or NESTRANS; and the west of Scotland transport partnership, or WESTRANS. Each part of Scotland is different and has different transport needs. Those voluntary partnerships have already done a lot of excellent work in building transport strategies across their respective regions and we want to develop that approach. We propose to create a network of statutory regional transport partnerships to cover every part of Scotland. We will consult further with local government on the geographic coverage, powers and duties of the new partnerships, but the intention is to build on the four existing transport partnerships.

We do not intend to take a standard approach in all parts of Scotland. The new partnerships will be flexible enough to tailor their roles and functions to their particular regional needs. Their core membership will come from local government, with a representative from each of the councils in the region. We intend to make it possible for councils to agree to transfer specific transport powers and duties to the new partnerships. Following consultation, we will issue guidance on two or three basic models for the new partnerships. The partnerships will be able to include representation from the local business community and other

external organisations of about a third of their total membership, so decisions that are made on issues will involve those who are best placed to address local transport needs.

The new partnerships will have to prepare a regional transport strategy to make the case for investment and for new infrastructure and to guide and co-ordinate the activities of member councils in their region. They will be able to requisition core funding from revenue support grants; to undertake prudential borrowing, under the prudential borrowing regime, to finance capital infrastructure investment; and to make the case for Scottish Executive funding from grants under section 70 of the Transport (Scotland) Act 2001. We will work closely with the four existing regional partnerships and with local government during the next few months to work out the best shape and function for the new bodies.

Strathclyde Passenger Transport in the west of Scotland is clearly a special case. We have made it clear that we wish to preserve the strengths of SPT and to build on the significant skills and experience of its work force. We are determined that there will be a strong regional transport partnership in the west of Scotland to which SPT's powers will transfer, with the exception of the other rail powers, which, as I said, will transfer to the new agency. Let me be clear that I expect the new regional partnership to continue to have a key role in the development, management and monitoring of rail services in its area.

Those are the structures that we propose to introduce. However, ensuring that our road network is developed and used as efficiently as possible is not just about major projects. Our proposals are also intended to improve the day-to-day management and maintenance of Scotland's roads by tightening the regulation of roadworks.

Recently, we consulted on how to reduce unnecessary disruption caused by utility company roadworks. Such roadworks are obviously a fact of life if we want to access essential services such as water, gas, electricity and telecommunications. However, I want to ensure that they cause minimum disruption for businesses, road users and the public. Repairs must be completed to the highest standards and tough action must be taken if there are failures.

We will do that by improving the quality and co-ordination of roadworks and through tougher enforcement when things go wrong. A new independent body will act as a watchdog and will monitor performance and quality with the power to rule on disputes and impose tough penalties for poor performance. The starting point for improvement will be the Scottish roadworks register, which roads authorities and utility companies have developed in partnership. The

register is not well enough used at present, but it will become the single national planning tool for all roadworks in Scotland, with statutory backing.

In the context of the new national and regional transport arrangements, we also intend to carry out a two-phase review of our toll bridges. The review will examine all Scotland's toll bridges—Skye, Erskine, Tay and Forth—and we expect to have completed the first phase by the autumn of this year, with the overall review completed by summer 2005. The first phase will assess all existing tolls, including the way in which changes to tolls could help to achieve our environmental and economic objectives of reducing pollution and congestion. The second phase will include an examination of the broader issues of the management, operation and maintenance of the bridges.

We have already made it clear that we are committed to ending the discredited toll regime on the Skye bridge. Professional advisers have been appointed, discussions with Skye Bridge Ltd have begun and I believe that we can achieve that goal by the end of this year.

The white paper proposals represent a radical improvement in our ability to deliver new transport projects in Scotland. We want a national transport strategy with a powerful new agency and strong regional transport partnerships that are capable of delivering our £3 billion investment programme and of transforming our transport network.

The new approach gives us the opportunity to improve Scotland's future transport dramatically and to create safer, higher-quality and better-integrated services that respect our environment. Most important of all, it gives everyone in the Parliament and throughout Scotland an opportunity to work together in a new partnership to make certain that we deliver.

The Deputy Presiding Officer: The minister will now take questions. I have a long list on my screen of members who wish to speak, so I appeal for brevity from everyone who is selected.

Mr Kenny MacAskill (Lothians) (SNP): I thank the minister for the courtesy copies of his statement and the white paper. Scottish National Party members agree with much of what he said but, as is often the case with the Executive, more has been left unspecified than has been stated. Will he assure us that, following the demise of SPT, which means the end of a body that has served the west of Scotland well, adequate powers and resources will be available for the new agency, never mind the regional bodies? Will he confirm that, to prevent the national agency from being simply a rebranding of the Scottish Executive's roads divisions, it will receive the rail powers that Network Rail and the Strategic Rail

Authority possess, together with the requisite share of finance? Will similar powers that are available to other bodies, or the ability to direct and instruct United Kingdom organisations, be transferred in respect of air and maritime matters?

Nicol Stephen: I cannot give reassurance on all those points, but I can guarantee that the new agency will be strong. We will seek to attract to the new agency skilled transport professionals from throughout Scotland and from other parts of the UK. It is vital to attract new skills, especially in public transport, because for decades in Scotland we have not delivered the sorts of new rail and tram projects and the scale of investment in bus services that we are now committed to delivering.

As Kenny MacAskill knows, a rail review is taking place. The review is important and we are very much a part of it. I have discussed the rail review with Alistair Darling to follow up his commitment—in his statement announcing the review to the House of Commons—that he would like further devolution of powers to Scotland and to Wales. We welcome the opportunity for and strongly support further devolution of powers, provided that appropriate resources accompany those new responsibilities. I hope that the new agency will receive additional powers on those matters. We will find out about the UK rail review in the coming weeks and months.

I emphasise that the new agency does not mark the demise of SPT. I referred to SPT in my statement because of the level of concern that had been expressed, especially when the consultation document on the agency was published. Since last autumn, I have had regular and extremely constructive discussions with SPT, including with Alistair Watson, who is SPT's chairman.

I have emphasised that we are not going for a monolithic or one-size-fits-all approach throughout Scotland. We will reflect and recognise the differences in the regional bodies in the proposed legislation. I envisage a strong regional partnership in the west of Scotland, to which the powers of SPT will be transferred and which will have at its heart the management, the staff and the functions of SPT at present. The only exception to that relates to the rail franchise powers. In my statement, I went out of my way to emphasise that I still expect SPT to have a direct role in the management and development of rail services in the west of Scotland.

I regard the statement as positive for SPT, its staff and its management. Most important of all is the fact that passengers in the west of Scotland can look forward to further development of SPT's powers and functions as a result of the statement.

David Mundell (South of Scotland) (Con): I thank the minister for alerting me to his statement.

I have a short question. What will he do after the agency is set up? Is it not the minister's job to devise the national transport strategy for Scotland and to ensure the delivery of the key projects? What undertaking can he give us that there will not simply be another expensive quango that will reinvent the wheel and give further excuses for non-delivery?

Nicol Stephen: There will be a new agency—it will not be a new quango—and, as an agency, it will be directly accountable to ministers. We need the new agency and the skills and professionalism to deliver projects specifically because of the decades of underinvestment in our public transport infrastructure. There was a Conservative Government for most of those years and projects ground to one almighty halt under the Conservatives' leadership.

We are talking about kick-starting a different level of investment. Under the Conservatives, less than 25 per cent of total transport investment was in public transport and more than 75 per cent was in our roads infrastructure. We want to shift that balance and we want to increase spend. Indeed, we are doing both. We are dramatically increasing spend on transport and we are shifting the emphasis towards public transport. To do that well, effectively and on time and to ensure that we deliver, we need the new agency.

Iain Smith (North East Fife) (LD): I have a couple of quick questions about the statement, which I welcome. First, will the minister give an assurance that the regional partnerships will genuinely be about partnerships and local authorities working together in areas to provide better transport services for their communities and not about imposing structures on unwilling local government throughout Scotland? In particular, perhaps he could say a few words about the peculiar situation in which Fife finds itself, whereby it might be split asunder in relation to those regional transport strategies. Secondly, will he give an assurance that the proposals for restructuring will not lead to any delays in the processing of existing transport projects, such as the Borders rail link and the many other important transport projects that are outlined in the document?

Nicol Stephen: The central purpose of the new transport agency is to speed up delivery and to make delivery more effective—all my efforts will be focused on achieving that. It is crucial that we keep on target and on track with the major infrastructure projects. Towards the back of the document, we have listed for the first time all the public transport projects and roads projects. We have set ourselves timescales for the delivery of those projects and the transport agency is absolutely crucial in making certain that we deliver to those timescales.

On the regional partnerships, we genuinely want co-operation between councils. We will encourage councils through the consultation process to make proposals that will fit their own areas. For example, we have made it clear that we would be willing to consider a local authority such as Fife Council being a member of two different transport partnerships—perhaps Argyll and Bute Council could be, too. We will want to consider that matter while being very much aware that that could have an impact on other aspects of community planning and the delivery of other services. We are not jumping to conclusions, but we will fully consult on the issue and the opportunity that I have suggested remains open.

We are determined to ensure that the regional transport partnerships are effective. We do not want a situation in which one local authority can withdraw from a partnership or would be unwilling to commit resources to the partnership. That is why we have taken the approach that is outlined in the white paper, which is strong but still emphasises the crucial role of local government.

Chris Ballance (South of Scotland) (Green): I have three short questions to ask the minister. First, how will the statutory body that will replace SPT ensure integrated public transport? Secondly, how will the green transport plans that are mentioned in the white paper instruct local authorities in their regional planning? What status will they have? Will there be a department of significant stature on healthy transport within the new agency? Finally, will the transport strategy include interim targets to reach the Executive's target of reducing the level of traffic and stabilising it at the 2001 level by 2021, or will that commitment remain a pie-in-the-sky dream to be ridiculed by the minister's successors? Scotland needs a transport strategy—

The Deputy Presiding Officer: No speeches, please. You have asked your questions; let us move on.

Chris Ballance: Okay. Thank you. How will the Executive's strategy deliver that without interim targets?

The Deputy Presiding Officer: Three short answers, minister.

Nicol Stephen: SPT and its powers will be transferred into the new, strong west of Scotland regional transport authority, which, for the first time, will be able to deliver an integrated approach that brings together the roads functions and the functions that are not currently available to SPT relating to bus lanes and park-and-ride facilities.

Green transport plans are a crucial part of our future development proposals. We must work closely with our colleagues in planning, in economic development and in all aspects of

government to get the right transport solutions. However, green transport plans and their promotion will be an important responsibility of the new transport agency.

I would have thought that Chris Ballance would welcome the announcement today of our first national transport strategy for Scotland. The issues that he has raised will be considered in the context of the new strategy.

Rosie Kane (Glasgow) (SSP): I thank the minister for his statement. I, too, have three questions. First, will he set aside any funding that is in the transport budget for the construction of the M74 northern extension pending the results of the inquiry that is under way? Secondly, is he aware of the Standing Advisory Committee for Trunk Road Assessment's report, which was commissioned by Margaret Thatcher's Government and which tells us that building new roads just creates greater car use? Building new roads would be an error for Scotland and for the plan. Thirdly, concessionary travel schemes for pensioners in Wales are multimodal and have no time restrictions in place. Why can we not have such schemes here?

Nicol Stephen: All the proposals that are set out on page 66 of the document, in relation to major transport infrastructure projects, have been budgeted for. The M74 proposal is part of our commitment to provide £3 billion of new investment for major projects in the period up to 2012. Clearly, that is without prejudice to the results of the inquiry, which will be submitted to me in due course.

It is for exactly the reason that Rosie Kane identifies in relation to the focus of previous spend on trunk roads and roads in general that we have, as I set out in the statement, shifted dramatically the level of expenditure on public transport. We have significantly increased our spending on public transport and it is clear that, in the balance of priorities, we are committed to public transport. However, there continues to be a need for investment in the completion of the trunk road network, the bypassing of key settlements and communities and the upgrading of the road network for safety and other—sometimes environmental and economic—reasons. We will continue to invest in roads.

We are determined to introduce a national concessionary fares scheme. The details of that will be announced in due course.

Jackie Baillie (Dumbarton) (Lab): I welcome the minister's announcement about the toll bridges review group. Along with Trish Godman and Des McNulty, I hope that he will encourage the group to consider closely the Erskine bridge—another of Scotland's most discredited toll regimes. The

minister will be aware that the tolls were introduced for the sole purpose of paying for the construction of the bridge some three decades ago. He will also be aware that we have now paid for the bridge not once, not twice, but five times over. Unlike other bridges, it is one that the Executive owns. Can we look forward to early action being taken on removing the tolls from the Erskine bridge?

Nicol Stephen: Those will be key considerations for us in relation to the bridges review.

Jackie Baillie: Yes or no?

Nicol Stephen: The short answer is yes. There are, however, issues to do with the cost of the maintenance of our bridges and, as I said in my statement, we have to consider economic and environmental issues. I give members the commitment that all the issues will be fairly assessed in the bridges review.

Brian Adam (Aberdeen North) (SNP): I have two questions for the minister. The first relates to the ability of the new local partnerships to requisition core funding from rate support grant. In what respects will the new partnerships differ from police and fire boards that are joint boards? What impact will the power have on local democracy and local councils' budgets? Secondly, the minister talked about having strong local partnerships. What powers will they have to regulate what have become, in effect, private monopolies? Previously, transport provision was a public monopoly.

Nicol Stephen: The new regional transport partnerships are clearly not joint boards and will be established by separate legislation. We are building on the current regional partnerships, which in all cases receive some funding from the Executive and some funding from local authorities. We are trying to work with the grain and with the current partnerships to develop the existing approach.

I recognise that some local authorities do not like the power of requisition, so we will carry out full consultation on the new funding arrangements. I am determined that the new regional partnerships will be well funded and able to deliver. Individual local authorities should not have an opt-out facility from the proposals.

Mr John Home Robertson (East Lothian) (Lab): I welcome the minister's acknowledgement of the great achievements of SPT and hope sincerely that arrangements following the review will not disrupt its good work. Does he acknowledge that there is a powerful case for establishing a similar regional agency for the east of Scotland, covering Lothian, Fife and the Dundee area, to co-ordinate public transport in that part of the country?

Nicol Stephen: I hope that the new regional transport partnerships will be strong and appropriate in all parts of Scotland. The new partnerships will have an opportunity to do more than the existing SESTRAN or HITRANS. I know that that is the ambition of many members of the Scottish Parliament from the areas that the partnerships cover. It is also the ambition of many transport planners and professionals across Scotland. We are determined to work in partnership to encourage developments, instead of forcing them on local areas. Far more can be achieved in co-operation with local government and local transport operators than through direction. However, there is great potential for SESTRAN to develop into a powerful regional transport partnership for the south-east of Scotland and to advance considerably from the current position.

John Scott (Ayr) (Con): How will airport development fit into the strategy? In particular, will the strategy support the continuing growth of Prestwick airport? Will the minister assure us that he will do all that he can to increase the capacity on the Glasgow to Prestwick rail route to match the growing demand on it?

Nicol Stephen: Air travel is one area in which certain responsibilities are reserved and certain responsibilities are devolved. Through the planning system, our investment in the new airport rail links, the upgrading of the line south to Prestwick, improvements to Prestwick rail station and our support for the route development fund, which has been very important for Prestwick, we will continue to have a central role in air projects and development. The national transport agency will play a crucial part in that respect and will need to recruit expertise on air issues.

Pauline McNeill (Glasgow Kelvin) (Lab): What benefits will the new transport agency bring to bus services for Scotland's communities? Will the agency have the powers to address the deficiency in bus services on which many communities rely? Where routes are profitable there is a good service, but where they are not there tends to be a bad service. Does the minister agree that action must be taken to tackle the bus industry where it is not delivering a service, especially to communities that rely on bus services and have no choice?

Nicol Stephen: I agree that there continue to be problems, especially in some rural communities and in relation to weekend and evening services. We hoped that the Transport (Scotland) Act 2001, which provided the opportunity to introduce quality partnerships or quality contracts, would lead to improvements in and development of the bus network. There are many informal quality partnerships, but there are not yet any statutory partnerships. It will be the responsibility of the new

agency to ensure that we develop such partnerships, that we are able to make effective use of the provisions in the 2001 act and that we deliver on our commitment to the bus route development fund. That fund, which amounts to £18 million over three years, is a significant new investment in bus services in Scotland. It goes beyond our commitment on concessionary fares and it will lead to the kick-starting of new and developed services, particularly in the areas that I mentioned at the start of my answer—rural, weekend and evening services.

John Swinburne (Central Scotland) (SSCUP):

Will the minister look at the problem that I have raised before about senior citizens going from A to B—from Edinburgh to Glasgow, or vice versa, for example—and finding that, when they reach the boundary of the travel scheme area, they are decanted from the bus and have to stand in the rain for half an hour waiting on the next bus, on which they pay their fare for the remaining part of their journey? If they are going to Dumfries, the drivers put them off at Beattock. Instead of waiting a year before attending to the matter, the minister must attend to it now so that, in the interim period, senior citizens are not disadvantaged as they have been throughout the time for which I have been a member of the Scottish Parliament. The minister is responsible for the situation that I have described—will he remedy it?

Nicol Stephen: John Swinburne describes exactly why we need to move to a national scheme. The problems that he mentioned occur—I do not approve of them and they need to stop. They are caused solely because there are boundaries between the 16 local schemes that operate at present. I have made representations on the matter. It is true that some members of staff in the bus companies try to operate more flexibly than others do. However, the new national scheme will bring an end to the situation that the member describes and I will be as delighted as he is when that occurs, which should be soon.

Helen Eadie (Dunfermline East) (Lab): How will the minister address the issues that Des McNulty highlighted earlier about deprivation? As Des McNulty said, Fife is one of the areas with particularly high unemployment. Will the minister look at the economic issues as well as the transportation issues when he comes to prioritise matters such as whether there will be a new Forth road bridge? As I crossed the bridge this morning, the traffic going towards Fife was queueing all the way back to Newton—a distance of 6 or 7 miles. Will he give that problem some priority? I welcome the review of tolls in Scotland and I hope that Fife will be included in that.

Nicol Stephen: Economic opportunities are absolutely central to the white paper to ensure that

areas of deprivation have access to good-quality communications and that we have linkages between where people stay and where they can gain employment. That is crucial to our future transport strategy.

In relation to the proposals for the Forth road bridge and an additional crossing, we have proposals for a second bridge at Kincardine. We have encouraged the Forth Estuary Transport Authority, which is responsible for the Forth road bridge, to think about the longer-term opportunities for a new bridge. We await its consultancy proposals and recommendations with interest.

Robin Harper (Lothians) (Green): I am sure that the minister regards walking as an important form of transport. Will he consult the Minister for Health and Community Care and the Minister for Education and Young People on the contribution that walking can make to the health of our young people?

Is the minister aware of the recent report that said that the Westminster Government had fudged its figures on air transport and that, by 2050, air transport will, unless we put some curbs on it, contribute 30 per cent of the total global warming gases in the world?

The Deputy Presiding Officer: In the interests of time, minister, please deal with the devolved issues.

Nicol Stephen: Walking and indeed running make an important contribution. I am told that Mr Harper engaged in the Edinburgh marathon at the weekend, so I congratulate him on that. We are doing a lot to encourage schoolchildren to walk to school, including through the safer routes to school scheme, and we are making important investments.

I am not aware of any fudging of figures in relation to the air development issues that the member mentioned. However, it is important that the route development fund gives to business and passengers the opportunity of direct, single flights to new destinations, so that people do not have to take two flights, including one to Heathrow or some other hub airport before flying on to their destination.

The Deputy Presiding Officer: I apologise to the three remaining members who wanted to ask a question and to the two members who gave up and went away, but I have to move on.

Family Law

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-1464, in the name of Cathy Jamieson, on "Family Matters: Improving Family Law in Scotland", and two amendments to the motion.

15:40

The Minister for Justice (Cathy Jamieson):

I am glad to have the opportunity to open this afternoon's debate. As 2004 is the 10th anniversary of the United Nations year of the family, it is particularly fitting that the Parliament is debating family law reform. This issue potentially affects us all, and we all have strong views on it, which no doubt will be expressed during the debate.

It is worth recognising that Scotland is changing—indeed, it has changed—and that our legal framework needs to catch up to ensure that all Scotland's people have legal protection and that our children are not left vulnerable or impoverished. I want to make it clear at the outset that I am not talking about big or intrusive family law that will interfere in family life. The state should play little or no role in families that are strong and are functioning well. Family life should, wherever possible, be an issue for families. However, we can help by providing the right kind of support when families hit a rocky patch; we also have a role in establishing a sensible framework of legal safeguards for use when, sadly, family relationships break down.

Children do well when the adults in their lives have a stable relationship and suffer when there is adult conflict. As a result, my goal is to ensure that services are available to all families who are under stress and that issues are dealt with before they threaten relationships. By doing that, we will reduce pain and avert emotional and—in some cases—financial costs. Our family counselling and mediation services are currently uneven and are not well linked to local authority social work and education services. Quite often, couples complain that they face obstacles because of the way in which services are organised.

We need to face some hard questions about how we structure and resource family support. Although such questions will not be answered overnight, I have started the process with the main voluntary sector bodies by providing new money for a change programme that will help them to integrate their core functions. Supporting stable families is a major and important agenda and must be tackled in the round.

Phil Gallie (South of Scotland) (Con):

Children's views are held supreme in the Children

(Scotland) Act 1995. Will the minister consider building protection into any future legislation for those children who are caught up in the disturbing situations that she has referred to who want to maintain contact with the wider family circle, particularly grandparents?

Cathy Jamieson: I will address that point in more detail later. As the Executive's motion makes clear, we believe that the position of children and their views are very important.

We are consulting on a range of issues that will help us to shape the detail of family law reform. I want to highlight two or three of those issues. First, we have to tackle some of the current problems and misconceptions surrounding the issue of unmarried fathers, especially as we know that about 40 per cent of children are born to unmarried parents. One of the common misconceptions is that being named as the father on a birth certificate confers parental responsibilities and rights. Of course, that is not the case. The law in Scotland does not give unmarried fathers automatic recognition. That would not be a problem for relationships that are happy, stable and functioning, but it can be a problem if the relationship breaks down.

As a result, we propose that joint registration of a child by an unmarried couple will confer the same responsibilities and rights on both parents. We believe that that will be fairer for unmarried fathers and, above all, should be in the best interests of the child. That said, I acknowledge that people have some concerns about situations that feature violent relationships. We will continue to ensure that the child's needs are considered.

People have strong views about divorce. We are making it clear that we propose to reform divorce law in Scotland. I want to minimise the acrimony in divorce and enable couples who have concluded that they need to end their marriage to do so without unnecessary conflict and recrimination. That is why we propose to reduce the minimum period for which couples must live apart before a divorce is granted without consent from five years to two years and to reduce the minimum period for divorces with consent from two years to one year. I believe that that would assist the children of a marriage to come to terms with what can be one of the most stressful experiences that they can have. I do not believe that the proposal would create, or increase, instances of divorce; I believe that it would be fairer for the parents involved. Above all, we ought to consider the best interests of the children.

Mrs Nanette Milne (North East Scotland)

(Con): On divorced fathers, will the minister consider the possibility of joint residence rights? I am aware that instances in which it is natural for a mother to be given residence rights lead to

conflict, which I do not think is in the best interests of the children.

Cathy Jamieson: The important thing is the best interests of the children, which ought to prevail at all times. It is unhelpful for adults to squabble, argue and use children as pawns in the process. Whatever we do in the proposed bill, we must find ways of ensuring that such situations do not arise and of taking account of the children's views.

Another issue on which people will have strong views is legal protection for cohabitants. If family law is to reflect Scottish society truly, we must recognise that many committed couples choose not to marry. Increasing numbers of children are born and raised in cohabiting families. For many people, cohabitation and parenting now go hand in hand. The most recent census showed that there are more than 200,000 cohabiting couple households with one or more dependent children. However, there is considerable confusion about the legal position of cohabitants.

Stewart Stevenson (Banff and Buchan) (SNP): Will the minister take an intervention?

Cathy Jamieson: I want to move on, if I may, because I will end up running out of time.

Surveys suggest that more than half of Scots believe that cohabiting couples have common-law rights that give them the same rights as married couples. Of course, that is not the case. The present law makes some provision for cohabiting couples, but legal protection is limited. That vulnerability sits uncomfortably alongside the significant number of Scotland's children who are part of cohabiting couple families. The status quo is simply not an option when many children are left in families without proper legal safeguards.

We do not propose that cohabitation should have equivalent status with marriage. Our objective is to introduce basic legal safeguards for when a relationship ends or one party dies. Our proposed reforms would not undermine marriage or the freedom of those who have chosen not to marry.

I will say a word on the amendments, beginning with Annabel Goldie's, although, obviously, I have not heard her speak yet. In common with other countries, Scotland has seen significant changes in family make-up. We need to provide stability through legal safeguards for children and adults. We recognise and value strongly the institution of marriage, but we also recognise and acknowledge that family composition is diverse. Legislation must be able to accommodate that diversity, support all family units and enable them to play a part in society. I do not believe that the special place of marriage—which is, indeed, very special for many of Scotland's people—is undermined by any of our proposals.

There is nothing in the wording of Nicola Sturgeon's amendment with which I would disagree in principle. Indeed, we recognise that cohabitation has moved from being a minority situation to being a dominant family type in Scotland. As I said, it is not our intention to extend to cohabitants the same legal framework as exists for marriage, but we need to introduce basic legal safeguards that will come into play when a relationship ends. However, we want to give an opportunity in the debate for all the issues in our consultation document to be explored. Again, I have not heard Nicola Sturgeon speak yet, but I ask her to recognise that her amendment refers to only one of the issues that is covered in the consultation document. At this stage, I would not want to single out only one of the issues in an amendment. I hope that she has heard the assurances that I have given today and that she will consider withdrawing her amendment so that we can unite at this point around the needs of children and young people as a priority.

I have a couple of points on step-parents. It will be very important that we address the changing pattern of family formations, because one in four marriages now involves people who have been married previously. Therefore, increasing numbers of children live in families in which step-parents care for them but do not have parental responsibilities and rights. Around one in every 12 families in Britain includes stepchildren, which is why there is a point in the consultation document about whether it should be possible for step-parents to acquire parental responsibilities and rights, when the birth parents agree to that.

Phil Gallie asked about contact between children and their wider family. There is no doubt that children's lives are greatly enriched by the involvement of their wider family and we seek to promote that. Such contact is usually welcomed by parents, but sadly that is not always the case. When parents separate, members of the wider family—especially grandparents—as well as children can suffer through loss of contact. That is why there have been calls for an automatic right of contact to be extended to grandparents.

I have a great deal of sympathy with the plight of grandparents who find that contact with their grandchildren is suddenly restricted or cut off. However, we must consider whether it would be in the best interests of the child if we were to legislate to give an automatic right of contact in all cases, without taking account of the views of the children and young people. However, wherever possible, I want to ensure continuity of relationships between children and their wider family, especially grandparents. We are not convinced that a legislative solution on its own would deliver that continuity, but we recognise the tremendous role that grandparents and other close

relatives can have in a child's development. That is why we will actively seek views during the consultation from all interested parties on how best to promote continued contact between children and members of their wider family.

Earlier in the week I was interviewed by two young journalists from the Young Scot organisation, Scott McKay and Ian Christie. I was greatly impressed by their interest in a range of family law issues, not only those that affect young people directly. They reminded me that, uniquely in my portfolio, family law is relevant to everyone. Everybody belongs to a family and everybody can be affected when families break down.

I want Scotland to be a place in which "family" is a treasured word and concept that is supported by strong and modern legal frameworks. I want the law to protect the vulnerable and I want it to recognise that children are better protected when the adults around them are clear about their responsibilities and their rights. On the breakdown of relationships, I want the law to help rather than to hinder.

Some people might see any change to the law as an attack on traditional values, but they should not do so and I hope that they will not. The reforms that we propose are based around a principle that is central to everything that we stand for as a nation and as a society: the best interests of children.

I move,

That the Parliament agrees that family law reform must safeguard the best interests of children; believes that stability in families should be promoted and supported, and therefore supports the reform of family law so that it reflects the reality of families in Scotland today.

15:52

Nicola Sturgeon (Glasgow) (SNP): This is an important topic for debate; I agree that it is a subject on which there will be considerable consensus and common ground, but it is also an area of policy that urgently requires some decision and action. We all agree that consultation is a good thing; so, too, is trying to forge some sort of consensus on difficult and controversial issues. However, the consultation on those issues has been on-going for some time, since 1999. I hope that at the end of the latest consultation, at the end of the month, the Scottish Executive will move reasonably swiftly to make decisions and to take action as is necessary. While we talk, real families in real situations face real and difficult problems because family law, as it stands, does not recognise and cater for the realities of their lives.

I will focus first on where I agree with the Scottish Executive and with the thrust of the consultation document. I endorse totally the

principles on which the review is based. In any discussion about family law, the interests of children must be paramount at all times. I believe fundamentally that the stability of families—whatever their shape or make-up—is what is important. That is especially important for children. The law cannot reflect society as some would like it to be; it must reflect the realities of modern life in order that all individuals are afforded protection when things go wrong in relationships, as inevitably they will.

I agree with the Executive on the areas in which firm proposals are being made. An unmarried father who jointly registers with the child's mother the birth of his child should automatically get parental rights and responsibilities. As has been said, rightly, many unmarried fathers assume that that is the case, even though it is not.

Phil Gallie: Nicola Sturgeon said that things inevitably go wrong at times in marriages and relationships. Does she think that by weakening the divorce laws we might create a situation in which those times of trouble simply become an excuse to get divorced?

Nicola Sturgeon: I have some practical experience of divorce law. The time limits that are currently in place exacerbate the tensions and frictions within families and relationships that are going through the process of breakdown. That is why I support the proposals in the consultation paper, which I will come back to—in fact, I am right at that point in my speech.

I agree that the periods of separation that constitute the grounds for divorce should be reduced from five years to two years and from two years to one year, as appropriate. However, I make the point that I made a couple of weeks ago in the debate about the Civil Partnership Bill that is being considered at Westminster. That bill would retain the five-year and two-year periods of separation as the grounds for dissolving a civil partnership and it would be rather bizarre to create a situation in Scotland in which it would be easier to get divorced than it would be to dissolve a civil partnership. That issue has been touched on and perhaps the Scottish Executive will indicate how it intends to tidy up that anomaly.

I turn to legal protection for cohabiting couples. I make it absolutely clear that I think that marriage has, and should continue to have, a special place in society. After all, marriage remains the option that is chosen by most couples who want to make a long-term commitment to each other. However, respect for marriage does not, and should not, mean that other relationships are treated as less valid. Some people fear that giving legal rights and protection to people who choose to live together without being married would somehow undermine marriage, but I do not accept that that is the case.

If the denial of protection to unmarried couples made such couples more likely to get married, we would not be witnessing the current trend for more and more people to choose to live together rather than get married, although that means that they will have no or few legal rights. The fact is that people choose the form of relationship that suits them best, regardless of what the law says. The law should not be the moral judge of people's choices. If we do not modernise the law to reflect the facts of life, people who choose not to marry but who are nevertheless in long-term, committed relationships will continue to find themselves in horrendous circumstances when things go wrong.

In the consultation paper, the Executive appears to be edging towards proposals that would represent an important step in the right direction. However, the rights that are proposed would be minimal rights that would mean, for example, that the onus would still be on someone whose partner had died to go to court to secure an interest in their late partner's estate. Those minimal rights might be enough for couples who deliberately choose not to have any formalities around their relationship, but many people choose not to get married for all sorts of personal reasons and not because they do not want their relationship to have some form of recognition. I cannot quite understand why it is acceptable for a gay couple, but not a heterosexual couple, to register a civil partnership. That could be explored further.

Family law is not a party-political issue. There are differences between and within parties. We will not treat the matter as a party-political issue, but we will put forward our views and ideas and we will discuss them with the Executive. I hope that our ideas will be considered in the spirit in which they are intended and that they will be treated constructively.

I move amendment S2M-1464.2, to insert at end:

"and ensures meaningful protection under the law, particularly in the event of separation or the death of one partner, for couples who have made the legitimate choice to live together without being married."

15:59

Miss Annabel Goldie (West of Scotland) (Con): This is an important topic and I am sorry that it has been crushed into a very short debate. However, for better or for worse, we will try to contribute in that short time.

I reflect on the words "for better or for worse", which are synonymous with the commitment to marriage. I have never uttered them myself in that context, but they remain of interest and there is evidence that they promote and support stability in families. Indeed, the Executive motion says that

"stability in families should be promoted and supported", but, interestingly, it does not mention marriage.

I listened to the positive comments that the minister made about marriage, which were echoed by Nicola Sturgeon, but I have a slight concern that marriage is not being promoted by Government as the fundamental and stable bastion that it is proving to be. That description of marriage is based on evidence. The recent Civitas study—"Experiments in Living: The Fatherless Family"—contained interesting though very distressing findings. It has been shown consistently that, sadly, many young people who do not live within the framework of a marriage seem to suffer more, do less well, and encounter problems that their counterparts within a two-partner framework do not seem to encounter. In making that comment, I am not being judgmental. Not for a moment am I suggesting that we demote, dismiss or discount other situations or relationships. That would be ridiculous. All that I am trying to say is that, when we consider the context of family law, it is important that the proven stability that is offered by marriage be acknowledged.

Scott Barrie (Dunfermline West) (Lab): Does Miss Goldie agree that one reason for problems in the scenario that she describes could be the low status of unmarried fathers in the law? If we enshrine the status of unmarried fathers, the scenario that she describes could be improved.

Miss Goldie: I am just coming on to discuss such issues.

The consultation paper contains some sensible and useful proposals, and I want to make it crystal clear that I am in no way denigrating or disparaging those proposals. However, I am a little anxious that Government is not giving a lead. Government has to give a lead. The role of Government is not always simply to react to what is happening; sometimes Government has to say what seems sensible and good and what may be best for society. Sometimes Government should promote such things as best it can.

Nicola Sturgeon: Will the member take an intervention?

Miss Goldie: I am so short of time that I really cannot take an intervention.

I feel that a role of Government is to acknowledge what works and what is good. However, I agree that—as the consultation paper suggests—Government must also make provision for other arrangements. As Nicola Sturgeon said, there are many situations in which it is important to make such arrangements.

Much in the consultation paper is positive. I want to pay particular attention to the issue of contact

between children and their wider family. I am sure that I am not alone in having received distressing correspondence from grandparents who are estranged from their grandchildren. Such estrangements are a perplexing and sad part of society today. I have an enduring concern, but I was heartened to hear the minister say that she does not think that statutory or legislative intervention is necessarily best. I would have a deep apprehension about such intervention, because parents may, for very good reasons, decide what access by grandparents is appropriate or not appropriate. If we try to confer rights on grandparents—rights that are enforceable by law—we could get into extraordinary situations in which parents have refused to give access and grandparents have gone to law to seek to enforce their right of access. It does not take much imagination to envisage what the climate would then be like in those families. It would run counter to everything that we all seek to achieve.

In urging the Executive to recognise the value of marriage, we do not in any way seek to denigrate other proposals in the consultation paper. However, we feel unease about reductions to the period that is required for divorce on the ground of irretrievable breakdown. It could be argued that that weakens the institution of marriage and we are naturally concerned about that. However, we are prepared to wait for the responses to the consultation, and we are certainly prepared to listen to arguments.

I move amendment S2M-1464.1, to leave out from “and therefore” to end and insert:

“recognises that marriage has proved to be the most stable and viable framework within which to raise children, and therefore calls on the Scottish Executive, in considering any legislation, to ensure that marriage is not undermined by any such legislative changes.”

The Deputy Presiding Officer (Trish Godman): We move to the open debate. I ask members to keep their speeches to within four minutes. I call Karen Whitefield, to be followed by Stewart Stevenson.

16:04

Karen Whitefield (Airdrie and Shotts) (Lab): There is no doubt that the nature of the family in Scotland and, indeed, across Europe is changing. The figures in the research document “Family formation and dissolution” demonstrate clearly an increase in cohabitation, delayed parenting, lone parenthood and living alone. In addition, the number of marriages in Scotland has steadily decreased since 1951. It is clear that there are differing views about the impact that those trends have on society and about what is the ideal family.

I welcome the Scottish Executive's recognition of the important role of marriage in maintaining a

stable family environment. Its consultation document states:

“The Executive is quite clear that marriage has a special place in society and that its distinctive legal status should be preserved.”

However, I must say that I have many friends who have perfectly strong and loving families without being married. It is important that we acknowledge the value of other types of families, such as those involving lone or cohabiting parents. It is equally important that we offer proper protection to the members of those types of families.

Any law must be relevant to the circumstances of the time. It is clear that, at the moment, that is not the case with family law. For example, deficiencies in the laws pertaining to cohabiting families and matrimonial interdicts are causing genuine distress and, in some cases, abuse for many family members. It is especially important that the proposed family law bill places at its core the welfare of children. I am pleased that the consultation document details that as one of the key guiding principles, along with promoting and supporting family stability.

I welcome the proposal to introduce statutory parental rights and responsibilities for unmarried parents. For me, it is important that children are able to maintain loving relationships with both parents. As the law stands, when a relationship between unmarried parents breaks down and there is an acrimonious split, access disputes can be very damaging to the children concerned. Providing clear legal rights and responsibilities will help to reduce such disputes and alleviate the distress that is felt by children. I am aware that there have been calls for that measure to be retrospective, but I am not in favour of that, for the reasons that are outlined in the consultation document. However, I agree that efforts should be made to promote the use of parental responsibilities and parental rights agreements.

Another area of great debate is that of contact between children and the wider family. From our constituency case loads, I am sure that we all know of cases of grandparents whose desire to have access to their grandchildren has been thwarted following the separation of the parents. I have a great deal of sympathy with their position, as grandparents play an important and distinctive role in the development of children. However, the consultation document points out some quite serious problems that would be associated with the creation of contact rights for grandparents. Unfortunately, I do not have the time to go into the details of those problems, but I have been convinced that the creation of a right of contact for wider family members is not the best way of dealing with the matter. I accept that the separation of grandparents from their

grandchildren is a difficult problem and I look forward to reading some of the comments that are made in response to the relevant section of the consultation document.

There is no doubt that family law in Scotland needs to be updated, nor is there any doubt that many of the issues that need to be addressed are complex and do not have easy or quick fixes. The Executive's consultation document provides a clear and relatively concise summary of the main points of debate, sets out a strong case for change and offers a clear vision for an improved family law system. I commend the Executive for its efforts to engage with the people of Scotland on the process of reforming family law and I encourage those people who have not yet participated in the consultation process to do so.

The Deputy Presiding Officer: I must apologise to Margaret Smith for not having called her. You have four minutes. I thank Stewart Stevenson for his understanding.

16:09

Margaret Smith (Edinburgh West) (LD): I have my own views on family law, but I will not go into them at any great length.

The debate is important because, as has been said, it deals with issues that are important to every family in Scotland. I welcome the debate and the consultation, although I urge the Executive to try to move as swiftly as possible, because we have been waiting to deal with some of the issues for quite a long time. I appreciate that the Executive has a firm view on some of those matters and is seeking further guidance and, where possible, consensus on others. That is to be welcomed, but we must move forward as swiftly as possible.

I welcome the fact that the Scottish Executive's motion recognises that children's best interests should be the most important factor in reforming and modernising family law. We must do all that we can to support families and to foster stability for children, whatever their family circumstances. We must update the law to ensure that it reflects the reality of Scottish families, which come in all shapes and sizes. It is important that we signal that there should not be a hierarchy of family types, but that the things that children need from families—love, stability, respect, support and an adequate standard of living—can come from all types of family background.

We should not downplay the importance of marriage to individuals and society, but we must recognise that more than 40 per cent of children who are born in Scotland are born to unmarried couples and that more and more people raise children on their own or play an active part in

bringing up stepchildren or grandchildren. We need legislation that supports all those people. However, there are no black-and-white solutions, which is why we should always be guided by the main principle of the Children (Scotland) Act 1995, which puts the best interests of children at its heart.

I welcome any efforts to reduce acrimony between parents who are on the point of divorce, which is why I strongly support the Executive's plan to reduce the non-cohabitation period that is required for divorce. To shackle people together for anything up to five years following a break-up is not only counterproductive but in some cases downright barbaric. It stops people getting on with their lives and throws couples into fault-based divorces, which are never in the best interests of children.

We must swiftly and seriously turn our attention to the discrepancies and unfairness that surround mixed-sex cohabiting couples, particularly given that more than 50 per cent of such couples have dependent children. We need to address three issues, all of which are raised in the consultation document. First, I welcome the Executive's plans to give parental rights and responsibilities to fathers on joint registration of a child's birth. It is important that fathers take their responsibilities seriously, but it is also important that society affords them their rights as parents. I agree totally with Annabel Goldie's points about the effects of a lack of a father's involvement in a child's life. The proposed changes would encourage more fathers to stay involved in their children's lives. The rights and responsibilities should not be attached to the decision to marry, but to the decision to become a parent.

Secondly, we must ensure that if a cohabiting relationship breaks up, the parties are treated fairly. I welcome the suggestion that legal safeguards should be provided that take into account property and goods that are acquired during a relationship, cases of financial hardship and the possibility of access to a share of a dead partner's estate, particularly when dependent children are involved.

Thirdly, we need to address urgently the misinformation about living together. The fact that 57 per cent of people believe that cohabiting couples have a common-law marriage that gives them the same rights as married people is incredibly worrying. Often, people find out that they do not have rights to property or access to children only at the point of break-up or death. That is not good for anybody. I understand the Executive's view that it does not want to give cohabitation the same legal status as marriage when the choices of civil and religious marriage exist, but I ask the minister in responding to the

debate to make it clear what the key legal differences will be between cohabitation and marriage if the proposed legislation is enacted. I also ask him to clarify whether the greater safeguards that will be secured under the legislation for mixed-sex couples who cohabit will read across to same-sex cohabiting couples.

I urge the Executive to consider sympathetically the issue of grandparents, which many members have mentioned, and to help them to try to retain contact, unless that is undesirable for or detrimental to the child who is involved. Mediation services have a big part to play in that. In considering many of the issues, we should be mindful of article 12 of the UN Convention on the Rights of the Child. That applies to the issue of contact with grandparents and the wider family and to the issue of step-parents' rights, which I cannot discuss because I have run out of time.

16:14

Stewart Stevenson (Banff and Buchan) (SNP): Let us hope that the debate extends understanding throughout the chamber. I welcome the debate because we must safeguard the interests of children and promote family stability. It is time to reform family law so that it reflects the reality of many families in Scotland. Those are worthy principles with which no one could disagree.

The minister made some important points. She pointed to the need for services to be available to all families in distress. We will not resolve all the issues in this area of public policy simply by legislating. She touched on the fact that family counselling and mediation services are not well co-ordinated, on which I want to speak at some length. There are considerable gaps in the way in which we deal with such matters. Tomorrow we will debate at stage 3 the Antisocial Behaviour etc (Scotland) Bill. It is a widely held belief in the Parliament and beyond that better support for families at the earliest possible point when social distress becomes manifest is crucial to achieving stability in families—we will debate that subject further tomorrow.

I want to illustrate some of the issues by referring to a meeting that I had on Monday with a representative of the Family Mediation Scotland network in my constituency. Family Mediation is a voluntary organisation that is very much on the front line. One of the most important services that it provides is contact centres for families that have broken down, where parents who can no longer meet each other can remain in contact with children who would otherwise be disconnected from one or both of their parents. The contact service in Aberdeenshire and Moray is a successful service that has been running for

approaching four years. However, it is a paradox that when we are saying that family mediation is a vital part of the infrastructure to support family values and families that are in considerable difficulties by taking the stress out of relationship breakdown, the centres in my constituency are virtually on the point of closure because of lack of funding. The minister might say, quite properly, that £0.25 million was provided recently to develop a better national infrastructure for family contact centres and family mediation generally. However, the reality is that that does not deliver services on the front line, which is where they are needed.

Child contact centres have no legal status and no definition in Scots law. Their development to date has been ad hoc, which the minister's opening remarks reflected. However, they support an important principle of Scots law and of the UN Convention on the Rights of the Child. The Executive's social research unit's report, "Building Bridges? Expectations and Experiences of Child Contact Centres in Scotland", notes that the service provided by

"Child Contact Centres ... although not a formal part of the Scottish legal system ... was widely regarded as critical".

Although the primary focus of the debate is on reforming the law, I hope that in summing up the debate the minister can give hope to child contact centres in my constituency and elsewhere that a lifeline is around the corner, because the corner is approaching very rapidly indeed.

16:18

Alex Fergusson (Galloway and Upper Nithsdale) (Con): In contributing to this debate I will concentrate on one aspect of family law only—the role and rights of grandparents. Presiding Officer, I am sure that you will find it almost impossible to believe that I have recently joined, rather proudly, the ranks of that esteemed sector of family structure and, as a grandparent, I probably ought to declare an interest.

I live in the serious hope of never being in the unfortunate circumstances of some of the surprisingly large number of my constituents who have contacted me about grandparents' rights. I accept that a blanket right to access for grandparents is probably not the right way forward, as it might create more difficulties than it solves. However, it seems to me that the current legal system too often biases the courts against grandparental contact on the somewhat spurious ground that as grandparents have no legal rights, it follows that they have no legal relevance. That attitude seems to infiltrate the mindset of social services, which seem too often to put grandparents at the back of the queue when children have to be taken into care, whether temporarily or otherwise.

Pauline McNeill (Glasgow Kelvin) (Lab): Does the member think that another problem for grandparents and others who want access to the courts is the cost-prohibitive process? Does he agree that perhaps the system should be weighted more heavily in favour of mediation to determine to whom it is in the child's best interests to get access, regardless of whether that is the grandparent?

Alex Fergusson: I agree with that comment 100 per cent. It is a good point and I thank Pauline McNeill for making it.

To illustrate the point that I am trying to make, I must refer to the case, which will not be unique by any means, of the maternal grandparents of a family in my constituency for whom the issue has been of enormous stress. Their daughter became addicted to drugs some years ago with all the dreadful consequences that that addiction brings, and her partner, who is not the father of her two children, clearly resents the children's presence. When he is in prison, as is all too often the case, the children's situation is manageable, but when he is at home, they are regularly abused and social services rightly have to intervene. That intervention usually ends up with the children being taken into care with a foster family, despite the fact that their maternal grandparents live only 6 miles away and despite the children's stated desire to be with them. For one reason or another, the daughter has stated in writing that her parents should not have access to her children, so whatever the private views of the courts or social services, access is denied. Individual social workers agree in this case that grandparental access could only be beneficial, but all that they are able to deliver is a recent promise that this year's birthday cards from the grandparents will be delivered to the children. Big deal.

Of course I understand that the minister cannot comment on individual cases—I would not dream of asking her to do so. However, I ask her to use that example as one that points to the fact that the current law needs to be amended to enable grandparents to play a greater role, where appropriate—I stress that phrase—not only in caring for their children's children but in helping to draw families back together to the ultimate benefit of all.

Occasionally, although not often enough, grandparents have managed to take on responsibility for their grandchildren under circumstances such as those that I have described. That makes it all the more disappointing to discover that in such instances financial help is all too often desperately hard to come by. As all parents know, bringing up children is not a cheap business, and that fact does not alter for grandparents. In fact, for the many

grandparents who are dependent on their old-age pensions to survive, it becomes an enormous burden. It is patently diabolical that such grandparents receive virtually no assistance when we consider how much it costs the state—or rather, let us face it, the taxpayer—to keep a child in care.

In her opening speech, the minister spoke about the importance of continuity of contact with the wider family, and I was heartened by and appreciate those words. I simply plead that she not close the door on changing the current law on grandparental access, albeit in certain specific instances. A change would save an enormous amount of grandparental anguish and could save the taxpayer a great deal of money. Most important by far, it would be of untold benefit to hundreds, if not thousands, of unhappy children.

16:22

Scott Barrie (Dunfermline West) (Lab): As any student of social policy who reviews the family law of the past 150 or so years can tell us, it has often lagged well behind the reality of society at any particular time. Therefore, I welcome the principles for reforming family law in Scotland and hope that the resultant legislation will not only safeguard and promote children's best interests, but ensure that the law is updated to reflect the reality of families as they currently are.

In the short time that is available to me, I will discuss three family law issues that have a significant impact on children and young people: parental rights and responsibilities for unmarried fathers; the legal position of step-parents; and contact between children and their wider family. I will start with the final issue.

In no way do I wish to denigrate the crucial role that the vast majority of grandparents play in their grandchildren's lives. However, this afternoon we are asked to consider whether grandparents should have an automatic right of contact with their grandchildren, and I am not convinced that such an automatic right can be given. We must take a variety of issues into account. Under section 11 of the Children (Scotland) Act 1995, any significant person can apply for a contact order, and grandparents certainly fall into the category of significant persons. I take on board Pauline McNeill's point that the cost may prevent grandparents from being able to go to court, but we should recognise the fact that the legal remedy exists to combat almost all the circumstances that Alex Fergusson outlined. Rather than give grandparents an automatic right of access, perhaps what we need to do is reform the way in which people access the legislation and use it to their and their grandchildren's advantage.

We must acknowledge the fact that a large number of families are reconstituted families that include step-parents. I am concerned that almost all the adoptions that are currently going through in Scotland are by step-parents, rather than it being a case of childless couples adopting children, as people would perhaps assume. We should be careful about that being the only way in which a step-parent can currently get full rights and responsibilities for a stepchild. I think that we need to find a further, third way of ensuring that step-parents and natural parents can retain shared rights and responsibilities, rather than one of the two requiring to get full rights and responsibilities, with the other being frozen out of the child's life.

I will move on to the position of unmarried fathers, which other members have mentioned. I think that, when the Children (Scotland) Bill was passing through Westminster, our legislators missed a golden opportunity to remedy the plight of unmarried fathers, which has been an issue for too long. As I was seeking to point out when I intervened during Annabel Goldie's speech, when full rights and responsibilities are not inherited, there is a tendency for the unmarried father to drift out of his children's lives—even if he is named on the birth certificate—and not to take up the full responsibilities that we would hope he would take up. If we are to consider legislative changes, that would be an obvious anomaly to remedy quickly. As I said, the passage of the Children (Scotland) Bill was an opportunity lost, and I hope that any proposals that come out of the forthcoming consultation will remedy that situation.

In the area of family law, we often stress the concept of rights. I think that it is about time that we stressed responsibilities, which is the other part of the equation. Most of all, I would like to ensure that what we are trying to achieve is in the best interests of the child at all times and that we adapt our family law to take that fully into account.

16:27

Ms Rosemary Byrne (South of Scotland) (SSP): I welcome the opportunity to participate in the debate and the fact that the motion is about promoting the best interests of children and reflecting the realities of today's family structures.

We all accept the need to reform family law, and we are broadly supportive of the aims of that initiative. There are a number of areas on which I would like to focus, starting with the position of unmarried fathers. We welcome the proposal for parental rights and responsibilities for all fathers who register the birth of their child jointly with the child's mother. However, clarification is required on the position of fathers who do not jointly register the child's birth, for whatever reason. I would argue that fathers who have no parental

rights should benefit from retrospective legislation, particularly in cases in which the father's name is on the child's birth certificate. It is important that parental rights and responsibilities are equally shared by both parents, and such legislation would send a message acknowledging that those fathers have responsibilities.

Contact with the wider family plays an important role in the emotional development of the child. The Executive's intention to explore that area is to be welcomed. I am concerned, however, that the Executive does not consider a right of contact for grandparents to be appropriate, although I am aware that it is eager to seek all views on the matter. Like Alex Fergusson, I believe that the law needs to be amended.

Scott Barrie: Will the member give way?

Ms Byrne: I would like to carry on.

I would argue that grandparents play a crucial role in family life. Not only do they act as vital support for parents but, in many cases, they are carers, particularly when the children are affected by drug and alcohol abuse in the family. In cases in which grandparents do not have access, both grandparents and children lose out. That is often because of breakdowns in relationships—divorce or separation—or, sometimes, bereavement.

I have a friend who has never seen her grandchild because, tragically, her son died. She has no right whatever to see that child. She has tried to pursue the matter, but she does not have bottomless pockets or an elastic bank account, so to pursue it through the legal process has been impossible for her. Not only is she being deprived, but she would make a wonderful grandmother. The grandchild is also being deprived of his wider family and of an ability to know his roots and where he comes from, which I think is extremely important for children. I am a grandmother and would be devastated if I did not have the right to see my grandchildren—I cannot contemplate not having that right.

I am sympathetic to the grandparents who have lobbied me, and although I know that a right of contact might not be the correct way to go, we must carefully consider how we can make it easier for grandparents to maintain contact with their grandchildren. We should not underestimate what grandparents bring to a child's life—they provide stability, and the potential for children to learn from them is great. I understand that individuals have concerns about inappropriate contact, but dispute resolution procedures—and stronger measures, where they are necessary—could be used. The Executive's proposals to update the law on matrimonial interdicts and exclusion will protect children, and the issue could be addressed in a similar way. The grandparents' lobby is examining

presumption of contact, which we must consider. I hope that we will come up with a legal remedy that will not be impossible to access because of the cost.

16:31

Brian Adam (Aberdeen North) (SNP): It is always a challenge to deal with a sensitive subject such as family law. There are two issues today: first, the set of words in the minister's motion and the amendments to it; and secondly the substantive point. The form of words that is used in the motion will be interpreted by people in the chamber in particular ways, which might be unfortunate.

I am disappointed that the Conservatives, in their amendment, chose to delete the last part of the Administration's motion, although I am broadly in sympathy with Annabel Goldie's amendment because I think that it is important to address marriage, both in the debate as a whole and in the words that are used today. I am glad that we are dealing with the matter in a non-party-political way, and I am grateful for the view that Nicola Sturgeon expressed along those lines.

It is important to address marriage. It is incumbent on us as politicians not just to address the realities of family life in Scotland today but to offer some leadership. It is true to say that many people choose not to get involved in marriage and I do not wish to deny anybody the opportunity to do that. The key question was asked by Margaret Smith: what is the difference, in the Executive's eyes, between people who choose to live together and people who are married? If, in the eyes of the law, there is no advantage in being married, what is the point of marriage, other than as a religious sacrament which, these days, is important for only a minority of people? I would like the minister to spell out the answer for us. If she is not able to do so today, I hope that she will do so at some length when we debate the proposed bill.

Marriage tends to give greater stability in relationships, particularly for children, and the evidence supports that. Situations in which people cohabit have been in existence for some time; cohabitation is not a new phenomenon, although it might be a growing phenomenon. However, the evidence supports the idea that marriage leads to greater stability in family relationships. It is no guarantee of success—there is no guarantee at all in relation to these things—but marriage is something that we should cherish and as politicians we have a responsibility to encourage it. In my view, we also have a responsibility to make it worth while. During the past five years, I have seen a steady erosion of that approach. Relationships have been sexualised and genuine attempts that have been made by those who wish

to redress obvious inequalities have been rubbished on that basis—we are addressing a sexual agenda, not a relationship agenda. I regret that. I hope that the minister will spell out today or at some point the differences in her view between civil partnership, marriage, cohabitation and any other form of relationship, so that we and the public know exactly the advantages and disadvantages of each arrangement.

16:35

Maureen Macmillan (Highlands and Islands) (Lab): I declare an interest in that I am a director of Ross-shire Women's Aid and have been a member of that organisation for about 20 years. I support the motion and the thrust of the Executive's plans to support stable families, but I will speak about how the proposed family law bill might affect women who are escaping domestic abuse.

I note that the Executive wishes to update the Matrimonial Homes (Family Protection) (Scotland) Act 1981 to widen its application. The act, which is more than 20 years old, was groundbreaking in its day. It gave abused women the right to occupy the matrimonial home by virtue of being the abuser's spouse and provided for the granting of an interdict with powers of arrest—a matrimonial interdict—to keep the abuser away from the matrimonial home.

I welcome the proposal to extend the matrimonial interdict to cover places of work and anywhere that a woman might be found in her day-to-day life, but in practice, that already happens at the sheriff's discretion. I believe that a man was once banned from the entire town of Saltcoats because he abused his wife. Nevertheless, it will be useful to have clarified in law the right to have matrimonial interdicts that give women wraparound protection.

The proposal in the consultation document to extend the 1981 act to protect cohabitantes from abuse through what will be called domestic interdicts gives me a sense of *déjà vu*. I do not know exactly what the Executive has in mind. I am concerned that although the introduction to the document mentions the Protection from Abuse (Scotland) Act 2001, the rest of the document does not mention that act or the fact that a power of arrest can now be attached to a non-harassment order. That legislation was passed in the Parliament's first session, which makes me wonder whether Executive officials have examined the proposals to protect cohabitantes in the past four years, because the proposals are identical to those that the Parliament discussed when it considered the Protection from Abuse (Scotland) Bill.

The 1981 and 2001 acts protect cohabitantes but do not give them rights to the home that they share with the abuser or to share in any worldly goods. The evidence that the Justice 1 Committee took in the previous session suggests that legislation to provide such rights would be extremely complicated and difficult to enact. Has the Executive read the evidence that was given to the Justice 1 Committee on that point? We certainly floundered on the definition in law of a cohabitee when the status of a cohabitee gives rights to a home or to a partner's estate. Gordon Jackson, who was a member of the committee, shot holes through every definition that we came up with. I note that the Executive proposes to let the courts decide case by case, but I am a bit sceptical about that and I would like more discussion with the Executive on the proposal. I do not know what the Executive has in mind to give cohabitantes more rights to protection from abuse or more legal protection than they have under the 1981 and 2001 acts and I do not know how domestic interdicts would differ from interdicts under the 2001 act.

The document proposes that parental rights and responsibilities should be granted to unmarried fathers if they register themselves as parents following the birth of their children. I note that that can happen only with a mother's consent, but I ask the Executive what safeguards will be put in place to assess the effect on children of fathers exercising their rights if a mother leaves a father because of abuse or violence towards her. I realise that that also has relevance for married fathers who abuse their wives.

The minister emphasises in the motion that the best interests of the child must be considered. A father may abuse a mother but not directly abuse a child. However, the minister must be aware of recent research that shows the damaging effect of abuse of the mother on her children. A woman who leaves an abusive relationship is often in greater danger because her partner becomes even more determined to exert control and can use access to children as a means of gaining access to her and thus continuing his controlling behaviour. I therefore urge the minister to ensure that the proposed legislation contains a section that makes it necessary, when a relationship ends because of domestic abuse, to treat the effect of that abuse on the children and the mother with the utmost seriousness and to take it into account before the father is permitted to exercise his parental rights over the children.

16:40

Robert Brown (Glasgow) (LD): The debate and the consultation are welcome. Like other members, I urge the department to ensure that the

recommendations resulting from the consultation are urgently put into effect. *[Interruption.]* I am sorry for coughing—I do not usually seize up like this before members in the chamber.

It is important to put the matter in a social and historical perspective. The lawyers among us who did Roman law have a vague recollection of there being various sorts of marriage in Roman law—some permanent and some breakable—and a special form of lesser relationship for slaves.

Jackie Baillie (Dumbarton) (Lab): They were men, of course.

Robert Brown: That is absolutely right. My ancestors probably were slaves.

In the middle ages, there was a similar context in Scots law, which, of course, had irregular forms of marriage. Ultimately those forms were taken over by the church, which wanted to have control over such matters because it did not like having such things happening outwith its control, and eventually regular marriage became the thing. However, in Scots law, marriage was originally a matter of a simple declaration before witnesses without any form of legal sanction beyond that. That survives only in the arrangement of marriage by cohabitation with habit and repute, which results from long-term relationships in which people presume themselves to be husband and wife.

We must put matters in context and it is important to view the importance that we give to marriage in society against that background. Marriage has a special position.

I suggest that the way to approach some of the practical issues that we are discussing is through the idea of a supportive framework, whether it involves grandparents, step-parents or whoever. We do not want lots of people having to rush off to the courts every second day to identify and preserve their rights. We want the law to give reasonable guidance to people so that we have sensible relationships and agreements as a matter of practice, as many people currently have in the divorce situations that arise when marriages break down. Stewart Stevenson talked about couple counselling, marriage guidance, contact centres and so on, all of which are worth investing in and supporting.

I share the view that Annabel Goldie and other members have expressed about the undesirability of having a right of contact for grandparents. I am certain that that is not the right way to go. There needs to be a reasonably clear framework of relationships, within which the immediate family has rights but other people can step in in certain situations.

Perhaps it would be helpful to distinguish two situations involving grandparents. In one situation,

the natural parent is out of the picture to some degree, for whatever reason—drug abuse, for example. In the other, the parents are in play and have an objection to the grandparents exercising contact. We should perhaps view those situations slightly differently.

Bearing in mind the chronic shortage of foster parents in Scotland, I believe that it is extremely important that we give as much practical support as we possibly can to grandparent relations, but not through that particular legal channel. Would there be merit in having protocols to state how things ought to work in an ideal situation? I do not mean something legal; I mean guidance that would perhaps have some effect with the courts, social workers and others.

My final point is about cohabitees. A central issue is support for the breakdown of cohabiting relationships. I do not think that there is any doubt about the difference in the consultation paper. The document lays out clearly the fact that we are trying to provide last-resort support for cohabitation, but it is important that we do that. I suggest that we go a little further than talking about just a share in household effects, because often, particularly in longer-standing relationships, one party has the title to the house and pays the mortgage and the other party pays the household bills. If the relationship ends, the person with the house will walk away with the vast bulk of the assets, which may have been built up over five, six or seven years. That is unjust and unfair and must be dealt with.

We should deal with such matters and move forward. The paper is very good and is a basis for modernising family law into the 21st century in a satisfactory way. The debate has been helpful in achieving that aim.

16:45

Margaret Mitchell (Central Scotland) (Con): Today, members are again being asked to debate an important issue before the consultation on the subject has been completed. Two consequences flow from that. First, the debate is not fully informed. Secondly—and more worrying—the Scottish Executive is left wide open to the charge that the consultation process that it has embarked on, and to which it seems sincerely wedded, is not being given the importance that it deserves and could be described as mere window dressing. That is unacceptable.

The motion states that

“the Parliament agrees that family law reform must safeguard the best interests of children”.

That is agreed. It also states that

“stability in families should be promoted and supported”.

That is also agreed. It then goes on to state that the Parliament

“supports the reform of family law so that it reflects the reality of families in Scotland today.”

Several members support that proposition, but I do not believe that it is logical. In answer to Brian Adam’s question about why we want to remove that part of the motion, I suggest that it implies that any trend in society is necessarily good and should be supported. That is why we lodged our amendment.

Nicola Sturgeon: I always thought that it was the Tory philosophy not to dictate to people how they should live their lives. Has that changed? Do the Tories now want to be the moral judges of people’s lifestyle choices?

Margaret Mitchell: That is ironic. Nicola Sturgeon recognises the fact that people have choice, yet her amendment would give cohabitees legal rights that they have perhaps chosen not to take up by entering a civil partnership. There is something flawed in her argument.

Our amendment recognises and backs up the view that marriage is the most stable environment in which to raise children. It is worth looking at the Marriage (Scotland) Act 1977, which suggests that a framework for those conditions is Christian, heterosexual and monogamous. There are some modifications, as it recognises civil marriage. I would be interested to hear the minister define the difference between civil partnership for heterosexual couples and civil marriage. Those terms are bandied around and seem to me to be the same thing, but I would welcome the minister’s clarification.

It is also worth looking at the Civitas research to which Annabel Goldie referred, which clearly states that children fare better if their two parents are in a stable relationship. The research goes on to state that it has been established that parental divorce increases by 50 per cent children’s rate of developing health problems. As the minister pointed out, that is not to say that, when there is an irretrievable breakdown in, say, a violent relationship, separation and divorce are not the best course of action. However, I welcome Stewart Stevenson’s suggestion that, when that breakdown occurs, mediation could be considered.

Many other issues have been raised during the debate and the consultation process. Some of those involve fathers’ access and grandparents’ rights, which were mentioned by Rosemary Byrne, Alex Fergusson and Robert Brown. They are certainly worthy of wider consideration in recognition of the fact that there are potential benefits of wider family support. However, we want to avoid at all costs seeking to impose

measures that undermine marriage or—worse still—result in marriage becoming, in effect, a conditional contract. On that basis, I urge members to support the Conservative amendment.

16:49

Michael Matheson (Central Scotland) (SNP):

Like most members who have spoken this afternoon, I welcome the debate. It has been relatively positive, as there is little in the way of party politics on the issues, although there are some personal differences of opinion that should be fully respected.

When Scott Barrie talked about students of social policy, I remembered when I was a student of social policy being taught about the various family structures. The history of families shows us that their structures have continually evolved. Over the past 20 to 30 years, that evolution has moved on considerably; therefore, it is important that our family law system recognises the changes that have taken place in family structures in today's society. In particular, it is important to ensure that we protect the interests of children in many family situations.

Nicola Sturgeon was correct to point out that couples will choose to have the type of relationship that best suits their needs. It would be wrong for us to ignore that when we legislate on family law in Scotland. However, I respect fully the concerns that have been expressed about the effect that the proposed changes may have on the standing of marriage in society. I believe that marriage is the best environment in which to bring up children and that it should have a special standing in our society. Having said that, I am not convinced that the proposed changes will necessarily undermine the institution of marriage in the way in which some suggest. I suspect that 10 years after the family law reform has occurred we will find that the statistics show that the trend in the number of people getting married is largely the same as it is today. I do not believe that many people get married purely to obtain the legal benefits associated with it.

There are some issues that members have raised this afternoon that must be addressed. I refer especially to the proposal to speed up the process of divorce for couples. Some members have expressed concern that that could lead to an increase in the number of couples who choose to get divorced. In reality, couples whose relationships have broken down to the point that they are seeking a divorce do not worry about whether they will be able to divorce in a year, two years, four years or five years—they have decided to get divorced because their relationship cannot be continued. It is only proper that that is

recognised and that the process is reviewed. Hopefully, speeding up the divorce process will address some of the concerns about child care matters that can arise when couples divorce.

I hope that the Executive will consider being more positive in supporting marriage. In a number of American states, there are courses to assist couples to prepare for marriage, provided by a range of agencies to which couples are referred. In states in which such programmes have been implemented, the couples who participate in them have broadly welcomed them. Such couples are less likely to divorce at a later stage. Another unintended benefit of the programmes is that they identify people who are involved in abusive relationships and enable them to be counselled out of getting married for the time being. I hope that the Executive will consider providing support to programmes to assist couples who are getting married as well as married couples who may be experiencing difficulties and who need assistance to work through their problems. That would help to address some of the concerns that exist about the proposal to speed up timescales for divorce.

Although members have referred to a range of legal provisions that might be made by a new piece of family law legislation, the key aspect of all provisions must be protection of the interests of children in relationships. We must ensure that we anchor at the heart of our family law the best interests of children. If we can do that, we will have made progress towards providing new, updated family law in Scotland.

16:54

The Deputy Minister for Justice (Hugh Henry): I am grateful to all members who have contributed to this short debate. I agree that the subject is worthy of a much longer debate. Not only were some thoughtful and telling speeches made, but there are clearly significant issues that it would be worth our teasing out in more detail.

Margaret Mitchell's criticism of the decision to have the debate was a little bizarre. I say to her that we have already spoken to and consulted a huge range of organisations. The debate is simply part of the process of ensuring that people in the chamber and beyond are aware of what we propose to do, so that the consultation can be as wide and thorough as possible. I hope that the consultation will be telling.

Margaret Mitchell: Does the minister accept that, as parliamentary debating time is at a premium, it follows that it would be much more logical and effective to have this debate against a background of members being informed of the various views that have been expressed in the consultation? That is self-evident.

Hugh Henry: We will have the opportunity to have that very debate when the consultation is finished and when we introduce the bill. If members from all parties firmly believe that having the opportunity to have a debate such as the one that we have had today is not fruitful and should be stopped, we will listen to them. I think that it is more productive to have such debates, because they allow us to reflect on some of the comments that are made so that we can then include them in the legislative process, rather than having to react at a later date. However, we will be guided by Parliament if it takes the view that I described.

Far too many points have been made today for me to take up in the available time. If members want clarification on individual points, they should write to the Minister for Justice or to me and we will attempt to clear up any matters.

When Annabel Goldie told us in her contribution that the form of words associated with marriage was not one that she had used, I thought that she was busy preparing her curriculum vitae for a situations vacant column—I thought that we were going to hear much more than we did.

Brian Adam and Margaret Mitchell asked for further clarification on the differences between civil partnerships, cohabitation and marriage. As we make progress, we will try to clear up some of those points. If members would find it helpful, I will ask officials to provide details in diagrammatic form and to ensure that they are anatomically correct so that the members can understand exactly the differences of which we speak.

Maureen Macmillan raised some pertinent issues about domestic violence and she asked for more discussion of the subject, which is definitely worthy of more consideration. We are committed to tackling domestic abuse and we will consider the evidence, as requested, to ensure that what we do is right. I hope that Maureen Macmillan and others will have the opportunity to get involved.

I hope that Nicola Sturgeon took the points that the minister made in all sincerity—that there is no great difference in emphasis in the Executive motion and the SNP amendment. It is important that the Parliament unites around a reform that reflects the significant status of marriage in our society and that recognises that there are many people in our society who, for whatever reason, choose not to get married, but who still need legal rights in their relationship and in relation to their children.

I return to the point made not only by the minister, but by others throughout the debate. Whatever we do in this Parliament in relation to family law, it must be with the best interests of children in mind. Children's best interests must be the cornerstone of family law reform in Scotland

and we have a responsibility to put their needs first. That will be an important concept when we come to the thorny issue of grandparents' rights, which a number of members raised—we recognise that powerful and emotional argument. Equally, in responding to some of the powerful and emotional needs of grandparents, we cannot damage the interests of children. I concur with Annabel Goldie that we need to be cautious in how we proceed on the matter.

Although the debate has been short, it has been useful, and I look forward to introducing legislative proposals that will make a huge difference to children in Scotland.

Business Motion

17:00

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-1477, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a business programme.

The Minister for Parliamentary Business (Patricia Ferguson): Before I move the business motion, I should lay out for members what will happen during tomorrow's business.

The Presiding Officer: Thank you.

Patricia Ferguson: Tomorrow, we will resume after lunch at 1.30 pm. During the debate on the motion that the Antisocial Behaviour etc (Scotland) Bill be passed, we will request an extension to give members one hour for that debate. I understand that that will require me to move two procedural motions, the first of which will seek to move decision time and the other to extend the debate. Depending on the progress that is made on amendments, decision time could be moved to 6.15 pm tomorrow evening.

I move,

That the Parliament agrees the following programme of business—

Wednesday 23 June 2004

2.30 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Stage 3 of the Local Governance (Scotland) Bill
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 24 June 2004

9.30 am	Committee 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	Stage 1 Debate on the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Wednesday 30 June 2004

2.30 pm	Time for Reflection
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<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Executive Business
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business
Thursday 1 July 2004	
9.30 am	Final Stage of Stirling-Alloa-Kincardine Railway and Linked Improvements Bill
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
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Motion agreed to.

Parliamentary Bureau Motions

17:01

The Presiding Officer (Mr George Reid): The next item of business is consideration of four Parliamentary Bureau motions. I ask Patricia Ferguson to move motions S2M-1443 and S2M-1444, on the establishment of committees.

Motions moved,

That the Parliament agrees to establish a committee of the Parliament as follows:

Name of Committee: The Edinburgh Tram (Line One) Bill Committee;

Remit: To consider and report to the Parliament on the Edinburgh Tram (Line One) Bill;

Duration: Until the Bill has received Royal Assent, falls or is withdrawn;

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish Conservative and Unionist Party;

Membership: Jackie Baillie (Labour), Dr Sylvia Jackson (Labour), Michael Matheson (SNP), Phil Gallie (Conservative), Mr Jamie Stone (Liberal Democrat).

That the Parliament agrees to establish a committee of the Parliament as follows:

Name of Committee: The Edinburgh Tram (Line Two) Bill Committee;

Remit: To consider and report to the Parliament on the Edinburgh Tram (Line Two) Bill;

Duration: Until the Bill has received Royal Assent, falls or is withdrawn;

Convenership: The Convener will be a member of the Scottish Conservative and Unionist Party and the Deputy Convener will be a member of the Liberal Democrat Party;

Membership: Marilyn Livingstone (Labour), Kate Maclean (Labour), Stewart Stevenson (SNP), Bill Aitken (Conservative), Jeremy Purvis (Liberal Democrat).—*[Patricia Ferguson.]*

The Presiding Officer: Motion S2M-1471 is on the designation of a lead committee.

Motion moved,

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the Victim Statements (Prescribed Offences) (Scotland) Amendment (No.2) Order 2004 (SSI 2004/287).—*[Patricia Ferguson.]*

The Presiding Officer: Motion S2M-1482 is on rule 2.3.1 of the standing orders.

Motion moved,

That the Parliament agrees the following dates under Rule 2.3.1: 12 – 20 February 2005 (inclusive), 25 March – 10 April 2005 (inclusive), 2 July – 4 September 2005 (inclusive).—*[Patricia Ferguson.]*

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

Decision Time

17:01

The Presiding Officer (Mr George Reid): There are seven questions to be put as a result of today's business.

The first question is, that amendment S2M-1464.2, in the name of Nicola Sturgeon, which seeks to amend motion S2M-1464, in the name of Cathy Jamieson, on "Family Matters: Improving Family Law in Scotland", be agreed to. Are we agreed?

Members: No.

The 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)
Canavan, Dennis (Falkirk West) (Ind)
Cunningham, Roseanna (Perth) (SNP)
Curran, Frances (West of Scotland) (SSP)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Fox, Colin (Lothians) (SSP)
Gibson, Rob (Highlands and Islands) (SNP)
Harvie, Patrick (Glasgow) (Green)
Ingram, Mr Adam (South of Scotland) (SNP)
Kane, Rosie (Glasgow) (SSP)
Leckie, Carolyn (Central Scotland) (SSP)
MacAskill, Mr Kenny (Lothians) (SNP)
Mather, Jim (Highlands and Islands) (SNP)
Matheson, Michael (Central Scotland) (SNP)
Maxwell, Mr Stewart (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)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (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)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 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)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

The Presiding Officer: The result of the division is: For 31, Against 76, Abstentions 3.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S2M-1464.1, in the name of Annabel Goldie, which seeks to amend motion S2M-1464, in the name of Cathy Jamieson, on “Family Matters: Improving Family Law in Scotland”, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Swinburne, John (Central Scotland) (SSCUP)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 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)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 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, Paul (Glasgow Springburn) (Lab)
 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)
 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)
 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)
 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)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 23, Against 87, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S2M-1464, in the name of Cathy Jamieson, on "Family Matters: Improving Family Law in Scotland", be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 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)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 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, Paul (Glasgow Springburn) (Lab)
 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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)

Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 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)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (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)

The Presiding Officer: The result of the division is: For 96, Against 16, Abstentions 0.

Motion agreed to.

That the Parliament agrees that family law reform must safeguard the best interests of children; believes that stability in families should be promoted and supported, and therefore supports the reform of family law so that it reflects the reality of families in Scotland today.

The Presiding Officer: The fourth question is, that motion S2M-1443, in the name of Patricia Ferguson, on the establishment of a committee, be agreed to.

Motion agreed to.

That the Parliament agrees to establish a committee of the Parliament as follows:

Name of Committee: The Edinburgh Tram (Line One) Bill Committee;

Remit: To consider and report to the Parliament on the Edinburgh Tram (Line One) Bill;

Duration: Until the Bill has received Royal Assent, falls or is withdrawn;

Convenership: The Convener will be a member of the Labour Party and the Deputy Convener will be a member of the Scottish Conservative and Unionist Party;

Membership: Jackie Baillie (Labour), Dr Sylvia Jackson (Labour), Michael Matheson (SNP), Phil Gallie (Conservative), Mr Jamie Stone (Liberal Democrat).

The Presiding Officer: The fifth question is, that motion S2M-1444, in the name of Patricia Ferguson, on the establishment of a committee, be agreed to.

Motion agreed to.

That the Parliament agrees to establish a committee of the Parliament as follows:

Name of Committee: The Edinburgh Tram (Line Two) Bill Committee;

Remit: To consider and report to the Parliament on the Edinburgh Tram (Line Two) Bill;

Duration: Until the Bill has received Royal Assent, falls or is withdrawn;

Convenership: The Convener will be a member of the Scottish Conservative and Unionist Party and the Deputy Convener will be a member of the Liberal Democrat Party;

Membership: Marilyn Livingstone (Labour), Kate Maclean (Labour), Stewart Stevenson (SNP), Bill Aitken (Conservative), Jeremy Purvis (Liberal Democrat).

The Presiding Officer: The sixth question is, that motion S2M-1471, in the name of Patricia Ferguson, on the designation a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the Victim Statements (Prescribed Offences) (Scotland) Amendment (No.2) Order 2004 (SSI 2004/287).

The Presiding Officer: The seventh and final question is, that motion S2M-1482, in the name of Patricia Ferguson, on rule 2.3.1, be agreed to.

Motion agreed to.

That the Parliament agrees the following dates under Rule 2.3.1: 12 – 20 February 2005 (inclusive), 25 March – 10 April 2005 (inclusive), 2 July – 4 September 2005 (inclusive).

International Refugee Week

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-1416, in the name of Kenny MacAskill, on international refugee week. The debate will be concluded without any questions being put.

Motion debated,

That the Parliament notes that 14 to 20 June 2004 is International Refugee Week; welcomes the great social, cultural and economic benefits that refugees have brought to Scotland over the years; recognises that they continue to bring these benefits and in many instances arrive in Scotland as a result of war, and destitution caused thereby; notes that events are taking place worldwide to mark the week, and welcomes the establishment of the Edinburgh Refugee Centre at St George's West Church in Shandwick Place, Edinburgh, providing humanitarian support, advice and assistance for refugees and asylum seekers.

17:07

Mr Kenny MacAskill (Lothians) (SNP): International refugee week is significant throughout the world. Therefore, it is appropriate that it be recognised in this chamber. I am grateful to members who have supported it and I publicly thank the Scottish Refugee Council, the Refugee Survival Trust and myriad others not only for their assistance in preparation for this debate but, more important, for their care of refugees at home and abroad.

I should comment at the outset on two matters. First, the debate takes place in the shadow of events in Sudan where, because of war, famine and destitution once again stalk the continent of Africa. Many will fall and the fortunate will flee. It is our duty to play our part in their care; refugees from that land and from elsewhere must be made welcome.

The debate also comes in the shadow of the European elections in which, sadly, almost 100,000 people in our country voted for parties that are either covertly fascist or overtly anti-immigrant. We like to think that we are all Jock Tamson's bairns and that we are devoid of the racism that manifests itself elsewhere. However, that was always delusional, given historical events from the slave trade to the establishment of the British empire, which show that some of our people are no different from people elsewhere and that they are equally possessed of reprehensible attitudes. As well as addressing the refugee crisis without, we must guard against a cancer within.

Migration is perceived as being a 21st century phenomenon; it is a major humanitarian issue throughout the world and a major political issue within all lands. However, refugees are not new. They have been with us from time immemorial.

The fact is that the Scotland in which we live has been created and crafted by migrants and refugees throughout history. Scots, after all, are universally accepted as being a mongrel race. Within the city of Edinburgh, refugees from other lands have helped to make it a capital to be proud of. Were it not for migrants fleeing persecution or seeking economic advancement, the cosmopolitan nature—never mind the commercial success—of the city would never have been achieved. From Valvona & Crolla through Ukrainian churches and Polish clubs to Hibernian Football Club, we have living testimony to the people from many lands who have all come and contributed in a variety of ways to our capital city.

The Scotland that we know and cherish would not be but for the contribution that has been made throughout the centuries by people from many lands and different cultural backgrounds—and still they come. Their places of origin may change, but the drivers of their arrival are the same. There is a push me, pull me effect with refugees: some are fleeing war and destitution while others come seeking salvation and opportunity. With regard to the former, it is our moral duty to address the needs and wants of those who flee war or famine. Any failure to do that demeans us as a nation and tarnishes our common humanity—a humanity that we in Scotland are proud to have personified in our national bard and in his immortal words:

"That Man to Man the world o'er,
Shall brothers be for a' that."

With regard to the latter group, to seek economic improvement is no crime; indeed, it is a virtue that we seek to extol in Parliament in addressing an underperforming economy. For people to do so by leaving their native land cannot be criticised by anyone from those shores. People whose forefathers and foremothers left the ports of Greenock and Cork in search of a new world cannot reject others who do likewise—those who do either have no knowledge of history, or have selective amnesia. Many people in Scotland would do well to remember that Scotland's loss has been America's and Canada's gain and that, likewise, people's migration here will be to our social and economic benefit. It is important to note that refugees do not come empty-handed: as our kith and kin built a new world, they contribute to ours. They not only bring cultural diversity, but add commercial drive.

There is currently a dichotomy between Westminster legislative impediments and Scottish Executive desires. That must be overcome for the sakes both of Scots and of refugees. A recent Executive study of refugees and asylum seekers indicated the huge potential that those individuals have, never mind the pool of labour that they offer to a country that faces severe skills shortages.

Fifty per cent of them are educated to college degree level or above, 20 per cent hold a doctorate or postgraduate degree and 10 per cent speak four languages or more. Each and all of those talents are badly required in the modern Scotland that we in Parliament seek to create. Those are skills that they possess and that we desire, so blanket restrictions on employment and working serve us badly, and them likewise.

I seek not to berate the Executive—we are debating a members' business motion, on which we seek to achieve cross-party consensus—but to call for it to be more self-confident in its actions and to recognise the necessity of viewing Scotland's national needs differently from those south of the border, and in so doing to allow us to address our international responsibilities and obligations distinctly.

To address the needs of refugees is not charity, but common humanity, which also offers significant social, cultural and economic advantages for our own small nation.

17:14

Johann Lamont (Glasgow Pollok) (Lab): I congratulate Kenny MacAskill both on securing the debate and on his speech on a very important issue for us all. I add to his my congratulations to those who have been involved in organising international refugee week. I acknowledge in particular the role of the Scottish Refugee Council. I am aware of the excellent work that is being done in my constituency by the local integration network and I acknowledge the efforts that are being made in my constituency at local level to support refugees and asylum seekers.

Before I go on to the substance of my remarks, I bring members' attention to an excellent little storytelling project—the village project in St James' church in Pollok, in my constituency. Members who have not seen the book that was produced as a result of the project should look for it—it is called "Buffalo Horns". The project brought together people from the wide array of countries that are represented in the greater Pollok area, who put their traditional stories and experiences into the book. It is stunning to read about the range of experiences that people in one small area of one city have had. Young people in the community and schools were also involved in the project.

I was struck by what the book represents for the area and it made me think about my background and history. So many Scots understand about migration and about having to travel and be distant from their families. That experience is part of the folklore of my family and is an experience that I expect many members share. When I read the

book, it struck me that we do not fear what we know, so if we understand and celebrate difference rather than fear it, we are all strengthened rather than weakened by it.

Today, I was privileged to accept an invitation from Amnesty International to visit an asylum seeker in the Glasgow area to talk to him about his experiences. I was struck by his generous and measured comments about his experiences in the city; I will highlight a couple of points that he made, which will inform the work that I want to do on the matter.

First, the person whom I met made the simple point that he had fled his country because of political persecution. We should not forget that in this country we are still able to speak our minds—he feels very strongly about that. He also appreciates the services that he has received from Glasgow City Council and from the health and education services. Glasgow City Council is to be congratulated on continuing to develop its programme and on learning from the difficulties of the past.

The asylum seeker also said—I was surprised by this—that he has not experienced any real harassment since his arrival and that the people of Glasgow have been welcoming. We have to be vigilant and we have to challenge people who are not welcoming, but we must also recognise that rather than regard asylum seekers and refugees necessarily as a problem, people in communities often welcome them.

The man made another important point in describing his first days in Glasgow, when he was looking for security for his family. He welcomed the role of the formal agencies, but said that the informal contacts that he made were much more important. He made accidental contact with the local Catholic church and the informal welcome that he received there helped him to start to feel safe in a place that he knew nothing about. It is important to acknowledge and celebrate the voluntary activities of people, groups and churches, which can have great significance not just for asylum seekers and refugees but for many vulnerable people in our communities. Such activity, which happens simply because it needs to happen, speaks to the good in us all and I urge the Executive to ensure its continued support for such work.

The person whom I met raised one issue very strongly. What he said about his need to work was very powerful. In his own country he was a qualified electrician and since coming to this country three years ago he has undertaken extensive training and education and developed his language and technical skills, in respect of which his frustration and unhappiness became most evident. He wants to work, he has the skills

to work and he wants to support his family and to put something back into the community from which he has benefited. He said that if he had one plea it was to be allowed to work. I urge the Executive to continue to work with the Westminster Government to find a way to ensure that that pride and desire to contribute and, by learning and working, to challenge some of the images that people have of asylum seekers and refugees is built on, rather than feared.

As I said, the comments of the asylum seeker whom I met were generous and measured. He had sought, and largely achieved, security for himself and his family. We must work with such people and communities to consider how we can ensure that people can make the best of the new life that they start in this country when their status is secured. We must consider how best we can support them so that they can use the professional skills that they used in their homeland for their benefit and for ours. I congratulate all those who are involved in international refugee week.

17:19

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I, too, congratulate Kenny MacAskill on securing the debate. It was a pleasure to sign and support the motion. I also compliment Kenny on his very thoughtful speech. As Johann Lamont said, the debate is timely. It will send an important message from all quarters of the chamber. It is a message that we must continue to send strongly.

I come from the Highlands and we know about refugees. As Kenny rightly pointed out, Canada and the United States have benefited from sadnesses in our own land.

As Kenny said, we have known refugees in Britain for a very long time. One thinks of La Rochelle and the invasion of Louis XIII that led to the Huguenot influx to this country. One thinks of the war and the Czechs, the Jews and the Poles. We all have constituents who were grateful to come here. They are all super, useful members of society.

One thinks also of the economic wealth that has been generated by those people. Marks and Spencer is a good example. A huge amount of business has been done by the people who came to Britain during the war years. We have a long and proud record of welcoming refugees. Kenny is therefore right to warn of what he called "a cancer within". We must remember the kindnesses that were afforded to highlanders a long time ago and we must remember the good that people do when they come to our country.

Linda Fabiani is with us in the chamber. She is perhaps not a refugee but an economic migrant.

The minister's own husband is called Mulligan, which sounds to me like a name from across the Irish sea. I myself have a certain amount of French and Irish blood. Johann Lamont said that we should celebrate our differences and she is absolutely correct. By celebrating differences, enjoying them and seeing how they enrich our lives, we can see the positive side of refugees.

I want to make one specific point that I think will interest members. In his motion, Kenny MacAskill mentions St George's West church in Shandwick Place, where there is the centre run by the Edinburgh Cyrenians. The organisation that supplies much of the food to the Edinburgh Cyrenians is Fairshare, which for the past few months has been delivering food two or three times a week. Fairshare has been the subject of several motions—including one from Shiona Baird and one from Sarah Boyack. Fairshare takes food that is just about to pass its sell-by date in supermarkets and that would otherwise be dumped in landfill sites. The organisation takes homeless people in and helps them to work, delivering in the vans. I have spent a morning doing that.

I have a plug to make. Fairshare backs up Edinburgh Cyrenians. My cousin has been teaching refugees to cook through the Cyrenians. Tremendously good work is being done. Shiona Baird's motion asked the Executive to consider funding Fairshare and she was right to make that request. We are not talking about a lot of money. In reducing waste, in helping homeless people and in helping refugees who are so welcome to this country, great good is being done. However, greater good could be done if we put a little Scottish Executive cash the way of Fairshare. Advert over.

17:23

Mary Scanlon (Highlands and Islands) (Con): I, too, would like to congratulate Kenny MacAskill. It was nice to hear him speaking in such measured tones; his speeches are normally much more rumbustious.

I welcome the opportunity to speak in the debate. It is right that the Parliament should mark international refugee week in this way. I associate the Scottish Conservative party with the positive remarks that have been made about the Scottish Refugee Council.

I say to Jamie Stone that my mother came from Donegal. Many people who have ended up in the Parliament have parents who came to this country from elsewhere. I am very proud of my mother. However, life was not always easy for her. She was often made to feel that she was inferior, having come over on the Derry boat. She had many stories to tell.

International refugee week is a celebration of people who have much in their lives that makes it difficult to celebrate at all. For refugees who have fled persecution and conflict in their own lands, the sanctuary of our country should be welcoming, tolerant and compassionate. Refugees should feel able to celebrate their safety. We have to strive to foster an environment in which the willingness of many refugees to contribute to our society—while working to support themselves and their families—is encouraged and welcomed. Johann Lamont made that point.

In the Highlands, as in the rest of Scotland, there is a distinct skills deficit in occupational areas such as medicine and teaching, which are vital to the whole community. The shortage of doctors and other specialised medical staff is leading to threats to downgrade hospital services. As other members have said, many asylum seekers who come to Scotland possess the vital skills and education that would fill the gap in our services, so it would make sense for them to be allowed to work in this country while they seek refuge. That would benefit our communities and aid our economy.

Mr Stone: Will the member give way?

Mary Scanlon: I will give way in a second.

At the Conservative conference in Dundee, we had a fringe meeting that was set up by the Scottish Refugee Council. I was delighted to meet a chap called Dr Omar Hassan from Iraq, who desperately wants to contribute to society and to maintain his skills and training. He does not want to live on benefits; he is a qualified obstetrician. Do we need obstetricians in Caithness? At this point, I will give way to Jamie Stone.

Mr Stone: Very well anticipated. Does the member agree that her point could be developed to say that such people could be brought into our system to help us to deal with the problems that we face in Caithness on the maternity front and in relation to 24-hour general practitioner cover?

Mary Scanlon: I knew that Jamie Stone's intervention was timely.

The interesting thing is that I asked Dr Hassan whether he would like the job in Caithness, if it was going, and he said that he would go anywhere in Scotland.

Mr Stone: Sign him up.

Mary Scanlon: I wish I could.

As Johann Lamont said, more has to be done to allow refugees to work, for the sake of their respect and dignity and to allow them to keep their skills and training up to date. Working would give them pride in being able to look after their family and would help to alleviate the fear of going back

to their country. I realise that tackling that issue is outwith the Parliament's remit, but I ask the Executive to work with our colleagues in the Westminster Government to examine whether people could use their skills while they wait for their work permit.

I will give some of the figures on the skills of refugees in Scotland, most of which Kenny MacAskill covered. More than 10 per cent of respondents to the Scottish Refugee Council's survey had medical skills, three quarters of them spoke more than one language and more than 30 per cent of them possessed qualifications in areas in which Scotland has a shortage of qualified workers.

I do not know whether Rob Gibson is speaking in the debate, but I have started to read his interesting book, "Plaids and Bandanas", which is about the Scottish drovers who went to various parts of the world. The Scots who went to all corners of the globe are very good for tourism, because many of their descendants come back to try to trace their ancestors and so on. That is a huge part of Scottish tourism. Such visitors are very welcome.

17:27

Rosie Kane (Glasgow) (SSP): I, too, thank Kenny MacAskill for using this time for discussion of an incredibly important subject; it is unfortunate that we do not speak about it very often in the Parliament. I congratulate him on his motion and associate myself with his remarks.

I also want to congratulate and thank everyone who is involved in international refugee week and anyone who works with refugees—the churches, organisations such as Positive Action in Housing, the refugee councils throughout the country, the other groups that get in among the issue and the individuals on the street who just help where and when they can.

In the Parliament, we have talked a great deal recently about the skills shortage and how refugees can help to tackle it. That is correct. We must consider the issue and work out how to get the right balance.

I enjoy members' business debates, because members speak from the heart in them; that is what makes them important and special. I will speak from the heart, even though not everyone will applaud or agree with what I say. Given the subject of the debate, I must speak from the heart about particular individuals and the events that have happened to them.

I remember that, on the night before Mercy Ikolo went back to Ireland, we had a party for her in my house. Some of her friends from Cameroon and

South Africa came. There were seven people in my living room who had degrees; I do not have a degree. Those seven people—among whom were two maths teachers, a doctor and a dentist; Mercy was a social worker—were unable to work. All their qualifications were being squandered. Apart from Mercy, all those people are still in Scotland—in Glasgow, in fact—and, sadly, all of them are still unable to work.

The skills shortage could be tackled by assisting people into work. However, we should not just consider people as resources or ask how they can help to address our skills shortage—we also have a population deficit. Those are two separate things. We want people to come to the country to work, but we do not give benefits, although we give working families tax credits and so on. That is fine, but how does it address the population deficit? Many members will know that people who are working might be unable to have children or bring up a family. That situation might get in the way of dealing with the population deficit.

The population deficit would be dealt with if we allowed people to come here and have children. We should also support them if they decide to go into the workplace, but if they do not and they desire to stay at home and look after their children, we should support them in that. That means saying to people that they can stay here, get full benefits and be taken care of. We must encourage people to bring their children to this country to grow up and be educated if we are to address the population deficit. The population deficit and the skills shortage are two separate issues. If we simply ask people to come from Poland or elsewhere to work, we will probably not address the long-term problem with the population.

That brings me to another story about a wee girl. Misheel is from Mongolia and tonight she is in Dungavel. She is eight years old and she is there with her mum, dad and 17-year-old brother. She came to this country about two years ago because her father, who was in a democratic party in Mongolia, was seen as a problem and was arrested and had to go into hiding. The family were in Liverpool for two years. The story is particularly painful because the little girl was selected by Liverpool City Council to be its princess on 10 July. Ten days ago, she was arrested and taken to Dungavel. Her parents had to tell her that she is not a princess but a prisoner. That is an unbearable fact and a painful situation.

Members know what I want to say about Dungavel and the lack of powers that the Parliament has on the issue. I cannot miss out the point, because I heard from that wee girl today. The wheels are in motion to send that family back to Mongolia tomorrow—they are supposed to be removed from Dungavel today. The little princess

will go back to an uncertain future. It is likely that her daddy will be lifted at the airport when he arrives there because the guy is a problem for the Government. I cannot let the debate pass without bringing up that story.

That eight-year-old child could clearly be amazing for this country, as could Beriwan Ay and so many other children who have been removed with their parents. Refugee week is about the celebration of life, diversity and cultures. We must consider what we might do to encourage and grow diversity and to celebrate it so that in the future we have little children such as Percie, Beriwan and Misheel in this country. I hope that one day such people will also be in the Parliament.

17:33

Donald Gorrie (Central Scotland) (LD):

Looking round the chamber, I was struck by the thought that, if the members present were in certain other countries, we would all either be potential refugees or in jail. All the members who are here are sufficiently sparkish that they would rebel against whatever totalitarian regime they were under and would go to jail or have to become a refugee. We have a vested interest in treating refugees decently.

I am glad that Kenny MacAskill, who made an excellent speech, mentioned specifically in his motion the refugee centre at St George's West church. I belong to a neighbouring church and have seen some of the good work that St George's West does. Churches have a great opportunity to tackle the problem that they face of the decline in support for orthodox religions. One way forward for them is to act as a base for operations that help groups such as refugees. My church works with prisoners and the homeless and I know of other churches that help people who have come out of jail and other groups that need help. The churches could play an even bigger part in our social life by promoting the causes of looking after particular groups who need support.

Johann Lamont mentioned the voluntary sector, which has an important role to play in helping refugees and asylum seekers in this country, who need all the support that they can get. I am not sure about the technicalities, but until we break the ridiculous bar on refugees working, we should explore whether there is more scope for them to do voluntary work, which at least would allow them to take their talents into the community, to start to integrate and to get personal satisfaction. I would have thought that, if there are some people of ingenuity in the Executive, we should be able to get round whatever ridiculous rules Westminster imposes, at least to the extent of making voluntary work available even if paid work is not.

I spent the weekend in grandson and granddaughter worship in London, which I do every now and then. My oldest grandson, aged 11, who is an enthusiastic supporter of the English football team, was dismayed when we worked out his ancestry, which is interesting, given today's subject, as it shows how mixed we are. He was 31.25 per cent Scottish, 25 per cent French, 25 per cent German, 12.5 per cent Norwegian and only 6.25 per cent English, which he was very sad about. I explained that, although the Scottish football team was useless, as a nation we are vastly superior to the English and so he should be pleased with himself. That illustrates how mixed we all are and how much interplay of different races, and how much movement, there has been.

One of the great stands, yet great failures—like most things in Scotland—in Scottish history was by the Flemings in Berwick, which was our chief town. They defended themselves to the last against Edward I, but they all got burned out and killed. The Flemings invented Scottish towns and French monks helped to invent our Borders abbeys, because the Scots at that time were not great at commerce. From then on, waves of people came in and helped us to regenerate. The same is true now and we must look forward to supporting refugees, enjoying their company and contribution and combating those who are devoted to giving them a bad press.

17:38

Rob Gibson (Highlands and Islands) (SNP): I thank Kenny MacAskill for giving me the chance to speak in this debate during international refugee week. I commend the statement in the motion that refugees have created in our country

“great social, cultural and economic benefits”.

I draw to members' attention the campaign in the Shetland islands to try to stop the deportation of a Burmese woman who is waiting for the Home Office's review of her case. The situation for Hazel Minn is doubly difficult, because the campaign of no deportation of families from Shetland has the signature of one third of the population of the islands. The other of the two women that the campaign concerned—Tanya Koolmatrie, who is from Australia—has been given a reprieve by the Home Office and is going to be able to stay with her family in Shetland. However, Hazel Minn has the kind of views that would lead her into grave danger if she were deported to Burma. During international refugee week, it is essential to remember individuals whose lives are at risk and it is vital that our system can maintain pressure to have their cases reviewed.

People already contribute even when they are merely refugees, so to speak. Hazel Minn is

studying community work at Shetland College and hopes to carry out such work if she is allowed to stay. Her two children, who are Burmese speakers, have learned to speak in Shetland dialect at the primary school in Hillswick in the north of the island where they live. The family is welcomed by the whole community, as members can see from the fact that the petition carries the signatures of a third of the population. We are talking about a welcoming community, about people who contribute and are integrated and about what makes for the diversity that we need for a healthy nation.

I wanted to make those points because the other family, who have been reprieved, are just as anxious and do not sleep at night from considering the stress that Hazel Minn's family suffer not knowing whether a far-off bureaucracy will allow them to stay. It is important that we put our voices behind the campaign to allow them to stay. If members have not signed the petition against the deportation of families from Shetland, I will circulate it with a motion to help, because we should try to bring to bear all the pressure that we can on the Home Office in this case. One of the campaigners visited me this afternoon and said that they are thankful that members of the Scottish Parliament have the opportunity to air such matters and to express their concerns in a non-partisan debate.

The idea of international refugee week is to recognise the humanitarian support, advice and assistance for refugees and asylum seekers that facilities such as the Edinburgh refugee centre offer. However, as Johann Lamont said, communities in many other places throughout Scotland also provide such support. That is to be welcomed. I hope that members agree with me that such good examples can be highly positive for our communities and deserve our support.

17:42

Mark Ballard (Lothians) (Green): I thank Kenny MacAskill for making an eloquent speech and for securing this debate, so giving the Parliament a chance to celebrate international refugee week.

Last year, I, like Johann Lamont, spent an afternoon with an Edinburgh-based asylum seeker as part of a project that was organised by Amnesty International. I was struck by his generosity of spirit and the amount that he wanted to contribute to the country in which he had found himself. I was also struck by the reality of an asylum seeker's life in Edinburgh—a life of boredom and of waiting for responses from the Home Office, a distant bureaucracy that he could not understand and that did not seem to relate to his circumstances. That led to a life filled with fear that he would be

returned to Sudan, the country from which he had fled. As Kenny MacAskill outlined, the situation in Sudan reminds us that many countries from which asylum seekers come to Scotland are among the most unsafe in the world, which is why people undergo the gruelling journeys that bring them to our shores.

The life of the asylum seeker with whom I spent an afternoon was also one of unemployment. He was a proud man who did not want handouts and benefits; he wanted to work and to support himself. He enjoyed the voluntary work that he was doing in the community, but he wanted to work and to look after himself. That is why I join other members in welcoming the Edinburgh refugee centre, which is a much-needed resource for the refugee community in Edinburgh. I would like refugees to be spread throughout Scotland, but I know that there are particular concerns in Glasgow, where support is only patchy. Refugees in Glasgow could do with a centre similar to the Edinburgh one.

I welcome Kenny MacAskill's motion because it reminds us about the destitution and war from which asylum seekers have fled. I am particularly concerned about the destitution that some asylum seekers face in Scotland. I know that it is not within the Scottish Executive's powers to address that problem, but it must be of concern to everyone in Scotland—whether our Westminster politicians, Holyrood politicians or the broad mass of ordinary people—that people live in destitution because the national asylum support service has withdrawn its support. That is particularly the case for people who are described in NASS's milk-bottle jargon as non-returnables—those whose home countries are too unsafe for them to return to but who are offered no benefits or support because their asylum claims have been turned down. We must deal with that destitution as the community of people in Scotland—a community that should welcome those who have fled poverty, war or destitution in the countries that they left behind.

I am particularly concerned about the latest proposal from the Home Office that those non-returnables—failed asylum seekers who are facing destitution—should be offered compulsory work in exchange for basic subsistence, as it is termed. The asylum seeker with whom I spent some time did some voluntary work, but that was work that he chose to do to support other organisations in his community. However, he wanted paid work. Community service is what we give to people who have committed an offence; we should not give it to asylum seekers.

I celebrate the cross-party unity among the Conservatives, Labour back benchers, the Liberals and Scottish National Party members on

the idea that asylum seekers should be given the opportunity to support themselves and to contribute to Scottish society. I believe that asylum seekers have a right to work and I hope that our cross-party message goes to the Home Office and Westminster. That would be a real way of celebrating international refugee week and demonstrating our humanitarian obligations to the rest of the world.

17:46

Ms Sandra White (Glasgow) (SNP): I congratulate Kenny MacAskill on securing the debate, and I associate myself with everyone's remarks. All the speeches, by members of all parties, have been excellent, and they were all spoken straight from the heart. I thank the Scottish Refugee Council, the Glasgow Campaign to Welcome Refugees, Positive Action in Housing and the churches. Graham Blount in particular has done a lot of work in the cross-party group on refugees and asylum seekers. He has travelled all over Scotland, trying to help refugees and asylum seekers with their plight.

I see asylum seekers on a daily basis in the Glasgow area, as I am sure does Johann Lamont. They are situated in Sighthill, Townhead and all over the city. I cannot get over the welcome that I receive whenever I go up to these people's houses, whether just to knock on their door to see whether they are okay or to follow up a query that they have phoned into the constituency office. I remember one occasion when two boys were offered trials with Partick Thistle, our great football club in Glasgow, but unfortunately they could not take up the offer, because they did not have the permits needed to stay here permanently.

I was invited into the home of that family, and was given an absolute feast. I could not quite believe how these people could put such a feast in front of me and others on the pittance that they receive from the Home Office. I have been given such a marvellous welcome in every house that I have gone to. I wish that the media—certain tabloid newspapers, anyway—could see how such asylum seekers welcome us into their homes. Perhaps then there would not be such negative coverage of asylum seekers and refugees in the media. If there are any representatives of the media in the chamber, I hope that they will take that lesson on board. The scaremongering has to stop. These people are welcome in our country, and we look forward to welcoming them here. The media should heed that message.

I have been speaking about asylum seekers who have accommodation, for which I must thank Glasgow City Council. Lots of councils come in for a bit of flak on that issue, but Glasgow City Council has gone overboard to try to help. In

particular, Mr O'Hara of the council's asylum seekers unit bends over backwards to help with any problems that asylum seekers have. Those asylum seekers who have a home are the lucky ones—if we can call them that. As might be the case in other areas—I know only about the Glasgow situation, because I have been so closely involved in it—asylum seekers are put out on the streets of Glasgow. They are destitute and have nowhere to go. All that they can be offered by the Simon Community and the various voluntary organisations that exist around Glasgow is, basically, a sleeping bag.

I have already spoken to Margaret Curran about the matter, and I appeal to the Deputy Minister for Communities to write to the Home Office or to speak to the relevant minister there—it is not Beverley Hughes now, but I cannot remember who it is; I am sure that the minister will remind me. We are not looking to the future at the moment. There are people here who have escaped persecution and who came to this country, expecting to be safe. They might not expect a marvellous welcome from people in this country, but they certainly get it, and despite that, they are thrown out on the streets. We have an army—near enough—of mainly young, single men, sleeping rough on our streets. Young women, aged perhaps 24 to 30, have now started coming to my surgeries, and some of them have been put out on the streets. We cannot condone that action, and the Home Office has to be made aware that we in the Scottish Parliament will not put up with it.

I appeal to anyone who will be in Glasgow on Saturday 19 June to get themselves along to the Glasgow Film Theatre to see "Welcome", a film by Camcorder Guerillas, narrated by Elaine C Smith, on the plight of asylum seekers who sleep rough on the streets. There will also be a question and answer session with asylum seekers and refugees, many of whom have degrees and are mathematicians, midwives or doctors but who cannot work and are put out on the streets. I appeal to members to take the opportunity to go along to the GFT on Saturday to see the film.

Some people in my area—particularly midwives—have been offered jobs and have letters from the school of nursing, midwifery and community health at Glasgow Caledonian University, but they cannot get work permits. In response to phone calls, the Home Office says that they are at the bottom of the pile, but some of them have been here for four years. We must do something about that.

Rosie Kane is quite right—we should not just say that people should come here because that is economically viable for our country; humanitarian concern states that we should bring people in. However, they want to work and the work is there.

I ask the minister to speak to the Home Office to say, "Enough is enough—get these people their work permits, give them their passports back and let them be the vibrant members of the community that they want to be."

17:51

The Deputy Minister for Communities (Mrs Mary Mulligan): I, too, congratulate Kenny MacAskill on securing the debate. At the beginning, I was a little worried that a procession of members would stand up and declare their backgrounds and where they come from. I have to say that it is probably due to my mongrel background that I do not take exception to Mr Gorrie's somewhat harsh comments about our English neighbours.

Scotland has a long and proud tradition of welcoming new people from countries throughout the world. That flow of people and the ideas and talents that they bring has benefited our country in the past and I am sure that it will continue to do so in the future. We must ensure that new Scots get a warm welcome when they arrive here. Refugee week plays a major part in that welcome and I congratulate all those who are involved in promoting it. It provides the opportunity to celebrate the contribution of refugees and to improve our understanding of why they fled their countries.

Those who come to escape persecution need our support more than most. That is why, since September 2001, the Executive has invested considerable resources in projects to aid the integration of refugees and asylum seekers. Communities Scotland has provided funding for a range of local projects that aim to improve local services and to promote community development and integration. The funding is for the use of everyone in the community, not solely refugees. Projects that have been supported include the Red Road women's centre, drop-in facilities and crèches. Funding has also been provided for the Edinburgh refugee centre, which will be formally opened tomorrow, as Kenny MacAskill and Jamie Stone mentioned. We welcome the centre, and funding in the region of £43,000 has been provided this year, which will enable work to be carried forward.

In addition, more than £4 million has been made available through the Scottish Further Education Funding Council for the provision of English classes to speakers of other languages. Refugees and asylum seekers are able to attend such classes free of charge. Some knowledge of English is vital to allow refugees and asylum seekers to access services and, more basically, to interact with members of their local community and participate in local life.

The Executive is committed to the integration of refugees, which is why we set up the Scottish refugee integration forum in January 2002. The forum was tasked with developing action plans to enable the successful integration of refugees in Scotland and the provision of accessible, co-ordinated, good-quality services. The Scottish refugee integration forum action plan was published in February 2003 and contains more than 50 key actions that are likely to make a real difference to the lives of refugees. Work in that area continues and a further implementation report will be published early in 2005.

The Executive has made funding available for projects that directly implement actions that are set out in the action plan and for work that aids refugee integration more generally. Such initiatives include the bridges project, which provides work-shadowing opportunities for refugees and asylum seekers; a job brokerage project from Glasgow Chamber of Commerce that assists refugees into work; and support for Community Service Volunteers Scotland to provide tailored and supported volunteering opportunities, which Donald Gorrie and Sandra White have talked about.

Social projects that involve refugee and host communities, such as football teams and healthy-eating kitchens, have also received funding, and further funding will be made available this year for various projects that are being worked up.

Mr Stone: I am sorry to return to my point, but when the Executive considers further funding, will it please bear in mind Fairshare and perhaps the Greyfriars kirkhouse mission?

Mrs Mulligan: I heard Mr Stone's initial bid, which we will examine.

We need to be clear about the Executive's role. We have responsibility for the integration of refugees and, where appropriate, asylum seekers, but we do not have a role in asylum decisions or the support that is provided to asylum seekers. Those matters are obviously the responsibility of the Home Office. However, we have made representations to Home Office ministers—and in particular the new Minister for Citizenship and Immigration, Des Browne—about the implications of asylum issues for Scotland and about the Scottish people's concerns. We will continue to do that. The policy is for the Home Office to make decisions, but it is important that Scottish views are heard.

That has also had results for the fresh talent initiative. We are all well aware that Scotland's population is aging and declining and is likely to continue to do so. Fresh talent aims to address that and to ensure that Scotland has a sustainable population.

The initiative focuses on four key subjects: promoting Scotland as a place to live and work for those who have a legal right to do so here; promoting Scotland as a destination for people who apply for UK work permits; encouraging students at Scottish universities to stay in Scotland; and improving first impressions of Scotland on arrival.

In September 2003, the First Minister announced the intention to establish a national relocation advisory service, which should be operational by October this year. It will be part of the Executive and will give advice to a wide range of clients who express an interest in living and working in Scotland.

The Executive has allocated £3 million to develop the fresh talent initiative and further work is under way to promote Scotland as a place to live and work as part of a wider promotional campaign. I heard what members said about opportunities for work. We will continue to work with our colleagues at Westminster to address the issues that have been raised.

If we want to attract people here, we need to ensure that Scotland is welcoming, open and diverse. Therefore, Scotland should be no place for racism. We are committed to eliminating all forms of prejudice and discrimination and to confronting those who peddle race hate. Religious intolerance is also unacceptable in a modern, multifaith and multicultural society such as Scotland's.

I agree with much of what Kenny MacAskill and others said. Refugees have brought many benefits to Scotland and will continue to do so. Refugee week plays an important part in ensuring that those benefits are recognised and in providing positive images to counteract some of the deplorable media coverage that we must see. The Scottish Executive is fully committed to ensuring that refugees can integrate into their local communities and that communities do their part to welcome their new neighbours.

Meeting closed at 17:59.

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