

MEETING OF THE PARLIAMENT

Wednesday 10 November 2004

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2004.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

CONTENTS

Wednesday 10 November 2004

Debates

Col.

TIME FOR REFLECTION	11667
SMOKING	11669
<i>Statement—[First Minister]—and debate.</i>	
The First Minister (Mr Jack McConnell).....	11669
Mr Stewart Maxwell (West of Scotland) (SNP).....	11684
Mr David Davidson (North East Scotland) (Con).....	11687
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)	11689
Janis Hughes (Glasgow Rutherglen) (Lab)	11692
Stewart Stevenson (Banff and Buchan) (SNP)	11694
Dr Jean Turner (Strathkelvin and Bearsden) (Ind)	11696
Kate Maclean (Dundee West) (Lab).....	11698
Rob Gibson (Highlands and Islands) (SNP).....	11700
Mr Brian Monteith (Mid Scotland and Fife) (Con).....	11701
Mr Alasdair Morrison (Western Isles) (Lab).....	11703
Eleanor Scott (Highlands and Islands) (Green).....	11705
Mr John Swinney (North Tayside) (SNP)	11706
John Swinburne (Central Scotland) (SSCUP).....	11708
Margaret Smith (Edinburgh West) (LD).....	11710
Mrs Nanette Milne (North East Scotland) (Con).....	11712
Shona Robison (Dundee East) (SNP)	11715
The Minister for Health and Community Care (Mr Andy Kerr)	11716
BUSINESS MOTION	11721
<i>Motion moved—[Ms Margaret Curran]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTION	11723
<i>Motion moved—[Ms Margaret Curran].</i>	
DECISION TIME	11724
SCIENCE AND THE PARLIAMENT	11725
<i>Motion debated—[Dr Elaine Murray].</i>	
Dr Elaine Murray (Dumfries) (Lab)	11725
Brian Adam (Aberdeen North) (SNP)	11728
Robert Brown (Glasgow) (LD)	11730
Mr David Davidson (North East Scotland) (Con).....	11732
Bristow Muldoon (Livingston) (Lab)	11733
Alex Neil (Central Scotland) (SNP).....	11735
Patrick Harvie (Glasgow) (Green)	11736
Lord James Douglas-Hamilton (Lothians) (Con)	11738
Mike Pringle (Edinburgh South) (LD)	11739
The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson)	11741

Scottish Parliament

Wednesday 10 November 2004

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

Time for Reflection

The Deputy Presiding Officer (Murray Tosh):

Good afternoon. The first item this afternoon is time for reflection. Our time for reflection leader today is the Rev Father David Trainer of St Columba of Iona Roman Catholic Church in Glasgow.

The Rev Father David Trainer (St Columba of Iona Roman Catholic Church, Glasgow): Six months ago, I was sitting at my desk in Maryhill in Glasgow when there was a huge explosion as the neighbouring Stockline Plastics factory was reduced to a pile of rubble. In the aftermath, I found myself in our community central halls with other volunteers, sitting with the families who were waiting to hear about their loved ones. For three long and agonising days and nights, I had time to reflect on the situation, on my own feelings, on my own faith and on the heroism and dedication that I witnessed with pride.

As I observed the emergency services, I was reminded of Jesus's famous story about a Samaritan—a despised foreigner—who stopped at the side of the road to help a man who had been beaten and robbed. According to Jesus, the act of that Samaritan was the real neighbourly love that merits eternal life.

I was also aware of our politicians. Our own MSP, Patricia Ferguson, with her usual sensitivity and drive, was in and out of the halls at all hours of the day and night, ensuring that the families and volunteers got all the help that they needed. Other politicians came in, some whose faces I knew only from the television. I watched them: they came in discreetly, gently and silently offering their solidarity. I remember thinking at the time that politicians are, in a special way, Samaritans.

My late father, Patrick Trainer, was a politician all his days. He worked as a councillor until he was forced to retire at the age of 80. As a family, we were continually aware of his being at the beck and call of so many people, all day and every day. Like the Samaritan, he dedicated his life to attending to the needs of others—that was his life and that was his calling. He loved it and we respected him for it.

Too often, we take our politicians for granted. Without you, we have no democracy. We need

your integrity, your hard work and your passion for the truth. You are expected to be the Samaritans.

I will end with a prayer that was written by the great Robert Louis Stevenson. While he was travelling with a small donkey across the Cévennes mountains of France, he jotted down this prayer in the small notebook that he carried in his pocket. I thought that it would perhaps be a fitting prayer for us here in our new Parliament building, as we journey into our new tomorrow and our new future.

O God who givest us day by day the support of thy kindly countenance and hopeful spirit among the manifold temptations and adventures of this life, keep us upright and humble, and, O thou who equally guidest all mankind through sun and rain, give us thy spirit of great mercy.

Amen.

Smoking

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a statement by Jack McConnell on smoking. The First Minister will take questions at the end of his statement, therefore there should be no interventions.

14:35

The First Minister (Mr Jack McConnell): This is a great time in Scotland's history. Our Parliament grows in confidence and effectiveness, our economy is strong and employment rates are high, our public services are improving lives, with higher levels of achievement in education and more lives being saved by our health services, and poverty is decreasing, particularly among children and pensioners. Internationally, we have an increasingly positive profile. Our universities are admired, our artists are celebrated and visitors to Scotland increase in number and spend more money when they are here.

Scotland is a country of great talent, of enterprise, compassion and tolerance, but there are still national habits that hold us back. The time has come for Parliament to accelerate our action on health improvement. In comparison with the rest of the United Kingdom, with Europe and with too many countries worldwide, our mortality and morbidity rates across far too many indicators are lamentable. Poor diet, excessive drinking, lack of exercise and drug abuse all contribute to making us one of the unhealthiest nations in Europe. Too many people smoke and too many people die or fall ill from cancer, stroke and heart disease—the top three killer conditions that blight our country.

Since devolution, our action, investment and focus have been on tackling those three killers, and we are making progress. Rates of death from heart disease have fallen by 14.1 per cent, rates of death from stroke have fallen by 15.3 per cent and rates of death from cancer among people under 75 have fallen by 5.7 per cent. We have also taken action on diet and exercise and on alcohol and drug misuse; I believe that we are making progress on those, but the single largest cause of preventable premature death in Scotland is smoking. Smoking levels in Scotland are falling, but smoking among young women is increasing at a worrying level and it is becoming increasingly clear that passive smoking affects us all.

We made, in our partnership agreement, a clear commitment to increase the number of smoke-free areas in Scotland. In support of that, we launched our tobacco action plan in January 2004 and we embarked on a comprehensive consultation on smoking in public places. We conducted an opinion poll and commissioned research on

passive smoking and on the impact of smoking legislation in other countries. We held public meetings all over Scotland, surveyed young Scots and hosted an international conference in Edinburgh to consider international expertise. I and others visited Ireland to see at first hand the effects of the smoking legislation there.

It was a comprehensive consultation, which sought views, sparked debate and gave all sides in the debate the opportunity to put their cases. I want to record my appreciation of the early steps that Tom McCabe took to take that consultation forward, and I also record my appreciation of Stewart Maxwell's efforts in raising the issue here in Parliament. We conducted those assessments of impact and of opinion fairly, thoroughly and thoughtfully. We have consulted more widely than on any other issue since devolution, and few issues have generated so much sustained debate.

We know that the case for reducing smoking and exposure to second-hand smoke is indisputable. Every year, 13,000 families in Scotland lose loved ones through smoking-related death and about 1,000 of those deaths are associated with passive smoking. Every year, 35,000 Scots are treated for smoking-related diseases and across the UK 17,000 children under the age of five are admitted to hospital each year because of the effects of passive smoking.

The consultation has provided new evidence on the impact of smoking bans and a greater range of information on public opinion. Here is the evidence. The smoking bans in Ireland and in New York have helped smokers to give up quicker and have encouraged smokers to smoke less. Cigarette sales have dropped by 13 per cent in New York and by 16 per cent in Ireland. Our research estimates that there will be a net economic benefit—not a disadvantage—for the Scottish economy as a result of any ban. Tax revenues from bars and restaurants in New York have increased by almost 9 per cent since the ban was introduced there and despite the dire warnings, the first official figures from Ireland show that volume sales are down by only 1.3 per cent and were falling before the ban became law.

The majority of Scots do not smoke; of those who do, the majority want to give up. There is widespread support throughout Scotland for a ban on smoking in public places, but there is also support for exemptions. However, the international evidence shows that a comprehensive and clear-cut law to create smoke-free areas is more enforceable and more effective.

Crucially, medical opinion highlights the impact that active and passive smoking have on our national health; medical bodies, cancer charities and others want us to take a clear and decisive step forward.

After having consulted more widely than ever, the Scottish Cabinet met this morning to consider the action that we will take on smoking in public places. We had in front of us reports on the consultation and on the impacts of smoking legislation—those have been placed in the Scottish Parliament information centre today. We noted the strong support for a comprehensive ban and we noted the reservations of many on the detail. We also noted the unequivocal evidence that smoke-free public areas will save lives and improve Scotland's national health. We noted the evidence that productivity will increase and the expectation that we will be a more confident and attractive country if we take action on smoking in enclosed public places.

We have considered the arguments and the evidence and we are clear that Scotland must not be held back by our poor public health. The single biggest contribution that our devolved Government and we elected members of the Scottish Parliament can make to improving public health in Scotland would be to reduce the toll of preventable premature deaths from smoking. Therefore, I am proud to announce to Parliament today that we will, with Parliament's support, introduce a comprehensive ban on smoking in enclosed public places.

A comprehensive ban will be a clear signal that Scotland has changed. The ban will reduce smoking, save lives and help transform our national health. A comprehensive ban will be easier to enforce and simpler to understand than other options that fall short of it. Private clubs will not be exempt; the only exemptions will be in private and specific circumstances.

There will be opposition to the decision, but Parliament must do what is right in the national interest and we must persuade those who have reservations to embrace the opportunities that the decision will create. For individuals, the ban will offer the opportunity to cut down or to stop smoking and it will create the opportunity for our children and grandchildren to grow up with less pressure to smoke and less likelihood of their dying early.

For the hospitality industries, the comprehensive ban will create opportunities for improved productivity, for a whole new positive image and for more, not fewer, customers. For Scotland, the ban will give us the opportunity to transform our national health.

We will take steps to implement the decision together with those who will be affected by it, rather than seek simply to impose it on those who are addicted or on those who are worried about their business. We will establish a national smoke-free areas implementation group, which will be chaired by the Minister for Health and Community

Care, and we will invite the licensed trade and others to join that group and assist us in the task. We will double our health service support for those who want to stop smoking but who need help to do so. We will also prepare an international marketing campaign to promote Scotland as a country where tourists can enjoy a smoke-free environment, where business can expect improved health and productivity and where our sick man of Europe image is firmly in the past.

On enforcement, we have seen the scare stories and the attempts to portray our chosen way forward as draconian and as an infringement of personal liberty. However, the Scottish people are proud of the Scottish legal system. Scots do not need the threat of fines of more than £3,000 to obey the law and our police officers should, of course, be catching serious criminals and keeping our communities safe as their first priority. Our decisions reflect that. All the experience in San Francisco, New York, Dublin and elsewhere—in cities and countries that have been brave enough to take the same decision—suggests that members of the public enforce smoke-free areas themselves.

However, we must be clear about the penalties and responsibilities. Licensees or employers who fail to enforce the law in their premises will face fines up to a maximum of £2,500 and licensees who persistently refuse to comply with Scottish law will face the ultimate sanction of their licence being withdrawn by the local licensing board. In consultation with those who will be charged with enforcing the legislation, we will examine a system for issuing fixed-penalty notices for individuals who smoke in enclosed public areas. We will introduce a maximum fine of £1,000 for persistent offenders. Environmental health and local licensing standards officers will be responsible for enforcement and the Convention of Scottish Local Authorities and its professional bodies will be invited to join the implementation group to prepare local authorities for that responsibility.

We have made a decision and we must lay out a timetable. If it is the right decision for Scotland, as we believe it is, there should be the minimum delay. We need to act quickly, but we also need to give those who will be affected time to prepare. We have considered the legislative options and balanced those two objectives and we will introduce the necessary legislative proposals in the health service (miscellaneous provisions) bill, which is due to be introduced before Christmas. We will set a target date for full implementation in spring 2006.

Devolution has provided us with the means to make a difference that is suited to the specific needs of Scotland. There is no greater action that we can take to improve the well-being of children

and families in Scotland for generations to come than to secure legislation to make Scotland's public places smoke-free.

However, more than anything else, the reason why smoking in public places should be illegal is the message that that will send to our nation. No longer will Scotland be the place in Europe that is most associated with poor health. No longer is Scotland prepared to sit back and let cultural traits prevent national progress. No longer does Scotland need to wait for someone else to take responsibility for difficult decisions. The greatest rewards for our country can be achieved by taking the toughest decisions. The prize is not a new set of laws or the restriction of personal freedoms; it is much greater than that. We in Parliament have a chance to take the most significant step to improve Scotland's public health for a generation. That is a chance that this Government is willing to take and an opportunity that Parliament should not miss. I do not believe that the Parliament will miss the opportunity.

The Deputy Presiding Officer: The First Minister will now take questions on his statement. I intend to allow 35 minutes for questions before we move on to the debate.

Nicola Sturgeon (Glasgow) (SNP): I welcome the First Minister's statement and join him in congratulating Stewart Maxwell on the work that he has done on the issue. I also welcome the fact that the Scottish Executive has opted for a consistent ban on smoking in public places and has ruled out unfair exemptions for private clubs.

I believe, as does the Scottish National Party, that the time has come for a ban on smoking in public places. There is evidence that a ban will cut deaths from passive smoking and make it easier to give up smoking for the 70 per cent of smokers who desperately want to kick the habit. We must also recognise, as the First Minister acknowledged, that many people have concerns and reservations—many people are yet to be persuaded.

Does the First Minister agree that the process of moving towards a ban must involve as clear a public debate as possible, so that the concerns that many people have can properly be addressed? Will he, on reflection, agree that it would be quite wrong and would simply confuse debate to introduce a ban on smoking as part of a miscellaneous provisions bill that will also address big, controversial issues such as organ donation and, as I understand it, perhaps the fluoridation of water? Will the First Minister think again and, in the interests of a full debate, give an assurance that he will introduce a bill that will deal specifically and exclusively with smoking in public places within the timescale for implementation that he set out?

The First Minister: I welcome the Scottish National Party's support for the measures that I outlined. Some issues in this country transcend the boundaries between our parties—this is one of them. I hope that we can work together to secure effective and well-implemented legislation that makes the difference that we all want it to make in Scotland.

We must choose a legislative route for the proposals that causes the minimum delay and that is firmly rooted in the Parliament's health legislation. Therefore, I believe very strongly that the right route is to introduce to Parliament next month a bill that includes the provisions. That route will give Parliament the chance not only to consider the primary legislation, but to see the important draft regulations. Parliament should be able to debate the proposals as openly as possible and to legislate for them as quickly as possible. That is the right thing for us to do and that is the route that we have chosen.

David McLetchie (Edinburgh Pentlands) (Con): I thank the First Minister for the courtesy of providing us with advance notice of his statement. As he is aware, because of the health hazards that smoking poses, all parties share a desire to see a reduction in the incidence of smoking in Scotland.

As I am sure the First Minister will acknowledge, he does not have a monopoly of concern in such matters. The Conservatives welcome the substantial progress that has been made to date thanks to public health campaigns that have been run by successive Governments over many years. It is fair to say that Conservative members have legitimate concerns—as I am sure many other members do—about the First Minister's plans and proposals to achieve further progress in this area. I have several questions to put to him.

First, is the First Minister's approach to the issue of banning smoking in public places based on objective analysis of available evidence about environmental tobacco smoke—or passive smoking, as it is better known—or is his approach based on the unscientific assertions that have characterised much of the debate on both sides of the argument?

Secondly, the First Minister said in his statement that there was "widespread support" for the ban. However, press reports at the weekend indicated that as part of its consultation exercise the Scottish Executive conducted an opinion survey, which demonstrated that three quarters of Scots do not want a total ban. Whether they were smokers or non-smokers, people said that a more reasonable and balanced approach should be taken to the issue. Will the First Minister confirm the Executive's poll's findings? As a supporter of freedom of information, will he publish the findings in full so that we can all see them for ourselves?

Thirdly, the First Minister's proposals in respect of exemptions, to which he referred in his statement, will be of interest to many people. Are prisons to be exempt from the ban, as is the case in Ireland? If prisons are to be exempted, is not it ironic—and, indeed, entirely typical of the First Minister's brave new Scotland—that criminals can be smokers while smokers will become criminals?

The First Minister: The decisions that the Cabinet took this morning were based not only on the most widespread consultation ever by Government in Scotland, but on the analysis and evidence that we compiled at the same time as the consultation was taking place. When the Cabinet made its decisions today, it made them based on all the evidence that was placed in front of it. The decisions were based on the clear and consistent evidence that is accepted by everyone apart from those who have a vested interest in retaining the status quo or who seem to want to appear to be the spokespersons for those interest groups.

Passive smoking kills. It also significantly worsens medical conditions and affects young children in particular. We need to take this stand not only for employees, as is the position in Ireland, but for the public health of Scotland. It is within our competence as a Parliament to do so and we intend to act on the matter.

We conducted an opinion poll as part of our wide-ranging consultation. As I said in my statement, one of the most interesting things about opinion surveys on this issue is the way in which the answers that people give to the questions that are posed differ depending on the questions that are posed. If people are asked whether they want an all-out ban, huge numbers of them say, "Yes". If people are asked whether they want exemptions, and if specific exemptions like pubs or other examples are mentioned, a huge majority of people again say that they are in favour. That is why there is a duty and a responsibility on this Parliament and this Government to show leadership. We need to ensure that the right decision is made in the national interest of Scotland. Although we will be guided by public opinion, by popularity, by the surveys that we have conducted and by the consultation, we need to make the right decision; I believe that we have done so.

Finally, let me make it clear that although Ireland has a number of exemptions that are specific in some senses, but which are also fairly broad, it is important that we protect the rights of non-smokers and smokers who want to give up in our prisons and in other places, as well as protect the rights of people out in the street and in their own homes. This is about Parliament taking a firm stand for the non-smoking majority of Scotland and for those who smoke and want to give up. It is

important to find a solution that does that, so we intend to find it. Although there will be exemptions, and although we have to ensure that the rights of people in their own bedrooms or their own homes are secure, we will at the same time have to ensure that in public places—which includes public establishments such as those that are exempt in Ireland—smoking is banned.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The Liberal Democrats are delighted that this health promotion measure, which is so important to us and to Scotland, is to be introduced so comprehensively. However, the First Minister said that private clubs will not be exempt. The only exemptions will be in "private and specific circumstances", which the First Minister elaborated on a second ago. Can the First Minister elaborate further and give us the reasons for including private clubs within the scope of the proposed legislation? Is it to close supposed loopholes? Could we have more detail on that?

The First Minister: As I said, our decisions were based on the evidence and on proper analysis of the effectiveness of action in other countries, such as Australia, and in states in the United States of America. The reality is that the best way forward is a comprehensive and consistent ban that not only the people who live in a country but those who visit it can clearly understand. It is best in terms of implementation and it is best in terms of acceptance among the general population.

I recognise that there will be real sensitivities in relation to private members clubs, but members of the public visit private members clubs, and non-smokers in private members clubs have rights, too. We want to ensure that the ban is as comprehensive as possible. We want the maximum number of enclosed smoke-free areas in Scotland, which is why we intend to introduce the measures. However, we will ensure that the proposed legislation that we bring to Parliament has been properly scrutinised and that we have received the proper advice. We need the combination of health legislation and licensing legislation that we will put to Parliament next year to be properly enforced in all areas.

Paul Martin (Glasgow Springburn) (Lab): As an MSP who represents a constituency where the incidence of lung cancer is 93 per cent above the Scottish average, I welcome the First Minister's statement.

In respect of future generations, Patricia Ferguson and I were joined by pupils from Chirnside Primary School and St Philomena's Primary RC School, and a straw poll of those pupils made it clear that they would also like to see a ban. Today we are reflecting public opinion, young and old.

The First Minister wants people to give up smoking, but there have been no specifics on how he will direct resources. Helplines and glossy leaflets do not work in this area, so how will the First Minister ensure that we assist people to give up smoking?

The First Minister: I thank Paul Martin for those points. I have seen much of the correspondence from young people throughout Scotland that has come in as part of the consultation. Today, I met pupils from four schools who took part in the consultation. The views of young people in Scotland are clear—a clear majority want a comprehensive effort to secure smoke-free areas that they can enjoy as they grow older.

I also know about the importance of supporting people who have started to smoke and who want to give up. The reality in Scotland today is that 70 per cent of people do not smoke. Of the 30 per cent of people who smoke, two thirds want to give up, but they find it hardest not to smoke in public places where they socialise. The areas where people find it harder still to give up are the most deprived areas that face the greatest economic and social challenges. That is why we will not only double our efforts through the health service to support individuals in Scotland to give up smoking, but will ensure that money is targeted at the constituencies or areas of Scotland that most require assistance. The gap in life expectancy between some of the constituencies that are represented in Parliament is far too large and far too much of it is attributable to smoking. We want to assist those who are in the greatest danger with the maximum effort to help them to stop smoking and secure a longer life.

Eleanor Scott (Highlands and Islands) (Green): I will follow on from the previous question. How will the health promotion initiatives and information be targeted specifically at young women? I share the First Minister's concern about the increasing level of smoking among young women—they are the one group in Scotland among whom smoking levels are not reducing.

I support the ban and the proposals and I welcome the First Minister's statement. He said that environmental health and local licensing officers will be responsible for enforcement. What additional resources will be provided to local authorities to enable those officers to fulfil that role?

The First Minister: We expect that the implementation group's discussions will involve discussion with local authorities about additional resources that might be required. We will have an open mind on the issue and ensure that local authorities and environmental health officers are well enough resourced to perform their important task.

I welcome the support of the Green group of MSPs for the proposed legislation. I welcome the cross-party support that we have received. I hope that we will secure a large majority on the issue in the Parliament, which I am sure will help us to unite the country.

I fully understand the point about young women in Scotland. The social pressures that have led to increases in smoking levels among young women in Scotland do not cause immediate problems only for them, but problems that can come back to haunt them in later life. I am absolutely determined that, when we focus the resources that I mentioned to help people give up smoking, we will take into account the particular challenge that we face with young women. On a lighter note, we should also realise that the proposed legislation will generate a lighter and positive response from the many young women throughout Scotland who are sick and tired of going out on a Friday or Saturday night and coming home absolutely stinking of smoke and finding that they cannot go out the next night wearing the same gear or without washing their hair and cleaning up. It is high time that we gave people in Scotland a chance to enjoy their leisure and social time in a clean, smoke-free atmosphere, which is what we intend to do.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): Does the First Minister agree that it would be counterproductive to have fewer people smoking in public, surrounded by adults who choose to be there, but more people smoking in their living rooms, surrounded by their kids? I am pleased that resources and support will be targeted at the deprived communities that suffer greatly from the incidence of smoking. How much money will be used to reduce smoking overall, rather than just to switch the situation round?

The First Minister: The current spend in the health service on smoking cessation services is about £3 million a year throughout Scotland. We intend to more than double that and we will do so by the time that the proposed legislation comes into force.

Shona Robison (Dundee East) (SNP): Some of us would never dream of leaving the house without washing our hair.

I sincerely welcome the First Minister's statement, which is a landmark for the Parliament. The First Minister referred to the proposed system of fines and he will be aware that Ireland's system of fines is directed towards licensees rather than individuals. Why has the Executive decided to go down the road of fining individuals as well as licensees? Will the First Minister clarify what persistently breaking the law means, and how many breaches of the law would be required for the £1,000 fine to kick in?

The First Minister: One of the key discussions that we need to have over the coming weeks—we will produce proposals on it in due course that can be well scrutinised by Parliament—relates to the potential for fixed-penalty notices. Such systems work in many similar areas and should be able to work in this case. However, before we come forward with definite proposals, we should discuss with those who might have to implement the notices the provisions that would be required and the impact that those provisions might have.

We believe that it is important that, rather than have a draconian piece of legislation, which goes over the top as far as fines are concerned, there should be a firm disincentive for everybody in relation to the legislation. There should be not only a firm disincentive for the licensees and those who are responsible for property in which smoke-free areas are created, but a responsibility on the part of individuals. I am sure that that matter will be debated at great length in the committee over the next few months. We believe that we have found the right balance. We believe that the prosecuting authorities in Scotland are well able to judge when, and in what circumstances, it would be right to move towards a prosecution and towards the potential of a fine at that level. However, there will be further advice and guidance in the course of the discussion in committee.

Irene Oldfather (Cunninghame South) (Lab): I warmly welcome the First Minister's statement and assure him of the support of the cross-party group on tobacco control in pursuing this radical action, which will save Scottish lives. While recognising the humanitarian arguments that exist for specific exemptions, will the First Minister give an assurance that frail elderly people in day centres, residential homes and nursing homes who do not smoke—or have given up smoking—will be protected from the harmful effects of passive smoking? Does the First Minister envisage that exemptions may be phased out over time?

The First Minister: In the short term—and, I suspect, in the medium term and possibly the long term—there will be circumstances in which, for humanitarian reasons and reasons of consistency with other laws, we will need to ensure that people have the opportunity to smoke. However, in designing the laws that we bring before the Parliament we need to protect, in as many establishments as possible, the rights of those who do not smoke or who do not want to be in public areas where smoking is taking place. In relation to care homes, we require to make a very sensitive and challenging decision. However, when we come to Parliament with our detailed proposals—the details that would be included in the regulations that would follow from primary legislation—we will outline to the committee the

way in which we intend to deal with that matter in advance of Parliament being asked to vote.

Dr Jean Turner (Strathkelvin and Bearsden) (Ind): I congratulate the First Minister on his statement. Having spent most of my life looking after people who are suffering the adverse effects of cigarette smoking, I found it to be wonderful news. Some stroke and cancer figures have been reduced, but despite the fact that lung cancer kills more people than breast cancer and prostate cancer put together, and despite the fact that most lung cancer patients are ex-smokers, researchers into lung cancer still feel that it is a Cinderella area of research. Will the First Minister give more money to research on lung cancer?

The First Minister: My understanding is that research into lung cancer is particularly difficult, but I am happy to take on board that point and respond to it at a later date. I agree absolutely that the impact of lung cancer, which Dr Turner has seen throughout her working life, is one that far too many people in Scotland experience in their families, among their friends and in their neighbourhoods. Anyone in the chamber who has had a member of their family dying of lung cancer will know just how traumatic and awful that experience is, not just for the person who is dying of lung cancer but for their family.

As we debate these issues in the months ahead, I hope that we will remember that it is not only smokers who die of that condition because of the effects of smoking, but those who work in establishments where smoking takes place and those who have had to socialise in establishments where smoking takes place. Many non-smokers, too, are affected and we in this Parliament need to remember and respect their right to a healthier and longer life.

Karen Gillon (Clydesdale) (Lab): As an asthmatic I very much welcome the opportunity that the ban will provide, once it is in place, for me to socialise without requiring additional medication. Given that I represent Carstairs state hospital, I want to ask the First Minister about the situation for psychiatric patients. How will we get the balance right between allowing exemptions and protecting the rights of people in the wards who do not want to smoke?

The First Minister: That is the third in a trio of points, to which I will give a consistent answer. In Ireland the exemption covers prisons, care homes, which were mentioned earlier, and the psychiatric services. We need to be clear that we have a duty and responsibility to protect those who are in the psychiatric hospital who are non-smokers and who would like a smoke-free environment. It is therefore important that, in relation to the psychiatric hospital, we try to achieve the balance

that I talked about earlier in relation to prisons and care homes.

Mr Stewart Maxwell (West of Scotland) (SNP):

I join others in welcoming the statement. I am delighted to be here in the Parliament as we take the first steps towards a smoke-free, healthier Scotland. I want to press the First Minister on the timetable that he mentioned in his statement. He said:

"If it is the right decision for Scotland ... there should be the minimum delay. We need to act quickly, but we also need to give those who will be affected time to prepare."

Although I agree absolutely with that statement and the sentiments behind it, I am not sure how the leap was made from it to the health service (miscellaneous provisions) bill. The opposition will mount a particularly fierce campaign, which is one of the reasons why we should have minimum delay. However, we also want to give those in the industries that will be affected the maximum time to prepare for the enactment of the bill. Given that the Prohibition of Smoking in Regulated Areas (Scotland) Bill—my bill—would be passed by the Parliament before Easter if it continued through the normal parliamentary process, while the miscellaneous provisions bill will take longer as it has not yet been published and will cover a number of other contentious issues, how has the First Minister taken the sentiment about minimum delay and created the idea that we should act through the miscellaneous provisions bill, rather than through the dedicated bill on smoking that I introduced earlier this year?

The First Minister: I mentioned one of the reasons earlier: we believe that the provision should be rooted firmly in health legislation, because, as Stewart Maxwell said, those with a vested interest who oppose the ban will mount a vociferous challenge to it. I am sure that one of the things that they will challenge—they have already threatened to do so—is the Parliament's competency to legislate in this area. We are clear that the position on the Parliament's competency to legislate will be stronger if we legislate on the ban as part of a bill on health provisions. That is one of a number of reasons for our legislating in that way.

It is important that we get the provisions before Parliament before Christmas, which is what we intend to do. We rejected the other options that were available to us. We have plans to introduce a public health bill at some stage in this session, but leaving the provision until then would have meant that we had to wait too long. It would not be appropriate to include the provisions in the proposed liquor licensing bill, but it is appropriate to include them in a health bill, which is what we intend to do.

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

The First Minister made it clear in his statement that he considers that issues of public health should take precedence over issues of personal liberty. Given that that is his stance, what other areas and aspects of human behaviour that are injurious to public health does he plan to legislate against?

The First Minister: There will be other debates at other times on other areas of legislation and there are, of course, many areas of public legislation in this country that have an impact on people's personal liberty and impose on them duties and responsibilities. The issue of seatbelts is an obvious example, but there are many others.

To be frank, Murdo Fraser's question misses the point. Absolutely nobody in this chamber, to my knowledge, wants to ban people from smoking. Smoking is a matter of personal liberty and is a choice that people have. However, it is wrong for our country and for the individuals who are affected for us to have a situation in which the actions of one person can cause a great deal of damage to another. We need to show leadership in this Parliament and to change the nature of our country. I believe that that is possible.

There are those who say that it will not be possible to introduce such a ban in a country like Scotland, but I do not accept that. Ireland has many similarities to Scotland and, in Ireland, the ban is not only enforced but is an absolute success. There are those who say that, in Ireland, the ban will cause problems in the winter. That is not true either—the ban in New York works in the winter and every month of the year is wetter in New York than it is in Edinburgh. Further, in New York, although the summers are warmer, the winters are colder than they are here. Nevertheless, in New York, people adhere to the ban and respect the law. For hundreds of years, people in Scotland have respected the basic laws of this land and I believe that, if the Parliament passes this legislation, they will respect it as well. They will do so in the interests of the individual liberty of the thousands and thousands of Scots who want smoke-free areas in which to socialise.

Margaret Smith (Edinburgh West) (LD): I very much welcome the First Minister's statement, bearing in mind that passive smoking is associated with 865 deaths in Scotland every year. However, I will play devil's advocate in relation to a justice issue. Does the First Minister have any thoughts on what the impact of the displacement of people from public houses into our public streets will be? What has been the impact of numbers of people congregating outside public houses in countries that have introduced a similar ban?

The First Minister: We have to consider the evidence from elsewhere. When issues are taken in isolation, they can be worrying, but when we look at what has happened in cities, states and countries around the world that have been brave enough to take the decision that we are discussing, we can see that the legislation on smoke-free areas has worked in practice. People do not cause trouble or public nuisance out on the street; they respect their duty as citizens to obey the law inside the public houses and to behave reasonably outside.

I recognise the worry that Margaret Smith expresses, but I also recognise that, where bans are in place across the world, those bans are enforced effectively and people do not cause a public nuisance in the areas outside the enclosed spaces that are affected by the bans.

Christine May (Central Fife) (Lab): I, too, welcome the First Minister's statement. However, I draw his attention to the fact that, today, Radio Telefís Éireann is reporting the first prosecution of a publican on the charge of failing to enforce the ban. The publican, who is in Waterford, did not enforce the ban on the grounds that many of his customers were elderly and found it difficult to change.

I welcome the First Minister's assurance that a committee will be set up to consider the actions that can be taken to help business prepare for the ban. What discussions has the First Minister had with the trade unions, health boards and others who have worked hard to improve public health on the subject of activities that might be supported by the Executive, such as the issuing of free nicotine patches on a trial basis in pubs? That sort of initiative would ensure that publicans were assisted to enforce the ban.

The First Minister: A range of services and support initiatives can be put in place for individuals and businesses. It is important that we engage with the business community to involve businesses in the process of delivering the legislation and, more important, preparing for its implementation. I believe that businesses have nothing to fear. I do not believe that they should be terrified of this change. They should seize the opportunities that exist. If we get the implementation of the legislation right, those businesses will have more customers, not fewer; their business premises will be better environments; and their staff will be looked after properly.

Businesses will have a real opportunity and I hope that, not only in the education and support programmes that Christine May mentioned but in the work that we can do to promote Scottish businesses in the hospitality sector, we can use the implementation group as an opportunity to

come together, discuss ideas and go forward together rather than being at loggerheads over a decision that I am sure will be controversial but which is right.

The Deputy Presiding Officer: That concludes questions. My regrets go to the seven members whom I have not been able to call, but I must go to the next item, which is a debate on the ministerial statement on smoking. No question will be put at the end of the debate.

15:20

Mr Stewart Maxwell (West of Scotland) (SNP): I thank the First Minister for his statement and for his personal comments on the work that I have done since I was elected on trying to achieve a smoking ban in Scotland.

Today, Scotland is the sick man of Europe. Scotland has the highest rate of female lung cancer in the world and the lowest life expectancy at birth in the European Union. Scotland is only now achieving the levels of life expectancy that were seen in other European countries in 1970. Other countries have made progress with health improvements while we have been left behind. In Scotland, our diet is poor, we drink too much and, most important, we have some of the highest smoking rates in Europe. Smoking is the single biggest cause of preventable premature death and ill health in Scotland. Ireland and Norway have implemented full smoking bans, and with the introduction of those bans health in those countries will take another leap forward. Without a similar ban here, Scotland will fall even further behind.

Without a ban, it is not only in health that we will lag behind the rest of Europe. A young family that wishes to go on holiday is far more likely to choose Ireland, with its healthy, forward-thinking image and its smoke-free bars and restaurants, than a smoky Scotland. We must not let that happen. If someone wanted to emigrate for a better life, where would they choose: a country that has a reputation as the sick man of Europe, or a vibrant country with a young population and a proven commitment to passing and enforcing public health policies to protect the health of its population? If we do not introduce a full ban, we will endanger our tourism industry, our chances of attracting new, young immigrants, our image in the eyes of the world and the economic benefits that all those things bring.

Scotland has to make up lost ground in health, tourism and self-belief. It is time for us, as the policy makers of Scotland, to stand up for the health of the people of Scotland. We must not be intimidated by the blustering of vested interests in the tobacco industry, who have no interest in the

health of Scotland's citizens. Great advances in health are made by legislators who have the courage to act. In the 19th century, Glasgow undertook the massive engineering project to pipe clean water from Loch Katrine. In the middle of the 20th century, the Clean Air Act 1956 was passed, saving many lives in Scotland. Now, we have a Scottish Parliament and we must take responsibility for our health and have the courage to act. By implementing a ban on smoking in public places, we will place ourselves firmly in the footsteps of the great reformers of the past who did so much for public health.

However, I sound a note of caution and concern. In this week's newspapers there have been leaks stating that the Executive will cave in to pressure from the pro-tobacco lobby during the passage of the legislation by introducing exemptions for certain places. I hope that that is not true; I hoped that the First Minister would make the matter clear today, but I still have slight concerns and I hope that clarity will be forthcoming, perhaps when the Minister for Health and Community Care speaks later. It is entirely unacceptable for certain clubs to be exempt from the ban and I hope that the First Minister will dismiss that proposal out of hand. It is not acceptable for certain groups to be allowed to use their money to avoid the law. People should not be exempt from a ban just because they pay to join an upmarket club. Money should not be the deciding factor, and I agree with the Scottish Licensed Trade Association when it says that there must be a level playing field.

Mr Brian Monteith (Mid Scotland and Fife) (Con): The member has often cited New York as an example of a place where a smoking ban has worked. Is he aware that in New York there are exemptions for cigar clubs? They are not just bars or cafes, but have a substantial turnover of cigar sales and they are given exemptions as long as they can prove that that turnover continues month on month.

Mr Maxwell: It is true that New York has such exemptions, which I do not support. America has a different society from ours. We do not allow people to buy their way out of complying with the law or with regulations that are enforced for poorer people in society. To do so is wrong, unfair and unjust.

I am disappointed that the Executive intends to make this important and culture-changing provision a section in a miscellaneous provisions bill. Choosing that route will appear to the people of Scotland, and will be portrayed by some, to be underhand and aimed solely at stifling debate, because the matter will be mixed with many other contentious issues. I urge the Executive to reconsider and not to take that road. The measure is the single most important piece of public health

legislation that the Parliament can enact and it is far too important to be mixed with other issues in a general bill. We must have a bill that deals exclusively with smoking.

The Parliament has a duty to ensure that Scotland's health is protected as speedily as possible—the First Minister mentioned that in his statement. If we fail to do that, the ban's opponents will have more time to scaremonger and to frighten the people of Scotland with lurid and nonsensical tales of job losses and economic meltdown. They will use their financial strength to mount hysterical opposition, which we must prevent.

How does the Parliament introduce a dedicated smoking bill quickly? That is easy. My Prohibition of Smoking in Regulated Areas (Scotland) Bill is already with the Health Committee. Its stage 1 debate is due in January and it could pass stages 2 and 3 and complete the parliamentary process by Easter 2005. That would be the quickest, simplest and best route to achieving a full ban.

Kate Maclean (Dundee West) (Lab): The Health Committee heard evidence about the partial ban that the bill would introduce in places where food was served, so does the member agree that we would have to take evidence again? I know that many people gave evidence about a full ban, but we did not call for evidence on that, so we would have to issue another call for evidence. That means that the timescale could not be as truncated as the member suggests.

Mr Maxwell: I agree that the Health Committee took evidence in relation to food, but virtually every witness—and certainly every Health Committee member—talked and asked questions about a full ban. If the committee wished to take evidence at stage 2, I am sure that that would be perfectly acceptable, but it would not take as long to pass that bill as it will take to pass the health service (miscellaneous provisions) bill. The Executive's proposals will drag on well into 2005, as the miscellaneous provisions bill will be published only by the end of this year, so it will take time to be passed.

A few simple amendments are all that would be required to bring my bill into line with the objective that the First Minister announced: a full ban. I have told the Health Committee of the small number of amendments that would be required. Since we moved to the new Parliament, the First Minister has talked much about raising our game. In imposing a full ban on smoking in public places, we would be at the top of our game on public health.

We must work together to introduce successfully a full public-places ban. By supporting my bill, the First Minister, the Executive and the Parliament

would take a great opportunity to show political maturity and a willingness to participate in a cross-party way for the good of all the people of Scotland. However, instead of working with other parties, the Executive has been unable to put aside party-political differences on the matter for the benefit of the people of Scotland.

I urge the Parliament again to show our country and the world that the health of the people of Scotland comes above all else. We can do that by working together to put in place a full public-places ban as soon as possible by supporting and amending my bill.

15:28

Mr David Davidson (North East Scotland) (Con): It is interesting that we have started a public debate. No vote will take place after our debate—this is another stage in a public debate that we are willing to participate in.

I do not smoke and have never smoked and I would like tobacco consumption to be reduced. That has been the aim of Governments in the past few decades, although Chancellors of the Exchequer seem to have a vested interest in the continuation of consumption. Equally, I do not want cannabis or ecstasy to be legalised and I do not want alcohol use to increase through binge drinking. Public health does not have only a single front.

We must educate our people to make healthy lifestyle choices and to take responsibility for their health. That is not the same as merely saying that the state will do that for people. In particular, we must engage our young people in how they live their lives, what the risks are and what choices they have.

Many of us do not argue with the idea that smoking and tobacco consumption should be reduced.

Shona Robison: Will the member take an intervention?

Mr Davidson: In a minute.

The debate is about how we get there. People have freedoms and we have to treat them as adults and ensure that they have the tools to do the job. It is not just a case of someone making a decision and that is it; that would make for poor legislation and is a misuse of legislative power.

Shona Robison: Last night, the member's colleague, Brian Monteith, seemed to question whether passive smoking was harmful to people. Does the member think that there is evidence—I think of what he has heard in the Health Committee—that passive smoking can be dangerous to health?

Mr Davidson: I do not argue with that point. As a health professional I know that very well. Passive smoking can exacerbate certain conditions. However, we need real, internationally reputable evidence that people die from passive smoking. I would welcome research into that area because that would add to the public debate; it would not be just an opinion of one or two in Government.

In other countries, decisions of state bodies have been reversed because of the lack of quality in the debate. When Sir Richard Doll first came out with his passive smoking research, he was on one side of the argument. He looked at the issue again, recanted and withdrew.

We need clear and substantial evidence from the medical community on passive smoking. If the evidence shows that it is dangerous, we should deal with it then.

Mike Rumbles: Will the member give way?

Mr Davidson: I will move on.

No one is arguing about the health risks of smoking, the deaths that it causes and the cost to the national health service. However, I am afraid that I am a gradualist when it comes to changing public opinion and behaviour. The Irish took 14 years to bring in a ban. I met members of the Irish Government and we discussed the issue at length. They thought that their minister responsible for health had jumped the gun on what they thought was going to be a progressive change of policy that included education.

As I have said before, from 1971 to 1996 in this country tobacco consumption fell by more than 37 per cent, which is one of the best records in the world. That was due to a mixture of price mechanisms, education and voluntary controls on advertising. Other systems are coming in. The voluntary charter was short-lived but was very successful, except for the issue of signs on premises. We needed a stage 2 voluntary charter, stiffened up with better targets, then a stage 3 charter. That is the way to take people with us. Trains, planes, buses, cinemas, theatres, shopping malls and most workplaces have all become smoke-free on a voluntary basis. There has been no compulsion.

Choice is promoted by this Parliament and there is provision in the building for those who choose to smoke here. Will that be copied in hospitals? There have been queries from Labour back benchers about care homes, prisons and so on.

Helen Eadie (Dunfermline East) (Lab): Will David Davidson take an intervention?

Mr Davidson: In a moment.

What about the freedom to choose? Why are we not approaching the legislation on the basis that suitable premises can offer choice for the non-smoker? I would like to have that choice, as would smokers, and with progressive legislation, people would have choice. As Duncan McNeil said, there will be displacement.

The main issue is whether we are looking after the health of our young people and children. If people move away from pubs completely and go to the off licence, they will buy twice as much alcohol probably for less money, they will drink it two or three times as fast, they will do it at home and their children will be affected by smoking. Bodies that are concerned about alcohol consumption are worried about that.

I see that Mr Maxwell is desperate to make a point.

Mr Maxwell: The member seems to be giving us a litany of mere speculation, not evidence. Has he any evidence to back up what he suggests? Research evidence from Australia shows that the opposite happens: when a ban is introduced, people smoke less at home, not more. What evidence does he have to suggest that what he says is true?

Mr Davidson: I am saying that that is the risk that we are taking.

We have to ensure that the people of Scotland have a choice. We cannot ban activities such as hill-climbing because an element of risk is involved. We have to educate people about the difficulties and the risks that they take.

I am disturbed about the way in which the provisions are going to be sneaked into an all-purpose bill. I believe that the issue is so important that it should be discussed straightforwardly as a stand-alone piece of legislation—I think that I have the SNP's support on that point. What we are discussing and how we arrive at our conclusions should be clear so that the debate is proper and fair. I am afraid that there are many questions and I do not think that the First Minister went down a clear route on the options that are going to come up. I look forward to seeing the quality of the proposed legislation. I hope that the bill will not be rushed through the Parliament's Health Committee and other committees. Until we see the proposal in full, the Conservatives will support moves to reduce tobacco consumption but we will not do so at the price of freedom of choice.

15:35

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The Scottish Liberal Democrats were the first major party in Scotland to support a ban on smoking in enclosed public places. We did

that because we wanted to put health promotion at the heart of the Government's health agenda. The Executive is delivering a radical change to improve the nation's health.

The voluntary approach has failed miserably. Only a handful of pubs across the country offer a smoke-free environment. We must take action now to protect the public from the harmful effects of so-called passive smoking. We now know beyond doubt that passive smoking kills. We also know that ventilation cannot protect non-smokers from passive smoking.

The proposal to ban smoking in enclosed public places is not about social authoritarianism. We do not want to ban smoking in public places because we do not like it, because it would be good for the health of smokers or because we want to ban people from smoking. We want to ban smoking in enclosed public places to protect non-smokers from the clear harm that passive smoking causes.

Murdo Fraser: If that indeed is his objective, why does the member not support legislation to require both smoking and non-smoking areas in licensed premises?

Mike Rumbles: That is an interesting argument, but ventilation does not work, as I will explain in a moment.

Murdo Fraser: We have a smoking room in the Parliament.

Mike Rumbles: Exactly. We should not have that either.

Mr Monteith: Aah.

Mike Rumbles: We need to set an example.

We want to liberate non-smokers from the harm of passive smoking. Currently, non-smokers have no choice. It is not good enough to say, as some do, that non-smokers have the choice not to go into smoke-filled pubs. That is ridiculous.

That great liberal, John Stuart Mill, said that

"the only purpose for which power can be rightfully exercised over a member of a civilised community, against his will, is to prevent harm to others".

That is what the debate is about, but the opponents of this important and essential health-protection measure fail to recognise that.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): None of us was elected simply to ban smoking in Scotland's pubs and clubs. To my mind, the proposed ban is incoherent and unreasonable. It is simply politically correct nonsense—

The Deputy Presiding Officer (Trish Godman): Mr Farquhar Munro, you must ask a question.

John Farquhar Munro: The proposal has been reached without any discussion.

The Deputy Presiding Officer: I am sorry. You are interrupting a member's speech.

Mike Rumbles: I know that John Farquhar Munro is very much an individual. He is entitled to his view, but he knows that the Liberal Democrat conference confirmed our policy by a margin of eight to one. As he will be aware, all 16 of his MSP colleagues support the party's policy.

The test of whether society is justified in restricting the liberty of the individual is whether that individual's actions cause significant harm to others. According to the research that was carried out by Professor David Hole from the University of Glasgow—I advise David Davidson to examine that research—up to 2,000 deaths per year in Scotland could be related to environmental tobacco smoke exposure. I believe that the weight of evidence about passive smoking is now so significant that the test of harm has been met.

Despite the spin from the tobacco companies, the facts about passive smoking are clear.

"Smoking is the single biggest cause of preventable ... death ... in Scotland."

Those are not my words, but the words of the chief medical officer for Scotland.

"Public health officials have concluded that secondhand smoke from cigarettes causes disease, including lung cancer and heart disease, in non-smoking adults, as well as causes conditions in children such as asthma, respiratory infections, cough, wheeze ... middle ear infection ... and Sudden Infant Death Syndrome."

Those are not my words, but the words of Philip Morris USA, which is America's largest tobacco company. When even Philip Morris admits that passive smoking causes harm, we should act. Indeed, Philip Morris goes on to say that the health concerns are

"sufficient to warrant measures that regulate smoking in public places".

At last, we have some truth from the tobacco giants. However, that is the least that we should expect, given the fact that the World Health Organisation's recent classification of second-hand smoke as a human carcinogen puts it on a par with asbestos, radon gas, benzene and arsenic.

What else do we now know? We know that ventilation and filtration do not protect non-smokers from passive smoking. That is the crucial point, but few people have been aware of it because, until now—

Mr Monteith: Will the member give way?

Mike Rumbles: Unfortunately, I do not have the time.

Until now we have had only the skewed science of the pro-ventilation tobacco lobby. For many years, that lobby has pushed ventilation as the solution to the passive smoking problem of how to allow smokers to smoke while protecting non-smokers from smoke. Let us kill that myth.

"Partial restrictions on smoking in public places and the use of ventilation are inadequate and do not protect the non-smoker from the harmful effect of second-hand smoke. There are more than 50 cancer causing substances in tobacco smoke and many of these are odourless, invisible gases, which are not removed by ventilation systems."

Those are the words of the British Medical Association. Put simply, ventilation does not work. The air will look and smell cleaner, but it is just as deadly.

With its so-called compromise proposals, the Scottish Licensed Trade Association would allow pub owners to disregard the harm that passive smoking does to their customers and, more important, to their staff. A partial ban as advocated by the SLTA would be like allowing one lane in a swimming pool to be used as a public toilet, if members will forgive the comparison. It would be no ban at all.

We must act to protect the health of non-smokers. The Liberal Democrats will continue to put health promotion at the top of the health agenda. We can follow the successful examples of Ireland, California and New York here in Scotland. Passive smoking kills people. The appropriate and liberal thing to do is to act now to end this harm to others.

The Deputy Presiding Officer: We move to open debate. I want to ensure that every back bencher has an opportunity to speak, so speeches will be strictly limited to five minutes.

15:41

Janis Hughes (Glasgow Rutherglen) (Lab): Today is a very important day for the Scottish Parliament. It is a day when we can be seen to take serious action to tackle Scotland's abysmal health record. I support a ban on smoking in public places, so this is a day of which I am very proud.

The problems associated with smoking are understood by everyone in the chamber. We know that smoking kills. As the First Minister said, 13,000 people die every year from smoking-related diseases. We know that smoking is a major contributory factor to cancer and heart disease and that standing idly by and doing nothing to tackle the issue is not an option. However, I appreciate that that is where the consensus ends.

At the outset of the consultation on a potential smoking ban, I was unconvinced by the merits of a total ban. We must ensure that any decision that

we take weighs up the potential effects on individual liberty, as well as the benefits to public health. However, as time has passed and as I have listened to the evidence from both sides of the argument, I have become increasingly convinced that a total ban would have potentially immeasurable benefits for Scottish society. That conviction has been informed by experiences elsewhere, about which we have heard today.

In New York, a ban has helped to reduce the number of smokers by 11 per cent in two years. In Montana, during a six-month ban, the number of heart attacks fell by 50 per cent. Perhaps the ban that people are watching most closely is that in the Republic of Ireland. Although there are clearly teething problems, the fact that cigarette sales in Ireland have fallen by 16 per cent is a clear sign that progress is being made.

It is right for us to look to the experience of other countries, but we must have the courage of our convictions and do what devolution is all about—finding Scottish solutions to Scottish problems. That is why what ultimately happens in Scotland may be different from what happens elsewhere. Today the First Minister was asked many questions about possible exemptions from the legislation. It is vital that we have wide consultation and discussion on the issue to ensure that we reach the best solution for Scotland, which may be different from what happens elsewhere.

As Mike Rumbles said, it is important to remember that a ban on smoking in public places would not prevent people from smoking in their homes, if they wished. However, it would almost certainly encourage them to try to give up and, most crucially, would discourage young people from starting to smoke in the first place.

Margo MacDonald (Lothians) (Ind): My question relates to the member's last point. This morning I heard a spokesman say that people had every right to do what they wanted in their homes, and on the face of it that seems to be true. However, that may mean that they breathe smoke all over their children, and I do not think that they have the right to do that. I am interested to know whether, like me, the member wants to hear from the minister what he is going to do about that.

Janis Hughes: That is an important point—Duncan McNeil made the same point earlier in his question to the First Minister. We are talking about smoking in public places. We have looked at Stewart Maxwell's bill, which calls for a restricted ban on smoking in public places; it is important that we get the right ban. I would be as pleased as Margo MacDonald to hear what the minister has to say about the implications for children of smoking in the home.

The proposed legislation is not an attack on civil liberties; it is an attack on one of the major causes of ill health for both smokers and non-smokers. The knock-on effects of a reduction in smoking are obvious. For the millions of non-smoking Scots, a ban would permit a healthier, smoke-free environment and limit their exposure to passive smoking. The benefits to the NHS are also clear. Any reduction in smoking would save the health service millions of pounds, as smoking-related illnesses cost the NHS £200 million a year.

Nonetheless, a ban will not in itself be a panacea for Scotland's appalling health record, nor will it be without its problems. In the minister's summing-up speech, I am keen to hear further details of how he intends to ensure that any legislation is enforced. Perhaps he will address the specific concerns of some in the trade union movement who are concerned that their members who work in the hospitality industry might be used to enforce the legislation.

This is an opportunity for the Scottish Parliament to take the lead in the fight against ill health. I disagree with Stewart Maxwell's comments about the vehicle for the legislation. It is important that we get the legislation on to the statute books as soon as possible. As my colleague Kate Maclean said, 54,000 replies to the Scottish Executive's consultation called for a total ban, and surely that is the best basis on which to proceed with the legislation.

Today's statement marks the first step in moving towards a healthier future for all Scots and I am pleased to give it my full support today.

15:47

Stewart Stevenson (Banff and Buchan) (SNP): To seek an improvement in the health of Scotland's people is to seek something that no one in the chamber opposes. If there is any surprise in public life, it is that generations of politicians have dithered before engaging with the single measure that can deliver an unambiguous uplift in the quality of life of our people.

We lost more people to smoking in the 20th century than we did to all the wars of that century—more than a million people died from smoking. A successful public health policy would deliver a Scotland prepared for a competitive 21st century. The elimination of smoking in the long term is the single biggest gift that we can bequeath to future generations of Scots.

Helping those who have become trapped by their nicotine addiction is a health challenge. Protecting those who remain free from the scourge of that addiction is a moral imperative. Therefore, even if the Executive has taken a significant step today—and it deserves the heartiest

congratulations on its announcement—it is but the first major step on a long and difficult journey.

Being a monarch need not separate the individual from common sense, intellectual achievement or scientific endeavour. Some 400 years ago, Scotland's James VI illustrated that well. For example, he said that because some smokers suffered no visible ill-effects from tobacco use, the illnesses of the majority could not therefore be due to smoking. He made his case through logic then; today we can examine the scientific evidence.

There are 400 separate chemicals in tobacco smoke, including—I inform Mike Rumbles—polonium-210, or radon. In 1989, the surgeon general of the United States identified more than 40 of those chemicals as carcinogens, and the number is rising. Few of the remaining chemicals have ever been demonstrated to be safe in the way that they are used; they have merely not yet been shown to be unsafe.

The effects of the chemicals are various. Besides the 40 or more carcinogens, there are many mutagens—substances that promote genetic changes in cells. Others are developmental toxicants—substances that interfere with normal cell development. The taking of that potent mixture has uncertain specific effects in individuals but a catastrophic effect on the population as a whole.

The debate is primarily about environmental tobacco smoke, half of which comes from the smoke of cigarettes left to smoulder between puffs and half from exhaled smoke. Let us be clear: we can each choose our own personal road to hell. Smokers are held captive by their addiction and they must not be personally stigmatised. As James VI said, man

“by custome is piece and piece allured”.

We must support smokers' efforts to break free from the best efforts of the evil parasites that are today's tobacco companies.

The inhaler of smoke by accident must also be protected. David Davidson asked for evidence. He has obviously never put the arguments into the Google search engine. If he did so, he would find more than 1 million hits on the subject. I choose but a single example, from the United States. In 1986, a study was carried out there that unanimously had the scientists, who had been appointed by the US Government, deciding that second-hand smoke was a group A carcinogen.

We must do what we can. That does not mean that we are saying that we are not doing enough, although we have to do more. Rather, it is a reflection of the fact that we can legislate on the

matter in the Scottish Parliament, and therefore we must.

There will be no Tory gerrymandering of the proposal, because we will not let them do that. The illusion of choice is actually the denial of choice for those whose health is being affected by second-hand smoke.

James VI ends “A Counter-blaste to Tobacco” in a way that remains appropriate 400 years later. He said that smoking was

“A custome lothsome to the eye, hatefull to the Nose, harmefull to the braine, dangerous to the Lungs, and in the blacke stinking fume thereof, neereest resembling the horrible Stigian smoke of the pit that is bottomlesse.”

We must end the scourge of smoking now.

15:52

Dr Jean Turner (Strathkelvin and Bearsden)
(Ind): How can I follow that, Presiding Officer?

A ban on smoking in public places is a small start. If that is what it takes to reduce smoking, I am for it. The tragedy is that smoking is an addiction that so many people do not believe will kill them.

Nearly 40 years ago, I worked in a thoracic unit. As a young doctor, I was in do doubt about the tragic consequences of smoking. I once had to tell the wives of two 40-year-olds that their husbands had inoperable cancer of the lung, and both those ladies had children under 12. That was traumatic for me, but it was absolutely tragic for them. It is the tragedies in families on which we hope to begin to have some sort of effect.

I am a non-smoker, but I was a passive smoker for many years, because both my parents smoked. As a child, I always thought that my respiratory illnesses were due to the smog; I never thought for one minute that they were due to my parents smoking. If they had thought that they were doing anything to harm me, I am sure that they would have stopped. I do not know whether members know what it is like to cough all night, but many children do. The commonest cause of coughing is parental smoking. Despite the fact that people will open their windows and spray air freshener all over the place before the doctor comes, we can tell that cigarettes have been smoked in those houses. Margo MacDonald and other members made an important point about effects on children. In banning smoking in public places, we are not going to prevent the terrible ills that will still exist in the background. If we could stop people smoking, there would still be an epidemic incidence of lung cancer. People should also pay attention to the other things that I had to deal with as a general practitioner, such as all the respiratory and vascular illnesses.

On a lighter note, a gentleman who had lost his leg due to vascular disease and smoking chose not to wear his prosthesis and went around on his double crutches with a cigarette dangling from his lips; his wife died of lung cancer. We can see how difficult it is to get the message across to people; they do not believe that smoking kills.

My mother and many of my patients had emphysema, and members must believe me when I say, "You don't want it." Sufferers cannot walk on the slightest incline once it begins to affect them. There are lots of illnesses that pertain to smoking. It caused our health centre an awful lot of work, but the cost to the health service is certainly balanced out by any problems that may arise due to loss of earnings.

The proposal may be a price worth paying. I think that it is nice to be able to go out of an evening and not have one's eyes smart and one's throat burn. I do not go to places now because I cannot stand the smoke, even though many of my friends who smoke do their very best to ensure that their smoke does not go in my direction. Even in an open-air restaurant in Thailand, my friend's cigarette smoke went along to the next table; the people at that table could not stand it so much that eventually there was nearly a stand-up fight.

I was speaking to a chap who was smoking outside while I waited for a taxi. I jokingly said to him, "Well, what do you think about a ban?" He said, "I'm for it. I've been in Ireland with my family and we had a very pleasurable holiday, because all the children wanted to go out with Mum and Dad and enjoy a meal."

We need to spend a lot more money on research. It is dreadful that a leading cancer expert is quoted in *The Herald* today as saying that lung cancer is a Cinderella subject in research. Tariq Sethi, a professor at the University of Edinburgh, blamed the shortage of research into the illness on the public perception that victims brought it on themselves. I would think that there is more to it than that. I do not think that people should not be treated just because they smoke. Smoking is an addiction and they jolly well need help, and we need to put as many resources into helping them as possible.

I feel sorry for the people who are put into rooms to smoke. Ventilation does not work, and we could start with a little research into that matter to prove our point. If one goes to Singapore airport one can see how bad such rooms are. My cigarette-smoking friends could not bear it; they were in and out of the room in seconds. Such rooms do not stop the smell of smoke. In the MSP building, the smell of smoke permeates the lift shaft. I am for a ban if it helps anybody to stop, and there is evidence to prove that it does.

15:57

Kate Maclean (Dundee West) (Lab): I welcome the opportunity to support the Executive today. It is difficult to say everything that there is to say about this controversial and complicated issue in just a few minutes. As a member of the Health Committee, I look forward to being able to give the issue more time and the attention that it deserves when legislation is introduced and makes its way through Parliament.

Prior to hearing evidence at the Health Committee on the member's bill that Stewart Maxwell introduced to ban smoking in places where food is served, I probably came down marginally in favour of allowing smoking in areas where only alcohol is served and in areas where children are not allowed access. However, after sitting through five fairly lengthy evidence sessions at the Health Committee and reading the screeds of evidence sent to us, I now support a comprehensive ban on smoking in public places.

My view is based not only on the irrefutable evidence on the health risks of breathing in second-hand smoke that the anti-smoking lobby gave us, but on the inconsistencies in the evidence that I heard from some in the pro-smoking lobby. In particular, I was concerned about inconsistencies in the evidence from the Tobacco Manufacturers Association. Tim Lord, who came to the committee on 8 June to give evidence, also has an article in *Holyrood* magazine, basically saying that there is no proof that environmental tobacco smoke, or passive smoking, causes serious disease. When I questioned him at the Health Committee and asked him whether, if we had the status quo, people should be allowed to take their children into smoking areas in restaurants and bars, he said that they should not be allowed to. He said:

"Common sense suggests that that would be very unwise."

I asked him:

"If passive smoking carries only a negligible risk, why would it be a problem to allow children to be exposed to it?" —[*Official Report, Health Committee*, 8 June 2004; c 973.]

He said that he accepted that there was an inconsistency in what he was saying, but that he supported what Pizza Hut had done by banning smoking in areas where children went. Such evidence shows that we are perhaps not getting the whole truth or discovering what people think in the evidence that we receive.

As there is so much evidence, I hope that, as the legislation progresses through the parliamentary process, members will take the opportunity to read the evidence that the Health Committee has taken. As I have said before, and as Stewart Maxwell said, most of the evidence that

we received referred to a full ban, although I think that we would still need to take evidence again, because people offered to give evidence on the basis of a proposal for a partial ban and other people might have come forward if the proposal had been for a full ban. Members should take the opportunity to read the evidence before they come to a final decision. I know that some members are firmly on one side of the argument or the other, but I suspect that there are many members in the middle who are, like I was, confused by the statements that are made, because they all sound plausible and convincing.

I do not underestimate the opposition that there will be to a ban and I have a great deal of sympathy for some of the points that smokers and owners of businesses who might be affected by the ban have put forward. However, we should not lose sight of the fact that there is far more support across the board for a comprehensive ban on smoking: from the 70 per cent of people who do not smoke, from health professionals and, perhaps more surprisingly, from the hospitality industry. In some of the evidence that the Health Committee took, representatives of the hospitality industry said that they would support a total ban rather than a partial ban, because it would create a level playing field in the industry that is not currently present.

Many people who run pubs also support a total ban on smoking in them. An example of that was highlighted on "Newsdrive" this morning. I have to say that I was impressed that John Morrison from the BBC had managed to find a pub that opened at 6 am—that was very resourceful of him. It is interesting that the three customers whom he interviewed in the pub—who were all having a cigarette with whatever refreshment they were having—very much opposed the ban, but the owner was in favour of it, even though he recognised that it might affect his business.

The First Minister said that the licensed trade and the hospitality industry must have a positive attitude towards the ban. I agree with that. It will not be easy for pubs and clubs, but the people who are involved in the hospitality industry should now turn their minds to how they can appeal to a hitherto untapped source of custom—non-smokers who currently avoid pubs because of the smoke—and, at the same time, think of ways of getting smoking customers to continue to come to their establishments.

I strongly believe that, whatever happens with the legislation, it is a case of when, not if, we have a total smoking ban. When we consider the distance that we have already travelled, it seems inevitable that we are heading for a full ban in Scotland at some time in the future. I hope that the

Parliament takes the lead and brings the ban about sooner rather than later.

16:03

Rob Gibson (Highlands and Islands) (SNP):

To take up the theme of the previous member, the whole process has been going on for decades and Parliament is about to clinch the change that will allow us to move forward in a different way.

I stopped lighting up cigarettes in 1979—I did not give Mrs Thatcher any taxes from my tobacco consumption. I think that I am still smoking, as we all know we are.

When someone is a sociable animal—most people are—they want to mix with folk and enjoy music and so on in public places. Over the past 20 years, when I have organised traditional music festivals, it has been interesting to see how attitudes have changed to smoking in places where musicians are playing. Some of the change in attitudes has come from the Americans who come to visit us, who are appalled that people still smoke where a concert is taking place or at a session in the pub.

When I was in Ireland in October, it was a delight to see the improvements in the places where people would expect to get good craic. There were still huge numbers of people in the pubs in Westport, Dublin and other places that are famed for music, but it was possible to see across the crowded rooms. We are reaching a point at which there is potential not only for vision, but for making the vision a reality for everyone in such places.

I encountered some interesting anomalies in the approach in Ireland, which we must take into account. People seem to be allowed to smoke at outdoor tables in restaurants. The people who serve the food or who sit at neighbouring tables—as Jean Turner described—are affected by the smoke. That approach seems to be inconsistent, given that people are not allowed to smoke on station concourses in Ireland. I have to queue for the 5.40 pm north-bound train from Edinburgh to Inverness with people who are desperately puffing away before they board the train, so it was a delight to find that the concourse of Heuston station in Dublin was smoke free. We must take account of such matters when we consider how to protect the public in Scotland.

Margo MacDonald: Does the member agree that we will tackle such apparent inconsistencies more successfully if we decide fundamentally why we are adopting the measure? Are we doing so to protect people from smokers or to persuade smokers not to smoke? The two approaches are different and involve two campaigns.

Rob Gibson: As I said, the measures are part of a process. We are sending a major signal that we recognise that the majority of people in Scotland want the situation to move forward. By introducing the measure, we will be able to provide more cash to help to persuade smokers who have difficulty in giving up smoking to do so. Given that smoking-related illnesses account for some 35,000 hospital admissions each year, which cost the NHS an estimated £200 million, I would expect some of the cash that will be saved to be directed towards endowed research to help people to give up smoking and to deal with the generations of problems that will arise in the future. By introducing the measure, we will be taking the first step towards the removal of smoke from people's homes.

We want the Parliament to show maturity and there are signs that that is possible. However, I am annoyed about the way in which Stewart Maxwell's work on the matter has been pushed aside.

Helen Eadie: Will the member give way?

Rob Gibson: Not at the moment. I am in my final minute.

It would have been a good idea if the Executive had adopted Stewart Maxwell's bill and adapted it to suit its purpose. That would have demonstrated an inclusive approach that is currently lacking. People's attitudes are changing and they expect the Executive to change, too. I welcome the measure and the debate, but I hope that cross-party solidarity is not simply a one-way process.

16:08

Mr Brian Monteith (Mid Scotland and Fife) (Con): I was not able to get in to ask questions after the First Minister's statement, so I want to make a number of points to which I hope the Minister for Health and Community Care will respond. The First Minister said that the proposed bill will introduce

"a comprehensive ban on smoking in enclosed public spaces".

Will the minister define an enclosed public space? As we start the process of having a proper debate about the proposed legislation, objective evidence and the terms and definitions in the bill will become important.

For example, the reception area, the chamber gallery and the committee rooms of the Parliament are surely public places, and I happily agree to the smoking ban that already applies in those areas. However, are the working environment of the Parliament and other offices a public space? Surely the Parliament's smoking room is not a public space but a private room for staff—

[*Interruption.*] I make an important point. Can the minister confirm that such a room would not fall within the scope of the bill? I ask the question because members will be aware that the Parliament can legislate on public health but not on workplace and employment matters. We need to tease out the detail of just how far the Executive's approach can go. If we do not, the Executive runs the risk of judicial review.

Earlier in the debate, in an intervention on Stewart Maxwell, I raised the example of the private cigar clubs in New York. Will the Minister for Health and Community Care allow exemptions for private cigar clubs? The First Minister said that the legislation will be evidence based and the evidence is that cigar clubs work in New York. I am sorry to see the minister shaking his head. Stewart Maxwell said that exemptions should not be for the rich. I agree, but cigar smoking is not exclusive to the rich; someone can choose to smoke either an inexpensive Hamlet or a mortgage-busting Cohiba. Smoking cigars is a joy that rich and poor alike can enjoy.

Another question that will help us to tease out the detail is whether the ban is to be one on smoked tobacco—in a cigarette, cigar or pipe—or will extend to other tobacco products that have no passive-smoking attributes, such as snuff. The point is a serious one. We need to determine the extent of the legislation. We are talking about changing our civil liberties on the basis of public health concerns.

I want to discuss the evidence on the link between environmental tobacco smoke and death. The figure is put at 865 a year in Scotland and sometimes at 1,000. I agree with the sentiments of many members that smoking is an irritant. I agree that it causes one's clothes to smell and that it can trigger asthma attacks—I do not refute those aspects of smoking. That said, I agree with Dr Ken Denson, of the Thame Thrombosis and Haemostasis Research Foundation, who has said:

"The scientific evidence for any deleterious effect of passive smoking is so tenuous, that similar evidence would not be seriously considered, let alone published in any other medical discipline."

Mike Rumbles: Will the member take an intervention?

Mr Monteith: No, I must carry on; I want to discuss the evidence. I might be able to take one intervention later.

The most comprehensive study that the scientific committee on tobacco and health—SCOTH—used showed a 24 per cent increase in the risk of contracting lung cancer. However, that is 24 per cent of the 10 deaths in 100,000 that could have been expected to result from lung cancer without any smoke—passive or direct. That

is 12.4 deaths in 100,000 instead of 10. For Scotland, that means a possible extra 14 deaths from lung cancer.

Margaret Smith: Will the member take an intervention?

Mr Monteith: No.

Given that lung cancer is by far the easiest disease to contract, the possibility of the number of deaths in Scotland being 1,000 or 865 is pure fantasy. The figures are based on a mathematical extrapolation of unsound science. In the spirit of objective debating, will the minister ensure that he publishes all the evidence that shows the calculations of how the figures were arrived at? Time and again, although the figures are reported, the detail of how they are arrived at is not made available.

I recognise that I am running out of time, Presiding Officer, although I have much more to say. I would have been pleased to have taken interventions if I had had the time to do so.

It is clear that the evidence, if one accepts it, is based on surveys in the home and not on surveys in public places. The likely effect of a ban would be to encourage the displacement of smokers from the places that no research has shown to be a real threat, to the place where the Executive believes the real threat to be—the home, which is where the children are. The Executive says that the proposed legislation will protect children. I say that it will threaten them.

16:14

Mr Alasdair Morrison (Western Isles) (Lab): One of the great privileges of this job is being asked to visit schools in my constituency. Indeed, I am taking up such an invitation this week at Lionel School in Ness. It is always refreshing to witness pupils' abilities, enthusiasm and zest for life. It is always instructive to see for myself how pupils, teachers and staff are benefiting from the policies of the Scottish Executive.

I ask members to reflect on the past seven years. Since 1 May 1997 and the advent of the Scottish Parliament, we have ensured that renewed and proper emphasis has been placed on the investment in school buildings. We have invested not only in school buildings but in the recruitment of school staff, finding the resources for additional support staff, and in transforming the food that is available in our school canteens. It has been out with the old stodge and in with nutritious food.

We have also ensured that children now have at least two hours of physical education each week. Sports co-ordinators are being trained and placed in our schools to ensure that children will have

structured physical activity for at least two hours per week.

Margo MacDonald: I do not want to interrupt Alasdair Morrison's flow, but he should stick to the subject of the debate and not go into the realms of fantasy about two hours of physical education for every child. It is not happening.

Mr Morrison: It is certainly going to happen, and it is the reality in many of the schools that I visit in my constituency.

It is clear that all those measures have been introduced not only to help to improve educational attainment, but to ensure that our young people grow and reach maturity in a healthier state than many of their parents and grandparents did. Government at all levels must work in a co-ordinated manner to improve the health of our nation. Thankfully, today, the Scottish Executive's Cabinet has ensured that we will continue on that trajectory of reform—reform that will see us transforming the life chances of many in Scotland.

Notwithstanding the Cabinet's important decision, over the years we have realised much progress in relation to smoking. Travel in Scotland is mostly now smoke-free on buses, trains, planes and ferries. The time is right to take that to the next level and to legislate for further action over and above what has been achieved on a voluntary basis.

As members will appreciate, ferries are an important part of my life and work. Four years ago, the state-owned ferry company, Caledonian MacBrayne, put in place a smoking ban on a trial basis. On 20 October 2002 that trial ended. CalMac's managing director and his board decreed that the ban would extend to all vessels and be permanent. It was a courageous decision, which was taken because, as responsible employers, Caledonian MacBrayne's management recognised that exposing their crews to secondary smoke was harmful.

Now, our ferries are cleaner and safer places in which to work and travel. The managing director of Caledonian MacBrayne, Laurie Sinclair, and RMT representative, George Lonie, today agreed that the ban has improved working conditions for all CalMac crew. What was necessary and appropriate for catering crew on CalMac ferries is certainly appropriate for the staff of Scotland's pubs, clubs and restaurants.

I fully appreciate, as my colleague Kate Maclean recognised, that there might be difficulties for patrons and some landlords who at this stage are not convinced of the merits of the forthcoming legislation. However, our duty as legislators is to remain focused on the need to improve the nation's appalling health record. As has again been demonstrated in the chamber today, that

appalling health record is uneven throughout Scotland. I refer specifically to Paul Martin's depressing statistics on the incidence of lung cancer in his constituency, which is 93 per cent above the national average.

A smoking ban in public places will help us to realise the aim of improving our health record; however, let us not believe for one moment that a ban in itself will be sufficient. Government thinking and decision taking must appreciate that assistance for those in poorer areas of the country is and must remain a priority. It is in those areas that smoking has its greatest impact, not only on those who are exposed to secondary smoke, but on those who, unfortunately, are addicted to nicotine in disproportionate numbers.

Finally Presiding Officer, on a lighter note, you might have noticed that today a very special person was sitting in the VIP gallery. The gallery has been graced by dignitaries from all over the world, from ambassadors to speakers of legislatures from across the Commonwealth. Today we had royalty in the gallery, in the shape of Kenny Dalglish. If the measure articulated by the First Minister enjoys the support of Kenny Dalglish, it will certainly be supported by the member for the Western Isles.

16:19

Eleanor Scott (Highlands and Islands) (Green): I start by saying for the record that I continue to be a member of the British Medical Association.

I am happy to speak in today's debate in support of the Executive's proposals to protect workers and non-smokers from the harmful effects of environmental tobacco smoke. The majority of people in Scotland—72 per cent of us—do not smoke, and I believe that most of us want to be able to go out and enjoy ourselves without having to breathe in harmful tobacco smoke.

There are now examples of the successful implementation of smoking restrictions in New York and Ireland. It is important to monitor and learn from experiences in other countries, but a lot of conflicting information seems to be going around. For example, the licensed trade tells us that the ban in Ireland has led to the loss of earnings and jobs, yet a report by the Irish Central Statistics Office states that sales went down by just 1.3 per cent in a three-month period. I know who I believe.

Oddly enough, I was in Ireland during the recess and, purely in the interests of research, I had occasion to visit a few pubs, which were brilliant. I cannot say that it was a scientific sample, but the pubs that I visited were busy and in some cases packed. They were much more pleasant for

everyone to be in than pubs that allow smoking are. People went outside to smoke, but smokers told me that they smoke a lot less as a result of the ban and that they are really happy about that. Ireland has a few lessons to teach us, whether on smoking in pubs, the third-party right of appeal in planning matters or the polythene bag tax.

It has been said that people will be driven to do their drinking and smoking at home and so children will be exposed to more smoke. However, Australian legislation on smoke-free workplaces in the 1990s resulted in adults avoiding exposing children to tobacco smoke at home. We should not underestimate the potential awareness-raising effect of the proposed legislation and the possible carry-over of behavioural changes to other situations.

We have also heard about choices. I question whether people have a real choice when they are exposed to the might of the tobacco companies and their advertising and to the cultural norms and traits to which the First Minister referred in his statement. The only longer-term losers from a ban on smoking in public places will be the tobacco companies. Good. I hope and believe that the ban will reduce smoking and cut sales. Those companies are campaigning vigorously against the ban because they believe the same.

My one concern about reducing levels of smoking in Scotland is that the tobacco companies, which have shown that they are unscrupulous, will redouble their already considerable efforts to sell their products in the third world. Given that 5 million people die of smoking-related diseases annually, British American Tobacco, with 15 per cent of the global tobacco market share, is implicated in up to 750,000 deaths every year. The figures are set to double in the next 20 years, with the developing world bearing the brunt of the escalating rate of smoking-related deaths, as it presently bears the considerable environmental costs of tobacco production.

Tobacco is the only legally available consumer product that kills people when it is used entirely as intended. Scotland suffers particularly from its effects. The measure will go some way towards protecting workers and non-smokers from the effects of other people's smoke and, for human rights and human health reasons, we should support it.

16:22

Mr John Swinney (North Tayside) (SNP): It is my pleasure to speak in the debate and to add my congratulations to the First Minister on the decision that he has taken today, which is a bold and wise decision that is worthy of support from all

members. I also pay tribute to Stewart Maxwell's trenchant efforts in pursuing the issue through the parliamentary system. To echo my colleague Rob Gibson's remarks, I hope that the Executive will take seriously the work that Stewart Maxwell has undertaken in pursuing the issue and will use that legislative vehicle to implement the measures. I will return to that issue in due course.

All the critics of the Parliament make the point that this institution has little impact on people's lives. I am pleased to welcome the First Minister's proposal, which will have a strong impact on people's lives and, into the bargain, will be for the better.

Many serious and well-tabulated health problems in our society arise from the dependence of a proportion of our population on smoking. Unless I misheard him, David McLetchie, in his questioning of the First Minister, made an absolutely ludicrous and unsustainable argument that there is somehow no problem with passive smoking. I have read enough evidence and seen enough information that is in the public domain to persuade me that passive smoking is an issue of the most enormous concern. For David McLetchie to hinge his arguments on such a baseless point of view is an exercise in missing the seriousness of the issue that society faces.

In an intervention, Margo MacDonald posed the question whether the proposals are intended to persuade smokers to give up or to protect other people from smokers. Of course, it is a bit of both, because if we just protect people like me, who have never been a smoker, from smokers, we are not doing a service to those in Scotland whose health is damaged by smoking. I welcome the Government's proposal to intensify support and encouragement to motivate people to give up smoking. None of us can seriously argue that smoking is good for an individual; therefore, the Government is introducing an effective two-pronged strategy to tackle the issue in Scotland.

We must be mindful of the fact that if we support a comprehensive ban on smoking in public places, we should also protect those who are most vulnerable to passive smoking in their homes. That is why the education exercise that the Government is talking about, to try to persuade more people to give up smoking full stop, rather than just to give up smoking in public places, is so significant. We have a duty to enable our children and the young people of Scotland to be free of the impact and the after-effects of smoking in their homes. If the product of this debate is that it says to everybody in Scotland, more forcefully, more fully and more effectively than it has ever been said before, that smoking is bad for individuals, for families and for society, Parliament will have

achieved a great deal and will have made a convincing impact on people's lives.

However, the debate must be followed up by the action required to persuade individuals to change their habits and their behaviour. I have never been a smoker and I do not know how tough it is to give up smoking—although I can imagine that it is very tough—but I believe that the Government must ensure that, through the wider public health agenda, the exercise agenda and the healthy eating agenda, we take dramatic steps to transform people's lives and their prospects.

My final point relates to the legislative vehicle that has been chosen for the implementation of the ban. I am concerned that the Government has chosen to introduce the ban as part of a wider miscellaneous provisions bill. I do not know what the full content of that bill will be, but while I would unreservedly and enthusiastically support the inclusion of a ban on smoking, if the miscellaneous provisions bill also contains a provision to introduce fluoridation in the water system, I will have a big problem when it comes to voting on it at stage 3. There is sufficient complexity and debate, and scrutiny required, in introducing an effective provision to ban smoking in public places for it to be a stand-alone bill. Stewart Maxwell's bill gives us a vehicle that is already making its way through the parliamentary system, which could be revised to bring into force the necessary provisions, for which there is widespread support across the political spectrum.

I hope that ministers will express nothing but contempt and will have no patience whatever for some of the Conservatives' arguments, which are baseless and which will undermine the health of people in Scotland. We need bold actions to improve the public health of people in Scotland and to improve the quality of life of some of the most vulnerable individuals in Scotland today.

16:28

John Swinburne (Central Scotland) (SSCUP):

I welcome the debate as an early example of near cross-party consensus on a health issue. The electorate will welcome that consensus, too, which must be taken even further in future. It is proper to declare an interest, as I am still addicted to nicotine, despite having given up cigarettes 47 years ago. I smoked my first cigarette when I was 13, which was some 61 years ago. Non-smokers have no conception of the addictive power of tobacco. It is evil and it must be banished from society.

In the Parliament there is a smoking room—or rather an apology for a smoking room—which must go now. I am talking as a smoker. I used it on only one occasion but vowed never to go back

inside it because it was absolutely honking—that is a Lanarkshire word that means very unpleasant and smelly. Señor Miralles was obviously a brilliant architect, but it appears that he did not know a great deal about ventilation. I am blaming him and no one else for that place. The BBC in Glasgow has a smoking room that boasts clean fresh air, which is probably less polluted than the air in Sauchiehall Street, which is not too good.

Today we are debating a ban on smoking in public places, which I, as a smoker, support 100 per cent. There has been an outcry from the licensed trade, which claims that the ban could hurt its business. My answer to that is, "Tough."

It is arguable that alcohol costs the NHS as much as tobacco does. The drink laws have been liberalised to a tremendous extent. We hear constantly about people being killed by drunk drivers and the number of alcohol-dependent people in the United Kingdom has now reached 2.8 million.

The most recent available figure on the annual societal cost of alcohol misuse in Scotland, which is from 2001, is a frightening £1,071 million. The number of deaths caused by alcohol is escalating—in 1991 there were 452, a figure that by 1999 had risen to 1,032. According to the statistics, alcohol gave rise to 275,575 hospitalisation days, 187,951 accident and emergency attendances, 93,999 out-patient visits and 64,382 ambulance journeys. Moreover, 26 per cent of all crime recorded by the police in 2000 was alcohol related. Need I go further? Those figures are five years out of date.

Taking into consideration the binge-drinking culture that is now affecting vulnerable under-age drinkers, I suggest that, if a ban on smoking has a detrimental effect on alcohol sales, that is no bad thing. There is absolutely nothing wrong with civilised social drinking but, sadly, overindulgence seems to be the acceptable norm in far too many areas. Perhaps after nicotine has been tackled, alcohol will be the next point of attack for any educated Parliament.

On smoking, I would go further than the Executive has gone. I suggest that it ask Chancellor Gordon Brown to introduce a new tax directed squarely at the tobacco companies, which manufacture cigarettes and make obscene profits. We should make them pay for a good percentage of the costs incurred by the NHS from tobacco-related health problems.

Mr Monteith: Is the member aware that, according to the Government's own figures, the tax revenues from tobacco already account for 30 times more than the cost of tobacco-related diseases that the NHS treats?

John Swinburne: Mr Monteith is putting a monetary value on a person's life when he talks like that. How do we value one life, far less the thousands that are lost because of tobacco?

I admit that unfortunate addicted smokers are already paying a phenomenal amount in taxation to the Treasury. An additional tax on the tobacco companies would help to ease the burden on the rest of society and alleviate pressure on the NHS. I expect that suggestion to be greeted with extreme hostility in certain quarters, as we have just heard. However, if the Government deems it acceptable that senior citizens can have their home requisitioned by the state to pay for their residential care after they have paid a mortgage for 25 years, why not tax the hugely profitable tobacco companies to help to pay for some of the grief and problems that they have foisted on society by manufacturing death? I support the Executive's proposal.

16:34

Margaret Smith (Edinburgh West) (LD): We have had an interesting debate this afternoon. On behalf of the Liberal Democrats, I welcome the First Minister's announcement. What has been announced is a bold step, it is the right thing to do and it represents the single biggest health policy commitment that the Executive and the Parliament could make to the people of Scotland. It has the support of the Liberal Democrat group and the party conference.

As part of an Equal Opportunities Committee trip, I recently visited Dublin, as Rob Gibson, Eleanor Scott and others, including the First Minister, have done. I went into the same pubs as I had been in before—when I could hardly see 20ft in front of me—and the difference in the atmosphere, the number of people who were eating and the number of children who were eating with their families was striking. Because I knew that similar legislation was on the cards in Scotland, thanks to the work done by Stewart Maxwell and others, I made a point of speaking to some of the people in those pubs and discovered that they were enjoying the atmosphere, which, as I said, was very different from the one that I encountered when I had previously been in Dublin.

The proposed legislation represents a challenge to the licensing trade and the hospitality industry in Scotland, but they should not approach that challenge with a feeling of fear. Today, we have seen some of the figures from the international review of the economic impacts of the regulation of smoking in public places that was conducted by the University of Aberdeen. Using data on sales taxes and employment, for example, the study failed to find any statistically significant effect on the hospitality sector of smoking restrictions. We

have heard about the 1.3 per cent fall in the consumption of alcohol in Ireland but, as John Swinburne pointed out, that brings with it certain benefits as well.

The vast majority of people in Scotland do not smoke and do not want to inhale their neighbour's smoke when they are eating a meal. In particular, they do not want to be one of the 865 or so people who die every year as a result of four diseases that are affected by passive smoking, according to the University of Glasgow's statistics. Depending on which evidence one reads, that figure is as high as 2,000 people a year.

We have tried the voluntary approach but, frankly, it was not going far enough fast enough. After five years, only 1 per cent of British pubs were smoke free. I am happy to say that the business of at least one of those, Lauriston Farm in my constituency, has improved as a result of its decision to become smoke free. That demonstrates what I was saying about the challenge that the licensed trade faces.

Mr Swinney: Will the member take an intervention?

Margaret Smith: Not just now.

Some people have said that the proposal represents an attack on individuals' freedoms. However, as a Liberal Democrat, I—like Mike Rumbles and the vast majority of my colleagues—am content to say that we should not be supporting somebody's right to kill somebody else or damage somebody else's health. We should be doing what we can to protect non-smokers from the actions of smokers and the impact of their addiction.

Many speakers have raised the issue of health. Stewart Maxwell, Jean Turner and just about every other speaker have catalogued our unhealthy record. Macmillan Cancer Relief has said that 13,000 lives are lost to smoking-related diseases every year.

I agree with what John Swinney said in what I thought was a good speech. The ban should be taken forward as part of a wider smoking-cessation package and I welcome the doubling of support for cessation policies that the First Minister outlined. I agree with John Swinney and David Davidson about the importance of education, but we should not underestimate the importance of the message that the ban will send to children and young people that smoking is not acceptable in public places. The fact that the Parliament is saying that is an education in itself.

David Davidson said that we need clear evidence. There is clear evidence. We could stand here for the next three months and recite the evidence. The World Health Organisation has

classified environmental tobacco smoke as a human carcinogen and the United States Environmental Protection Agency has classified it as a class A human carcinogen for which there is no safe level of exposure, as Stewart Stevenson told us. To hear Brian Monteith refer to that evidence as a "fantasy" was incredible. I must have blinked and missed the point at which he became a bigger expert on these issues than most of the doctors in this country, the British Medical Association and Professor David Hole of the University of Glasgow.

David Davidson said that no one is arguing about the impact of smoking, but he should look behind him. Moreover, I will tell him who else has been arguing about the impact of smoking for the past 50 years: the multinational tobacco companies. We have listened to the tobacco lobby for 50 years as it has argued that cigarette smoke is not harmful, whether it is taken in by a smoker or by passive smokers. We should have no truck with the tobacco lobby or the apologists for the tobacco lobby in the Conservative party.

We heard a bit about ventilation, but the international research says that only 10 to 20 per cent of smoke is removed as a result of ventilation. I am not dismissing the views and concerns of the licensed trade, as others have perhaps done, and I think that there is a place for trade representatives on the implementation group. I asked the First Minister about the impact of people spilling out from public houses on to the street, which might create a public-order issue and intimidate some members of the public who walk past or live beside public houses. However, the effect of a ban on public health is so positive that it outweighs those concerns from the licensed trade. The ban will certainly benefit workers in pubs and the hospitality industry, as I think all members will agree.

I believe that we are right to go for a total ban because that will bring clarity and a level playing field. Exemptions for private clubs would have had an even bigger impact on our pubs and our hospitality industry and would be downright unfair. To have introduced the ban by stealth, either through a timetable or in progressively larger areas, would have been a nightmare to enforce and open to misinterpretation. It is right to go for a total ban. The legislation will be clear, it will be bold and, most of all, it will be right.

16:41

Mrs Nanette Milne (North East Scotland) (Con): Clearly, no one in the chamber does not acknowledge that smoking is a major cause of ill health in Scotland. The morbidity that is associated with pulmonary and cardiovascular disease in smokers is a serious burden on NHS

resources and the resultant high mortality is of the utmost concern to everyone in the medical profession and beyond.

My first hospital post after graduation was in a thoracic unit where the majority of patients were suffering from the long-term effects of smoking. The look in the eyes of the lung cancer patients on Christmas eve that year—patients who knew in their hearts that it would be their last Christmas—has stayed with me ever since. As Jean Turner said, at that time—the mid-1960s—the majority of adults were smokers and the risks were not appreciated. My dad continued to smoke, despite medical advice, when he developed serious arterial disease and he died from his second coronary when he was only 58 years old and I was 19. Like most of my contemporaries, I was exposed to cigarette and pipe smoking throughout most of my young life by caring but ignorant parents who had picked up the popular habit before the war years. Many of my generation started smoking in their teens and early 20s, following the example that they had seen at home.

Thankfully, times have moved on. The risks of smoking are now well known and only a minority of adults indulge in the habit.

Mike Rumbles: Will the member take an intervention?

Mrs Milne: I am not sure whether I have time—perhaps later.

For young people, the risks of smoking seem remote and, worryingly, girls in particular ignore them and pick up the habit in their early teens.

The arguments about passive smoking rage on, with some researchers denying that serious harm comes from inhaling smoke in the atmosphere and others claiming that doing so has lethal consequences. Whatever the health implications, an increasing number of people agree that exposure to environmental tobacco smoke is unpleasant and people with respiratory conditions such as asthma find it hard to endure.

Mike Rumbles: It kills.

Mrs Milne: That is arguable, according to research.

Whatever the arguments, there clearly has to be a public health policy objective to reduce tobacco consumption and the prevalence of smoking in the population and to help smokers to give up the habit. As David Davidson said, there has been a reduction of about 40 per cent in the prevalence of smoking since the early 1970s. That has resulted largely from pricing, education and the voluntary controls on advertising that were introduced under Conservative and other Governments.

Margo MacDonald: I am extremely interested in what the member has just said. I ran the national AIDS helpline and introduced Smokeline and I am not at all sure that the reasons she instanced for the reduction in smoking are the correct ones. She might find that shock tactics worked, particularly in the case of AIDS.

Mrs Milne: I am sure that the member is right that there are many ways of influencing whether people give up smoking and other public health issues, but I believe that the factors that I instanced had some influence.

In the past few years, an increasing number of businesses have voluntarily provided smoke-free environments. Smoking in restaurants and on public transport, for example, has become increasingly unacceptable to people. As we know, many restaurants and airlines now provide smoke-free facilities, as do some trains. The point that is at issue is whether that voluntary approach should be stepped up, alongside better education of children and young people on the risks of starting the smoking habit, until public demand results in the provision of smoke-free facilities in all sectors of Scottish business, or whether the state should legislate now to force smokers out of all enclosed public places.

We have had a good debate that aired issues on both sides of the argument. We have heard much about the dangers of passive smoking, but no one cited the findings of the World Health Organisation, which six years ago concluded after a seven-year investigation that the link between environmental tobacco smoke and lung cancer was not statistically significant. Research results are not clear cut.

I have sympathy with Stewart Stevenson's desire to eliminate smoking altogether, but the fact is that tobacco is not a banned substance and he did not propose that, to pursue his end, it should be.

I have not yet read the evidence that was presented to the Health Committee, but I assure Kate Maclean that I will do so. Both sides of the debate have convincing arguments, as we have heard. The Parliament will have to decide in due course what will best achieve the desired public health outcome in practice. Will that be enforced legislation that might be difficult to police, or will it be the emerging public will to influence the market? In common with my Conservative colleagues, I would infinitely prefer people to take responsibility for their own health and force the business world to take appropriate action by choosing to support smoke-free premises.

The jury is still out. The debate will undoubtedly continue until Parliament decides on the best way

forward to achieve the desired result for Scotland's public health.

16:47

Shona Robison (Dundee East) (SNP): I will refer to some issues that Stewart Maxwell raised in his speech. We should consider the bigger picture—the opportunities that the proposal will bring to Scotland—rather than the threats and problems. One benefit that he highlighted and which is worth repeating is that of Scotland becoming a tourist destination because of the healthy atmosphere and its public health achievements. To change our record of being the sick man of Europe, as we are always described, to one of being at the cutting edge of public health and public health policy would be an achievement for Scotland and for the Parliament.

The concerns about the process that Stewart Maxwell expressed are worth repeating. This opportunity should be handled with great care. I suggest that the Minister for Health and Community Care examine closely what else goes into the miscellaneous provisions bill. Members of different parties are concerned about organ donation, fluoridation or whatever else will be in the bill. If we have only one opportunity to vote for or against the bill and many other controversial issues are lumped into it, barriers will lie in front of that important legislation. Those barriers do not have to exist. I plead with the minister to take that on board.

David Davidson has a difficult job. I know that he is sympathetic—perhaps more so than some of his colleagues—to tackling smoking and smoking in public places. Like us all, he must endure Brian Monteith on the television and in other sections of the media undermining some of the arguments that he makes.

Mr Davidson: As Brian Monteith said over my shoulder, the member has the power to switch off the television.

I am a gradualist. I would like to have heard from the minister about a stepping-stone system—not an overnight ban—to take the public with us. That would be a gradual approach that provided choice. If publicans had been allowed to continue and had been given a bit of encouragement, they might have taken us to the goal.

Shona Robison: Unlike David Davidson, I do not believe that we have the luxury of time to allow more people to die of smoking and passive smoking. He talks about choice, but there is no choice for non-smokers or the staff who are working behind the bars. As other members have said, minimal progress was made with the voluntary code—Margaret Smith mentioned the figure of 1 per cent. An opportunity was given to

move forward but it was not taken, so we are where we are and further action is required. The proposed ban is the action that is required.

No other comparable activity so affects those around the people who do it and spurious comparisons do not stack up. Mike Rumbles, as always, claims the entire credit for the proposal for the Liberal Democrats, but I point out that the Scottish National Party has put the issue firmly on the parliamentary agenda.

Mike Rumbles: Will the member give way?

Shona Robison: No.

However, Mike Rumbles made an important point that is worth reiterating. The research into passive smoking exists, if members want to read it, and I advise some of the Tories to have a good look at it. Smoking is the major preventable cause of death in Scotland and that is why we have to take this action. I know that some in the tobacco industry have acknowledged that passive smoking is detrimental to health, but many others continue to argue that it is not. That is reminiscent of the arguments that people from the industry put forward previously that smoking was good for health. Those are the arguments that we heard 40 and 50 years ago, but time has moved on and we know that smoking is bad and that Government action is required.

Margo MacDonald made an important point about what else needs to be achieved to address the issue of people smoking at home. I believe that the bill will go some way towards addressing that issue, because it will de-normalise smoking as an activity. In too many communities, smoking is seen as a normal activity. Removing smoking from public places sends out a message to children throughout our society that smoking is not a normal activity. That can only be good for future generations in this country.

16:52

The Minister for Health and Community Care (Mr Andy Kerr): Winding up will be a difficult task, because we have had such an extensive, passionate and—in parts—informative debate. I thank members for their support for the Executive's proposed action.

We have a one-off chance to make a substantial difference to the health of Scotland, which is a reason why many of us came to the Parliament. It will be a long and interesting journey between now and the legislation going through the Parliament.

For me, the issue is health improvement and, as some of my colleagues have said during the debate, health inequalities. My colleague Paul Martin represents Springburn and my colleague Frank McAveety represents Shettleston. It is

frightening to note that Richard Peto, professor of medical statistics and epidemiology at the University of Oxford, has estimated that smoking accounts for about half the deaths that separate the richest from the poorest in this country. In other words, those who are least well-off in our communities are dying because of cigarettes and passive smoking.

We have to address those difficult issues. The incidence of smoking is down and we are doing our best to deal with the problem, but we have to be more assertive in taking action. It is about time that the Parliament shut down its smoking room.

Stewart Maxwell spoke about the continuum of public health measures over the centuries and decades. There has been immunisation; there have been public health acts and clean air acts; there has been legislation on the wearing of seat belts in cars and in the back of cars; and the Health and Safety Executive has been set up. People will look back in five or 10 years' time and say, "What a normal thing the Parliament did with the smoking debate to try to improve the health of our nation."

I was embarrassed for Nanette Milne when she referred to environmental tobacco smoke as "unpleasant". I am surprised that someone of her stature in the community and her experience would say that. I might expect it from Brian Monteith, who clearly has a vested interest, but not from Nanette Milne.

Mr Monteith: Will the minister give way?

Mr Kerr: On the effects of passive smoking on non-smokers and the causes of lung cancer—

Mr Monteith: Will the minister give way? He made a comment about my having vested interests.

Mr Kerr: There are increased risks from long-term exposure of 20 to 30 per cent—

Mr Monteith: Will the minister take an intervention?

The Deputy Presiding Officer (Murray Tosh): Order.

Mr Monteith: Will the minister give way?

Mr Kerr: The member has already said that he is a cigar smoker—

Mr Monteith: On a point of order, Presiding Officer. The minister has made a serious accusation that I have a vested interest, but there is nothing in my entry in the register of members' interests to suggest that. I would like him to retract what he said or to explain why he believes that I have a vested interest.

The Deputy Presiding Officer: That is a point of order, as there is an issue of courtesy. The minister must either substantiate, qualify, explain or withdraw his remark.

Mr Kerr: I will take the Presiding Officer's advice on whether I should withdraw my remark. Brian Monteith is on record as—and has a profile as—a cigar smoker. He has advocated cigar-smoking establishments as being one way round the proposed ban. In my view, that is a vested interest. However, I will take the Presiding Officer's advice on the matter. If the remark offends the member, I will withdraw it. However, that is the basis for my remark.

The member said that those who have the resources and the financial means should have the right to be able to step away from the proposed legislation. That would undermine the Executive's approach, which is for a comprehensive ban. David Hole's studies support the Executive's position.

Rob Gibson made an interesting point, which is also made in one of the many letters that I received on the subject:

"I am a 53 year old male with chronic obstructive pulmonary disease. I do not smoke but for many years was a musician in clubs and pubs."

That is evidence of the effect that passive smoking can have on people's lives. The letter goes on to explain the dire situation in which that individual now finds himself.

Let me address some of the substantial issues that were raised in the debate. Stewart Maxwell pointed out that he has promoted a similar member's bill. However, his bill is narrower and it requires substantial amendment. I believe that our bill will be more robust and that, with the health improvements that will be embedded in the bill, the ban will be less open to challenge. We have received 54,000 responses to our consultation, whereas he received only 34.

I respect all the work that Stewart Maxwell has done on his bill—I do not take anything away from that—but let me respond to his question on the manner in which the Executive has sought to implement a ban. Our bill will be not just for the coalition parties or for the SNP, but for the whole Parliament and for the whole of Scotland. The advice that we have received is that our bill is the best way of delivering a ban without difficult challenges from those outside the Parliament who have a vested interest in the matter.

Mr Maxwell: Like the First Minister earlier, the Minister for Health and Community Care has suggested that an Executive bill is somehow more legally robust than a member's bill. I fail to understand the logic behind that argument.

The minister also suggested that my bill “requires substantial amendment”. However, the evidence that I and the Parliament’s legal services provided to the Health Committee was that the bill would require just six amendments. That is not a substantial number.

Mr Kerr: I do not want to go over all those points, which we can discuss in more detail later. However, as Stewart Maxwell’s bill is so much narrower in its scope, it would require such substantial amendment—not so much in terms of the number of amendments as in terms of their scope—that we believe that our legislation would be less open to challenge.

Mr Swinney: Will the minister give way?

Mr Kerr: No, I want to refer to some of the other points that have been made, such as those by David Davidson, who perhaps needs to discuss the medical evidence on passive smoking with his Conservative colleagues.

Now is the time for this work, but we cannot do it in isolation from smokers. We want to support smokers, not to stigmatise them. We want to try to help them to kick the smoking habit. The First Minister announced some measures to that end, such as a doubling of our support for smoking-cessation measures. Moreover, our tobacco action plan has been working for many months now.

Some members have suggested that any ban should be voluntary. However, the voluntary ban has been around for a long time and the industry has not taken the opportunity to make any substantial changes because of it.

As Mike Rumbles pointed out, ventilation does not remove the poisons from the atmosphere. People might get a false sense of security because the pub smells nicer, but passive smoking still kills people in that environment. That is why we want to address the issue in a clear and unequivocal fashion through legislation. Janis Hughes raised the issue of enforcement. We are discussing that issue with the Convention of Scottish Local Authorities at the moment.

Stewart Stevenson made an interesting and valuable contribution—perhaps he was around when James VI made those statements—and I will be interested to see what he comes up with when he does his next Google search. However, we seek not to stigmatise but to support the smoker. More people have died from smoking-related illness and disease than died during the world wars.

Jean Turner mentioned research. We invest some £12 million in cancer research, which is one of the Executive’s biggest research spends. As I told cancer charities and cancer organisations, although we support lung cancer research, lung

cancer is an extremely difficult and particular issue, whereas other research is more productive in terms of outcomes. That is not to say that no productive work is being done on lung cancer; it is to say that the issue is extremely difficult.

From Brian Monteith we got red herrings and a head-in-the-sand approach. Some of his comments were embarrassing. Yes, we will have a comprehensive ban. We can and we will define it. We will include clubs, smoking rooms and cigar clubs, because we want to ensure that there is a comprehensive, unequivocal ban and that everyone understands the situation. If members visit the Scottish Executive website or ask Stewart Maxwell about the work that he has done on the issue, they will see that there is a wealth of evidence on environmental tobacco smoke.

Alasdair Morrison made a good point about the other health improvement measures that the Executive is taking. That is what this measure is about. The Executive takes a long-term perspective on Scotland’s health. We are trying to deal with some of the issues in Scottish society that are hardest to crack.

The debate has been interesting. It has been comfortable discussing the matter in the chamber, but we have a long, challenging time ahead of us. Powerful, rich forces are marshalled against the measure, so we must ensure that we stick to our guns and focus on the evidence. We have the evidence and a commitment to public health. We have the chance to change Scotland. Let us not just say how bad the figures are, but let us do something about them by supporting the legislation.

Business Motion

17:01

The Deputy Presiding Officer (Murray Tosh):

The next item of business is consideration of business motion S2M-1980, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Wednesday 17 November 2004

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 1 Debate on the Water Services etc. (Scotland) Bill

followed by Financial Resolution in respect of the Water Services etc. (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 18 November 2004

9.30 am Parliamentary Bureau Motions

followed by Stage 1 Debate on the Fire (Scotland) Bill

followed by Financial Resolution in respect of the Fire (Scotland) 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 Parliamentary Bureau Motions

followed by Stage 3 of the Breastfeeding etc. (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 24 November 2004

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 25 November 2004

9.30 am

Parliamentary Bureau Motions

followed by

Scottish Green Party Business

12 noon

First Minister's Question Time

2.00 pm

Question Time—
Enterprise, Lifelong Learning and
Transport;
Justice and Law Officers;
General Questions

3.00 pm

Executive Business

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business

(b) that consideration of the Transport (Scotland) Bill at Stage 1 be completed by 23 February 2005;

(c) that consideration of the Prohibition of Female Genital Mutilation (Scotland) Bill at Stage 1 be completed by 4 March 2005;

(d) that the Justice 1 Committee reports to the Justice 2 Committee by 12 November 2004 on the draft Abolition of Feudal Tenure etc. (Scotland) Act 2000 (Consequential Provisions) Order 2004; and

(e) that the period for lodging questions for Question Time on 13 January 2005 should end at 10.00 am on Wednesday 5 January 2005.—[*Ms Margaret Curran.*]

Motion agreed to.

Parliamentary Bureau Motion

17:01

The Deputy Presiding Officer (Murray Tosh):
The next item of business is consideration of Parliamentary Bureau motion S2M-1979, in the name of Margaret Curran, on the office of the clerk.

Motion moved,

That the Parliament agrees that the Office of the Clerk will be closed on 29, 30 and 31 December 2004.—[*Ms Margaret Curran.*]

Decision Time

17:01

The Deputy Presiding Officer (Murray Tosh):
There is only one question to be put as a result of today's business. The question is, that motion S2M-1979, in the name of Margaret Curran, on the office of the clerk, be agreed to.

Motion agreed to.

That the Parliament agrees that the Office of the Clerk will be closed on 29, 30 and 31 December 2004.

Science and the Parliament

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S2M-1840, in the name of Elaine Murray, on the science and the Parliament event that is being held today. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the Science and the Parliament 2004 event being held on 10 November 2004, organised by the Royal Society of Chemistry in association with Scotland's leading science organisations; notes the contribution of Scotland's 40,000 scientists to our economic, environmental and social development; notes that Scotland is a world leader in many scientific disciplines; further notes the Scottish Executive's efforts to foster an environment that enhances pupil and student participation in science, to invest in the science infrastructure and equipment of our educational establishments, to increase investment in research along with supporting greater industrial research and assist in the practical application of our world-beating research, and welcomes the review of the Executive's *A Science Strategy for Scotland*.

17:03

Dr Elaine Murray (Dumfries) (Lab): I am pleased to lead this debate on the evening of an annual event in the Scottish parliamentary calendar: the science and the Parliament event, which is organised by the Royal Society of Chemistry. In previous years, the event was held in the Signet library but, following the opening of our new Parliament complex, it has moved to the particularly appropriate location of Our Dynamic Earth, across the road from here.

I thank the Royal Society of Chemistry and the other scientific organisations that bring together this increasingly successful event. In particular, I thank Willie Rennie for all his efforts. I welcome to the gallery a large number of participants in the event, which finished slightly early, who have come to listen to the debate. After the debate, the exhibition and reception at Our Dynamic Earth will recommence. I hope that as many MSPs as possible will be able to pop in to visit the exhibition and to attend the awards ceremony, which will start at about 6.15 pm.

As we know, Scotland has an extremely strong tradition in science and engineering, which were the foundation of much of the nation's wealth from the industrial revolution onwards. Although there are concerns nowadays about the number of young Scots who choose to study science at degree and higher level—a matter to which I will return—Scotland continues to punch above its weight in scientific achievement and science continues to be important in achieving the

Executive's vision of a smart, successful Scotland. For example, Scottish universities, which comprise only 12 per cent of the United Kingdom's universities, outperform their counterparts in 38 per cent of science subjects, according to the 2001 research assessment exercise. Some 40 per cent more per head of population is invested in Scotland's science base compared with any other part of the UK. In 2003, Scotland's investment in university research was only \$1 per head behind that of the United States of America.

However, Scottish business invests only 0.5 per cent of gross national product in research and development, which is much lower than in parts of England, Sweden and France. Consequently, the density of science-based jobs is lower in Scotland than it is in many other countries, including Iceland, Ireland, Denmark, Finland and Norway. It is also worrying that the average share price of Scottish research and development companies fell between 1999 and 2003, and that it fell more steeply than did the average share price of companies in other sectors of the Scottish economy. That should be compared with what has happened in England, where research and development share performance rose over the same period, despite the downward trend in the wider economy. Save British Science, which is a lobbying organisation, has suggested that the Executive should finance a detailed study of why research-based industry in Scotland is not currently producing the same economic growth that seems to be possible elsewhere in the UK.

On a brighter note, Scottish universities are more successful in creating spin-out companies than are their English and Welsh counterparts, and the links between universities and the business community in Scotland are considered to be at least as good as they are elsewhere in the UK. Scottish pupils spend more time studying maths and science than do their European counterparts, and the scientific literacy of our 15-year-olds was ranked eighth out of 32 in a recent Organisation for Economic Co-operation and Development survey.

However, Scotland faces a demographic problem in relation to science teachers. Earlier today, I raised that issue with the Minister for Education and Young People. The Scottish Science Advisory Committee, which was set up by the Scottish Executive to provide independent advice to ministers, noted in its report "Why Science Education Matters: Supporting and Improving Science Education in Scottish Schools" that

"one third of all science teachers are over 50 years old and over half of all science teachers are over 45 years."

The report estimated that 357 new chemistry teachers, 210 new physics teachers and 127 new

biology teachers required to be recruited in Scotland between 2001-02 and 2007-08. I would be interested to learn from ministers more about what progress is being made in attracting new teachers into those extremely important subjects, although the Deputy Minister for Enterprise and Lifelong Learning might not have the figures. The issue of continuing professional development for science teachers is also crucial in an area of knowledge that can develop and advance quickly. Teachers must be kept up to speed.

I was pleased to read in the Executive's document "ambitious, excellent schools", which was published last week, that the Executive intends that the science curriculum should be the first curriculum to be reviewed. That recognises that there are issues relating to attracting young people into science at the moment and it was, of course, one of the key recommendations of the Scottish Science Advisory Committee.

There are also concerns about the number of applications to study science at university, which are falling slightly faster in Scotland than they are in the rest of the UK. If science is central to the Scottish economy, shortages of scientists, science graduates and science teachers are a matter of grave concern. The reasons why academically able young people are becoming less interested in a career in science need to be analysed and addressed.

I think that there are three main problems. One problem is that scientists—especially scientists in the public sector—are pretty badly paid compared with similarly qualified people in other professions. Save British Science has estimated that scientific salaries lag behind those for similarly qualified professions by around 25 per cent. The career structure is also relatively unattractive. In universities, it has revolved for a long time around fixed-term grants for research of between perhaps two and five years. That tendency to rely on fixed-term contracts has increased over the years. All of us in the chamber are on fixed-term contracts, which are perhaps more likely to be renewed for some than for others, but I am sure that we can all appreciate that a situation in which a researcher may have to change posts and uproot his or her family every few years becomes less attractive as people become older and more settled. That might deter young people from becoming scientists, and it certainly contributes to the trend of trained scientists leaving their profession.

The other problem that I perceive is the image that science seems to have developed in the media over the past few decades. Although the Scottish public still seem to feel positive about science—according to a recent survey, about 85 per cent of Scots still think that science and scientists can make a valuable contribution to

society—some of the ways in which scientific matters are popularly described can be quite negative. The way in which subjects such as genetic modification, cloning, nuclear power and stem-cell research are reported in the media can often be melodramatic, implying that scientists are somehow without morals. It is a sad fact that people in the United Kingdom are now much less likely than they were a few decades ago to believe the information that scientists give them. There are undoubtedly moral dimensions to many of the topics that I have just mentioned, but there often seems to be a confusion between the science and the way in which scientific knowledge might be used. Too often, public debates, and indeed parliamentary debates, do not refer to the scientific facts, which ought to be underpinning the arguments.

Science is popularly thought to be very difficult. Unfortunately, although television programmes about science are very popular, 48 per cent of people, according to a recent survey, believe that they are not clever enough to understand science. That is a great shame. It is a pity that science is not viewed in the same way as other creative activities such as art, music and sport. Most of us can do those to an extent and, with help, we might be able to do them very much better than we expect at first. A few people can do those things very well indeed and the rest of us take great pleasure from observing their achievements. That should be, and can be, true with science, too. It is important that we recognise science for what it is. It is a creative activity and we should treat it as such.

I will finish by stating the blindingly obvious: that science is crucial to Scotland's future success and that it presents many opportunities, as well as some significant challenges. If the contribution of our 40,000 scientists is to be sustained, those challenges need to be faced and met. I look forward to the rest of the debate. I know that many other members who are equally concerned about the future of science will make interesting speeches and I also greatly look forward to the minister's response to the points that will be made in the debate.

17:12

Brian Adam (Aberdeen North) (SNP): I congratulate Elaine Murray on securing tonight's debate. I can find nothing in her speech with which I disagree, which is unusual. Normally, we have party-political debates but, as far as science is concerned, I hope that we have a unity of vision about where we are going as a country and that we can try to tackle some of the current fundamental difficulties. If we have a unity of view, we are much more likely to be successful.

In the summer, I was privileged to be asked along to the chemistry department of the

University of Aberdeen, where I studied for a short time, to present some of the prizes. It was interesting to see how many people are still studying chemistry. I know that there are some concerns about the number of science students in the country in general, and there is concern that some science courses—chemistry courses in particular—are closing. I believe that the applied course at the Robert Gordon University in Aberdeen has had to close because of a lack of interest among students. Perhaps some more innovative thinking from universities in attracting students would offer a potential solution.

I am delighted that there is a very successful forensic science course at the Robert Gordon University, which covers the basics of chemistry, physics and biology, but I do not know how many of its students will go on to become applied forensic scientists. At least we will have people who have trained in the sciences as a consequence.

Christine May (Central Fife) (Lab): Would Brian Adam join me in hoping that the proposed merger of the Scottish Further Education Funding Council and the Scottish Higher Education Funding Council and the streamlining of articulation processes between further and higher education will lead to an increase in the number of young people choosing to study science, first in college and subsequently in university?

Brian Adam: I suspect that what has to change before we can encourage youngsters to take an interest in science is not necessarily the mechanics of how they can move through from colleges to universities, but it is undoubtedly helpful to remove any barrier from that process.

This afternoon, I attended one of the break-out sessions, for at least some of the time. It is interesting to note how science sometimes goes back to go to the future. The question that was under discussion related to an applied problem that currently exists in our health services, to do with MRSA, the lack of microbiologists and the measures that we might take to develop a new range of antibiotics. One interesting contribution suggested that we should examine the importance of bacteriophages, as the Americans are doing. I remember the delights of the spring and early summer of 1970, when I struggled with my honours project on bacteriophages, little thinking that the subject would be fashionable in 35 years' time.

I wish the scientists well. We need to encourage folk to look in all sorts of odd places for the innovation and new ideas that will drive science forward. We must not be overly reliant on peer review to decide what is best. Peer review is about what is currently fashionable, but we need to think outside the box at times. If we are going to be

successful, it will be with something that is different. We need to have that kind of challenge and the capacity to address such things.

I have great concern that those who are working in clinical trials for pharmaceuticals are being oppressed and that, as a society, we are not standing up to those animal rights activists who have taken things far too far in targeting scientists. If we do not protect our scientists—literally protect them—they will flee the country and the pharmaceutical giants that are major investors in our R and D, and key to the future of our science, will take their business elsewhere. That will not be good for the future of science, for the future of medicine or for the future of Scotland or the UK.

17:17

Robert Brown (Glasgow) (LD): I begin by congratulating Elaine Murray both on obtaining the debate and on all the comments that she has made in it. I join her in welcoming the audience who have come here tonight from the science and the Parliament event over the road. I think that this is the biggest attendance at a members' business debate that we have had, certainly in this parliamentary building, and I thank those in the public gallery for attending.

It is often said that Scotland invented both the philosophical framework and the physical environment of the modern world, with the ideas of the Scottish enlightenment and the fertile contribution of our scientists, engineers and inventors. Even today, that tradition remains a potent force to inspire and motivate our young people and I understand that Scotland produces 1 per cent of globally produced research although we have only 0.1 per cent of the world's population. Scotland is also third in the world for the number of research publications published per head of population. I simply add those statistics to the total that the debate will no doubt bring to light. The Scottish Executive has, quite rightly, placed great emphasis on commercialisation and knowledge transfer of new ideas and processes.

Science education is central to the maintenance and expansion of that tradition. Elaine Murray has already mentioned the curriculum review, an important chunk of which relates to the updating, expanding and improving of the current science curriculum. We have lessons to learn from other countries. In Taiwan and Korea, there is a heavy emphasis on maths and science and it cannot be just coincidence that those countries have been so successful in recent years as part of the phenomenon of the Asian tiger economies.

In a previous debate, which was instigated by Lord James Douglas-Hamilton back in March, I pointed out that a vicious cycle had developed,

where a decline in interest fed on itself. The proportion of pupils taking higher science subjects dropped from 10.8 per cent in 1993-94 to 9.2 per cent in 2001-02. I am told that more people are taking intermediate 1 and 2 now, which is good, but we cannot afford a continuing decline at the top. That is something that we must continue to keep our attention on.

Like Brian Adam, I had the great pleasure this afternoon—in my case as convener of the Parliament's Education Committee—of introducing a break-out session at the science and the Parliament event over the road. I was very pleased to hear that the investment made by the Executive since "A Science Strategy for Scotland" came out in 2001 was hitting the mark in providing support for equipment, for training, and for the informal sector, including for the science centres. Someone even said that it had put the fun back into science—that is not a usual accolade for political action in this or any other sphere.

As Elaine Murray mentioned, the Education Committee heard evidence this morning on the curriculum changes. The Minister for Education and Young People stressed in his evidence that the changes would be introduced very much in collaboration with teachers and it is vital that that should be the case. In this context, that should mean not only the council education officer or the head teacher but teachers at the chalkface who are teaching and engaging with classes.

Of course, all this raises the question of the purpose of science education. Like a programme for rebuilding the prospects of the national football team, it must begin with being accessible and giving encouragement to everyone so that the potential scientists, researchers and inspirational science teachers—the coaches, so to speak—can get their opportunity. However, most people should study science not in order to become scientists, but to enable them to be active citizens, to have a perspective on the modern world and to be able to contribute to the many ethical debates that affect them. Elaine Murray talked about some of the negative aspects of those issues; many of those ethical debates are often driven by science.

Science needs to be part of the main stream. Its concepts and idioms must be familiar to non-scientists, to those taking arts courses and to those who do not go on to higher education. The science for citizenship course suggested by the Scottish Science Advisory Committee seems to be well worth taking forward.

Science is a big part of the key to Scotland's future and it must be nurtured and encouraged. It must be made relevant and contemporary so that it can excite and enthuse and so that it can attract the best and most able students. Indeed, it should be one of the means by which we reignite the

interest and aspiration of some of those who are currently disengaged from school.

I support this important motion in the name of Elaine Murray and commend it to the Parliament.

17:22

Mr David Davidson (North East Scotland) (Con): I start with two apologies. First, the Scottish Parliament business exchange board, of which I am a director, has called a meeting so I may not be able to stay until the end of the debate. My second apology is that because a Government policy announcement was being made I had to attend a debate in Parliament this afternoon and so could not chair a careers breakout session across the road.

I am a scientist by background. As I am a pharmacist I have experienced a fairly wide spread of various sciences. Five years ago, I was delighted when the Save British Science Society held an informal dinner, which I think Elaine Murray also attended—Brian Adam is nodding and Robin Harper was also there—to find out whether there was an appetite for promoting science among parliamentarians who had science backgrounds. The most important point was that the scientists who had us to dinner were talking about seeking new champions for science at all levels. We all know about the David Bellamys of the world who have done wonderful television programmes that have captured the minds of many people—dozens of such people have done such programmes. It is a shame that the terrestrial television channels do not show more of those programmes and make science more fun for our children.

I have said before that we must make science sexy. We must help parents to interest their children in the world around them, in how it works and in what makes it tick. I know that children can find that tedious. I experienced that with my family and was like that with my father.

The same thing must happen in pre-school education. We must make science fun and we must encourage children to be inquisitive. That would be the start that might mean that we capture the mind and spirit of a child. I am concerned—this fact came across last week when I hosted a meeting in Parliament for the Medical Research Council—that there is a lack of support for training in science. The problem has come upon us gradually, but we in Parliament have a responsibility to try to turn the situation round, not only for the good of the economy but, as members have said, for the benefit of the world.

Why are fewer pupils taking science subjects at school? Why are there fewer science teachers? Why are we producing fewer science teachers at

university level and at postgraduate level? Unless we change the situation, we will lose the critical mass.

I support Brian Adam's comments about safety in science. The media have been, if anything, less than helpful in always looking for negativity and not giving the good news stories enough support. Plenty of good news stories are coming out of the science community in Scotland.

I have often questioned the Scottish Executive—I did so this week—about support for the chief scientist office, which always seems to receive the same budget, but cut into smaller and smaller pieces. If we want science to take off in Scotland, we must educate people and we must give research and researchers the respect and support that they need. We must ensure that we engage with the wider world in relation to career prospects. The commercialisation of science is one of Scotland's greatest successes, but that success is beginning to drift, as has been mentioned. We must stem that tide.

I hope that with the help of colleagues from the scientific community—I welcome their attendance today—members of the Scottish Parliament can get the tools that they need to sell the cause and to become champions of science. There is a huge issue about how politicians regard science. We all know about the benefits of medical science, but what about the other aspects of science that make our world liveable and provide us with jobs and creative activities?

I am passionate about science. Science should not be wrapped up in prissy language; it should be part and parcel of our education and our being. I congratulate Elaine Murray on bringing the debate, which has my thorough support, to Parliament.

17:26

Bristow Muldoon (Livingston) (Lab): I, too, congratulate Elaine Murray on securing this important debate. I welcome the initiative that Scotland's scientific community has taken in engaging with Parliament through the event that is taking place today. I also welcome the initiative that is going on to try to inform parliamentarians about current scientific issues.

In the Scottish Parliament and at Westminster, a range of political issues need to be informed by science. Scientific evidence informs many of the most important issues that society and humanity in general face: climate change; power generation and the right balance to be struck between nuclear, fossil-fuel and renewable energies; medical matters; fish stocks in the North sea, which have often been debated in the Scottish Parliament; and food safety. All those issues have been the subject of debates in which the Scottish

Parliament or Westminster have recently engaged or will engage. Members have mentioned some of the major ethical and controversial issues of our time, which are hugely informed by scientific research. Such issues include stem-cell research, which featured significantly in the recent elections in the United States of America, and GM foods.

It is important that Parliament re-engage with scientific issues and that we and the media do not alarm people by misusing scientific information. On occasions there will be no clear scientific consensus on an issue, so it is proper that we debate such issues, but we must do so in a responsible and informed way.

I agree with comments that members made about the importance of science in schools. It is important that we encourage some of our most able young people to study science. With due respect to members who are lawyers, some of whom are present, it is more important that such young people study science than that they study law. We must drive forward that issue, as Elaine Murray said. Our approach should be partly about rewards and partly about ensuring that young people regard science as an interesting and rewarding, rather than just difficult, option—I do not think that it is difficult.

It is also important that we ensure that even the young people who do not go on to study science at university or have scientific careers are informed about how the modern world works and can take an active part in ethical debates and debates about the right way forward for society. I agree with Robert Brown's comments in that context. Last week, I attended a conference at which the rate of change in scientific knowledge was brought home to me. I learned that computing power doubles roughly every 18 months and that knowledge about the human genome doubles about every 16 months. Those facts have enormous implications for how society will be shaped in the decades to come; parliamentarians have a responsibility to ensure that young people who are currently going through the education system can engage with and discuss such issues.

The final issue is the importance of science and technology to the economy. It is widely recognised in Parliament that the future of the Scottish economy depends on its being a knowledge-based economy rather than a lowest-cost economy.

For so many industries, whether it is petrochemicals, medical science, pharmaceuticals, power generation or biotechnology, it is important to ensure that we invest in research and development and to ensure that our young people get a proper education and the chance to develop their skills.

Although we have a strong university sector, we face major challenges in ensuring that our universities are able to complete in the United Kingdom context and internationally. I hope that the minister will say how the Executive can ensure that the Scottish universities continue to maintain their strong role in competing internationally for the best scientists and the best research funding.

17:30

Alex Neil (Central Scotland) (SNP): I join members in thanking Elaine Murray for securing this debate again this year. I also thank the Royal Society of Chemistry for holding its event, which is now in its fourth year, and for all the other excellent work that it does to promote science. I thank *Holyrood* magazine for the excellent supplement that it has produced in conjunction with the society.

Given that I have only four minutes, I will concentrate on the economic aspects of science. That said, I recognise the breadth of the impact that science policy has on health, education, food, energy, the environment and a wide range of other aspects of government and parliamentary policy.

I understand that tomorrow we will get the update on "A Smart, Successful Scotland: Ambitions for the Enterprise Networks". I hope that our scientific strategy is at the heart of it. When we consider the history of the Scottish economy, we can see that we have been at our most successful when we have been innovative and when we have given our scientists free rein to produce the new ideas, products and processes that we have needed down the years. That is true not only in terms of what it does for Scotland but in terms of the role that we have played internationally. We have only to think of television, the telephone and many other products that are of worldwide significance and which were invented in Scotland.

That said, we face three major challenges, the first of which is the level of spend on research and development, particularly in the private sector in Scotland. The latest yearly figures that are available show that the private sector spent £600 million on research and development in Scotland. If we are to achieve the same level of private sector spend per head or as a percentage of our gross domestic product as other countries, we need to more than double the annual spend. We will need to spend an additional £750 million a year in the private sector in order to achieve the average R and D spend for Organization for Economic Co-operation and Development countries. If we are to compete in tomorrow's world—indeed, we need to compete in it—we must work with the private sector to get it to more than double its spend in the years ahead.

Without the private sector, we will not be able to meet the second major challenge, which is to reap the downstream benefit of our scientific research. Other members have referred to commercialisation and the tremendous success of our university sector in working with the private sector on commercialisation. When we look at the telephone and the television and many other Scottish inventions, we can see that we have been excellent at research but poor at development. We need to spend time and money on getting development right as well as on getting research right.

The final key challenge relates to some of the moral and ethical issues that the development of science requires us to face up to. I will mention only one: stem-cell research. I am at one with John Kerry and Superman on the need to encourage, finance and develop stem-cell research, albeit in a regulated fashion. Anything that has the potential to unlock the answers to so many of our medical and health problems, not only in Scotland but worldwide, has to be encouraged. Indeed, stem-cell research should not only be encouraged, we should be prepared to invest in it.

Those are the three key challenges. If we face them and meet them, we can achieve what I believe should be our objective, which is to make Scotland the science capital of Europe.

17:35

Patrick Harvie (Glasgow) (Green): I am more than happy to endorse the bulk of Elaine Murray's motion, in particular the reference to scientific education. Children and young people are naturally curious about the world around them, and we must harness that curiosity. However, we should not forget the need to increase wider scientific understanding throughout society and the media. Almost every week I read a story one day in *New Scientist*, hear it slightly distorted on the radio the next day, and see another version later on television; by the time that the story reaches the printed press, it seems that almost no fact is reported accurately.

I acknowledge—as does the motion—the hard work that is done by Scotland's 40,000 scientists. There is a common perception of the Greens as anti-science, but that perception annoys me because we always endeavour to be informed by scientific evidence. Our position on climate change, for example, has developed alongside the work of the scientific community, right back to John Tyndall in the 1860s. We are opposed to genetically modified organisms because we believe that scientific and economic dangers outweigh the known advantages. If the balance swings back the other way, we will revisit our position. When the facts change, we change our view.

Whatever the state of scientific understanding on those questions, we must always view them in the light of social, moral, ethical and legal considerations. Unfortunately, many scientists feel unable to focus on those issues, particularly these days, when much of their work is corporately funded. To reply to Elaine Murray's comment in her opening remarks, no one would imply that scientists act without reference to moral values but, after a debate on smoking, we must recognise that large corporations often appear to, and that they can distort or conceal the science to suit themselves.

When we take those considerations seriously, we have to draw a distinction between what those 40,000 scientists are doing for the economy and what they are doing for the common good—for society and for the environment that we depend upon. Are the geophysicists who sniff out oil deposits really helping the environment in the long run? Are the biotechnologists whose work may result—whatever their own hopes and motives—in greater corporate control of our food chain benefiting society?

As politicians faced with challenging technical issues and complex scientific theories, it is often tempting for us to defer to scientific experts and save ourselves a bit of homework but, as Einstein pointed out more than half a century ago,

"we should be on our guard not to overestimate science and scientific methods when it is a question of human problems ... we should not assume that experts are the only ones who have a right to express themselves".

I think he meant that scientists should advise and inform our debate, but not dictate the direction in which that debate leads.

It is understandable that scientists are often too focused on the objective facts as they see them to recognise that there are legitimate subjective judgments to be made. The clearest example of that for me was the BSE debate. On television interview after television interview, a politician would say, "Beef is safe to eat." Another politician would say, "Beef isn't safe to eat". An interviewer would turn to a scientist at some point in the programme and say, "Well, is it? Is beef safe to eat?" as though that was an objective fact. The reality, as the responsible scientist would always say, is that determining what is safe enough is a subjective judgment for us all to make.

Ultimately, what might be called scientific fundamentalism is as unattractive as any other kind of fundamentalism. We have to recognise that there are other factors—philosophical, cultural, ethical, economic and political—to consider. Science, and supporting scientists to do the work of science, is a big part of the picture, but it is only one part.

17:39

Lord James Douglas-Hamilton (Lothians)

(Con): I warmly congratulate Dr Elaine Murray on her success in securing the debate. I mention, by way of passing, that Britain has had many chemists of the utmost distinction. Interestingly enough, one of them was Margaret Thatcher. Of course, Dr Elaine Murray herself is a chemist, but she would not want me to draw any closer comparison, and I will not do so.

I am glad to support Elaine Murray's motion, especially given that I had a debate on 3 March this year in support of science education. I argued that the Executive should give maximum support for science education in Scotland, in view of the fact that the National Centre for Excellence in Science Teaching in England had agreed that the Institute for Science Education in Scotland should be the body through which its links with Scotland would be managed. It is my distinct impression that, in this case, the Executive has been helpful and I will be most grateful if the minister will confirm that impression and give us the up-to-date position on funding.

Robert Brown mentioned the Scottish enlightenment. The role of Scots science education undoubtedly merits total commitment, given that the Scots have traditionally had an absolutely outstanding record in science, in creating items such as marmalade, Macintosh raincoats, Wellington boots and even that most astonishing creation, the late Dolly the sheep. Whether we talk about James Watt, who invented the steam engine; Alexander Graham Bell, who invented the telephone; John Logie Baird, who invented television; Alexander Fleming, who discovered penicillin; Joseph Lister, who invented antiseptic; James Simpson, who invented anaesthetic; or Professor Reg Jones, who bent the Knickebein beam, the reality is absolutely clear—with only about 10 per cent of Britain's population, the Scots have produced about a quarter of Britain's greatest inventions and, in so doing, they have contributed enormously to world civilization.

We must not forget James Arnot Hamilton, who invented the wings of Concorde. Perhaps the minister will say what plans are in place for school parties to visit Concorde at the Museum of Flight in East Fortune. If I may say so, Dr Elaine Murray will always have a place in the history of the National Museums of Scotland. During the most recent election, I wrote to the First Minister to ask him to support the campaign for Concorde. For a long time, there was silence and then Dr Elaine Murray, on behalf of the First Minister, committed the Administration for all time coming to bring Concorde to Scotland. For that, we are all extremely grateful.

Inventiveness and creativity are an integral part of our national heritage. Our commitment to science education and sustainable development in the best interests of humanity should be absolute. As Louis Pasteur said:

"Science knows no country, because knowledge belongs to humanity, and is the torch which illuminates the world."

I hope that the minister will remind ministers at Westminster about the long-term threat to Scotland as a result of global warming and the reluctance of major industrialised nations to recognise that reality. Patrick Harvie mentioned Albert Einstein, who said that those who know the truth have a duty to impart it.

I am delighted to endorse Dr Elaine Murray's enlightened motion, the aims of which should be supported whole-heartedly.

17:43

Mike Pringle (Edinburgh South) (LD): I, too, congratulate Elaine Murray on securing the debate. I look forward to attending the reception and awards ceremony this evening. I understand from my researcher, who has a PhD in geophysics—he normally blinds me with science—and who attended the workshops this afternoon, that there has been a great discussion between academics, advisers and parliamentary people. I look forward to joining that this evening.

I welcome the visitors in the public gallery. As my colleague Robert Brown said, the gallery has never been so full for a members' business debate. It is a privilege for me to have the University of Edinburgh's King's Buildings, the Royal Observatory, Edinburgh and Napier University's Merchiston campus in my constituency. I have tried for a number of years to build up links between politicians and scientists. I had the pleasure of attending the opening of the new centre for extreme conditions at King's Buildings. It was great to see that funding is being poured into research in such areas.

It is well documented that Scotland punches far above its weight on the international stage in terms of globally published research. With only 0.1 per cent of the world's population, we produce 1 per cent of research. That may not seem much, but it is one of the best figures globally. Winston Churchill once said:

"of all the small nations on the earth only the ancient Greeks surpass the Scots in their contribution to mankind."

That was true 80 years ago and it still applies today, thanks to the men and women who work in our universities and in the companies that put the research into commercial applications.

Some 95 per cent of science and engineering staff at Edinburgh are in units that were given a 5

rating in the 2001 research assessment exercise, which indicates research of national or international excellence. Tonight, I want to single out the departments of electronics and electrical engineering, pure maths, informatics and geography, which achieved an extra 5* accolade to highlight the fact that they are conducting research of international importance.

The Scottish Executive has played its part. In our 2003 manifesto, the Liberal Democrats committed to work towards intermediary technology institutes, which are now up and running in the areas of life sciences, energy and techmedia.

Alex Neil: Does the member agree that, when the ITIs engage in the high-risk activities that we are encouraging them to engage in and they fail in one or two projects, there is an onus on politicians not to use the media to criticise them heavily?

Mike Pringle: I agree entirely with that comment.

The Executive has committed £450 million to the ITIs over the next ten years. The ITIs will build on Scotland's science research strengths and help to develop further the commercialisation of research to ensure that as many people as possible can benefit from the advances. Moreover, the provisions in the Further and Higher Education (Scotland) Bill will protect and ensure the future of science research in many of our great universities.

Sadly, the news is not all good. The take-up in science at school is still in decline. I was disappointed to find that only one Lothians primary school attended a recent science outreach event that was organised by the chemistry department at Edinburgh University. That said, an extra £18 million will be spent on science education by 2006 and the science curriculum will be redesigned by 2007 for all three to 18-year-olds. I hope that that will attract more pupils into science.

Such measures might result in something, but I believe that we must keep focusing our attention on this area. That might involve the academics reaching out more to the public or further action from the Executive, but I will continue to push this issue over the coming year. There are a great many projects out there such as SCI-FUN, which is attached to Edinburgh University, and Our Dynamic Earth across the road, but we need to get that best practice into all schools throughout Scotland. I hope that, with the science and the Parliament event 2005, more progress will be made on this issue.

Once again I congratulate all those who are involved in the event. In particular, I join Elaine Murray in congratulating Willie Rennie, who works tirelessly on the event every year. I look forward to a brighter future for science in Scotland.

17:47

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): Yet again, we have had an informative and interesting debate and I join members in congratulating Elaine Murray on securing it. As members who know me will testify—certainly my party colleagues Elaine Murray, Bristow Muldoon and Christine May will confirm this—I have a lifelong interest in science. Indeed, it is a family interest, and I said as much at the recent biotechnology industry dinner.

For me, responding to a parliamentary debate on the science agenda as part of the annual science and the Parliament event is as good as it gets. The Deputy First Minister will shortly address the event at Our Dynamic Earth and members are cordially invited to go along and hear more about the recent achievements of Scotland's scientists and to take the opportunity to meet leading members of the scientific community. Elaine Murray, Bristow Muldoon and I used to discuss these matters into the early hours of the morning, but it is fair to say that we have never had such a distinguished and erudite audience as we have for tonight's debate.

The science and the Parliament event is now firmly established in the parliamentary calendar. As members have pointed out, Scotland has a wonderful scientific tradition and it is right and proper that we continue to celebrate our successes, raise the profile of science, and provide a forum for scientists and MSPs to come together in this way. Lord James Douglas-Hamilton was right to say that science is

“the torch which illuminates the world.”

On a more parochial level, science is crucial to our future success as a knowledge economy. Increased investment is essential to achieve that aim, but we need to get that investment working as effectively as possible and to encourage funding from the private sector. Alex Neil was absolutely correct to point that out.

The UK Government's 10-year investment framework for science and innovation committed the Government to sustained and strong growth in science investment, which is of course welcome.

Brian Adam: I am delighted that the minister acknowledges that we have a deficit in R and D investment in the private sector. What steps does he think the Executive can take to encourage such investment, especially given that Scotland tends to have a branch-factory type economy, which does not rely heavily on R and D and we therefore lose out in relation to the productivity gains, the science and the knowledge-based economy?

Allan Wilson: It is not all doom and gloom. It is certainly true that Scottish businesses spend

proportionately less on R and D than do businesses in the rest of the UK, but the value of that investment almost doubled over the five years from 1997 to 2002. That is not to say that we do not want that value to increase even further in cash terms. One of the ways to achieve that is to increase R and D—and, dare I say it, headquartering more businesses here in Scotland is another means by which we might promote that sort of activity. With our impressive track record of winning research council funding, Scotland can be expected to gain disproportionately from that process.

We should not see private sector funding and R and D in isolation from state funding. In our spending review, we have provided what I think everyone will agree is a significant increase in funding to the higher education sector—it will be up by 23 per cent in real terms. We have to look at research funding as a whole and not simply in the silos of private sector versus public sector.

We can also report considerable progress on many aspects of our science strategy. The strategy overall sets out our clear and firm commitment that science matters. However, the strategy is now three years old and we need to take stock of how far we have met our ambitions. We therefore plan to publish a report on progress on the strategy in the spring, which will also set out where we are headed.

The science strategy covers all aspects of the way the Scottish Executive uses and manages science, including strengthening and promoting our research base, increasing commercialisation activity, improving science education and public awareness and ensuring that all our policies on science across the board are joined up.

Our science base is well funded, but it needs to operate more strategically. We need to grow more centres of research excellence and bring parts of the science base together to work on joint endeavours. That is of course one of the issues that the Scottish Science Advisory Committee is tackling. Also relevant is the Scottish Higher Education Funding Council's initiative on research pooling, which I am pleased to report is making encouraging progress.

We need to build up our international profile on science and develop better research links. Ministers recognise their key role in promoting Scotland's capabilities beyond its borders, and opportunities to do so were exploited during recent visits by the First Minister to China and the Deputy First Minister to the United States of America.

We need to encourage greater investment in innovation and R and D. In the past year we have also provided increased funding for commercialisation and knowledge transfer through

schemes such as our proof of concept fund, which was recognised in the “Lambert Review of Business-University Collaboration” as a leading scheme within the UK. Annual surveys continue to show that, on many measures of commercialisation activity, Scotland continues to perform excellently, particularly in the biotechnology sector. However, that is not to say that we should be complacent: Robert Brown and Alex Neil are right.

We welcome the Scottish Science Advisory Committee’s recent report on knowledge transfer, which notes that although investment by business in R and D has improved greatly in recent years, it continues to be relatively weak in Scotland. Global competition is intensifying, particularly from the far east, and Scotland needs to be more ready and willing to grow its knowledge base and, in turn, its knowledge economy.

We must encourage businesses and the higher education sector to take advantage of the opportunities. That requires—dare I say it—even greater collaboration between the two sectors. A number of bodies, including the Scottish Institute for Enterprise, the intermediary technology institutes, SHEFC and Scottish Enterprise, are working hard to promote that agenda. We intend to consider that agenda in more detail in our response to the recommendations of the Lambert review.

The Scottish Science Advisory Committee has now completed its first phase of operation and I wish it well as it enters a new phase, concentrating on the strategies required to reshape and prioritise funding and activity in the Scottish science base.

Alex Neil: In the Further Education and Higher Education (Scotland) Bill, there is a statutory requirement for the newly merged council to set up a research committee. I do not expect the minister to answer in detail tonight, but I ask him whether he will consider the division of responsibility and the relationship between the research committee and the Scottish Science Advisory Committee.

Allan Wilson: Yes. In the relatively short time in which I have been in this post, we have identified that as something that we want to examine.

The SSAC’s report, “Why Science Education Matters”, which was published last year, highlighted many of the continuing issues in this area. As part of the strategy, we have already provided £18 million to provide modern science education equipment in schools, to upskill teachers, and to boost continuing professional development provision.

The Education Department has been developing sophisticated work force planning arrangements to ensure that we have the right number of teachers for each and every subject. Those arrangements

consider, among other things, the age profiles of teachers, which enables the rate of retirement of teachers to be considered so that the supply of training places can be increased. That applies as much to science as it does to any other area of teaching. I hope that that goes some way towards reassuring members.

I assure Robert Brown that we will also examine all aspects of the science curriculum in the early stages of the curriculum review that was announced by Peter Peacock earlier this month. The review is part of a move to create a coherent curriculum that covers ages three to 18. Of course, science is the only subject area that is specifically targeted in this way.

Informal science education is a vital means of generating enthusiasm and interest in science. It is crucial if we are to turn science into the sort of attraction that it ought to be for our younger generation. We have therefore established, in our spending review, long-term funding to help our four science centres provide that service.

Lord James Douglas-Hamilton asked about a particular form of procurement. I am happy to report that we are actively seeking tenders in that regard and will shortly be in a position to make an announcement. I have no idea what provision is made to take children to see Concorde, but it sounds an extremely useful proposition that is worthy of further consideration. I will be happy to consider the issue in consort with colleagues in other departments.

We believe that our science strategy is on track to enable science to make a full contribution to our economic, social and environmental development in the years to come. However, this is a constantly evolving agenda and our efforts need to be sustained over the long term. The robust funding that we have provided in our recent spending review is a measure of the importance we attach to this agenda and the promotion of science more generally.

Meeting closed at 17:59.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 17 November 2004

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Astron Print Room, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament and annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Astron Print Room.

Published in Edinburgh by Astron and available from:

Blackwell's Bookshop
53 South Bridge
Edinburgh EH1 1YS
0131 622 8222

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh

Blackwell's Scottish Parliament Documentation
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

RNID Typetalk calls welcome on
18001 0131 348 5412
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers