

MEETING OF THE PARLIAMENT

Wednesday 13 April 2005

Session 2

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SCOTTISH MINISTERS AND DEPUTY MINISTERS

FIRST MINISTER—Right hon Jack McConnell MSP
DEPUTY FIRST MINISTER—Right hon Jim Wallace QC MSP

Justice

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

Education and Young People

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

Enterprise and Lifelong Learning

MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Right hon Jim Wallace QC MSP
DEPUTY MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Allan Wilson MSP

Environment and Rural Development

MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Ross Finnie MSP
DEPUTY MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Lewis Macdonald MSP

Finance and Public Service Reform

MINISTER FOR FINANCE AND PUBLIC SERVICE REFORM—Mr Tom McCabe MSP
DEPUTY MINISTER FOR FINANCE AND PUBLIC SERVICE REFORM—Tavish Scott MSP

Health and Community Care

MINISTER FOR HEALTH AND COMMUNITY CARE—Mr Andy Kerr MSP
DEPUTY MINISTER FOR HEALTH AND COMMUNITY CARE—Rhona Brankin MSP

Parliamentary Business

MINISTER FOR PARLIAMENTARY BUSINESS—Ms Margaret Curran MSP
DEPUTY MINISTER FOR PARLIAMENTARY BUSINESS—Tavish Scott MSP

Communities

MINISTER FOR COMMUNITIES—Malcolm Chisholm MSP
DEPUTY MINISTER FOR COMMUNITIES—Johann Lamont MSP

Tourism, Culture and Sport

MINISTER FOR TOURISM, CULTURE AND SPORT—Patricia Ferguson MSP

Transport

MINISTER FOR TRANSPORT—Nicol Stephen MSP

Law Officers

LORD ADVOCATE—Colin Boyd QC
SOLICITOR GENERAL FOR SCOTLAND—Mrs Elish Angiolini QC

PRESIDING OFFICERS

PRESIDING OFFICER—Right hon George Reid MSP
DEPUTY PRESIDING OFFICERS—Trish Godman MSP, Murray Tosh MSP

SCOTTISH PARLIAMENTARY CORPORATE BODY

PRESIDING OFFICER—Right hon George Reid MSP
MEMBERS—Robert Brown MSP, Mr Duncan McNeil MSP, John Scott MSP, Mr Andrew Welsh MSP

PARLIAMENTARY BUREAU

PRESIDING OFFICER—Right hon George Reid MSP
MEMBERS—Bill Aitken MSP, Mark Ballard MSP, Ms Margaret Curran MSP, Carolyn Leckie MSP, Margo MacDonald MSP, Tricia Marwick MSP, Tavish Scott MSP

COMMITTEE CONVENERS AND DEPUTY CONVENERS

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Enterprise and Culture	Alex Neil	Mike Watson
Environment and Rural Development	Sarah Boyack	Mr Mark Ruskell
Equal Opportunities	Cathy Peattie	Nora Radcliffe
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Procedures	Iain Smith	Karen Gillon
Public Petitions	Michael McMahon	John Scott
Standards	Brian Adam	Mr Kenneth Macintosh
Subordinate Legislation	Dr Sylvia Jackson	Gordon Jackson

13 April 2005

Scottish Parliament

Wednesday 13 April 2005

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

Time for Reflection

The Deputy Presiding Officer (Murray Tosh):

The first item of business today is time for reflection. Our time for reflection leader is the Rev Bob Brown of Queen's Cross Parish Church, Aberdeen.

The Rev Bob Brown (Queen's Cross Parish Church, Aberdeen): I thank the Parliament for inviting me to be here.

There is a firm in Aberdeen called the Big Picture, which is full of clever and creative graphic artists and commercial designers. It is a Scottish success story. Since starting 12 years ago, it now has contacts all over Europe and its client group includes Rémy Martin in France, Highland Distillers in the north of Scotland and the Robert Gordon University in Aberdeen. When one goes into its premises, one sees text on the wall. It is not text from the Bible, but some words from Abraham Lincoln, who said:

"If I was given six hours to chop down a tree, I would spend the first four hours sharpening the axe".

One can understand why that is on a wall at the Big Picture. I guess that graphic art and design require a lot of preparation.

That said, the words apply to other areas of life. For example, the golfer or snooker player who, under pressure, plays the shot that wins the title is able to do so only because of the countless hours that he spent practising on the practice ground or at the table. A soloist is able to play in a concerto only because she has honed her technique over many years and has practised the particular piece of music. Preparation is also vital to the student who wants to pass exams or to the teacher who wants to present a good lesson. One might take 20 minutes to deliver an important speech, but it might have taken 20 hours to construct. Again, as Abraham Lincoln said:

"If I was given six hours to chop down a tree, I would spend the first four hours sharpening the axe".

That applies to all areas of life.

This morning, I want to apply Abraham Lincoln's words to character. By that—dare I say it—I do not mean character as football managers often mean it when they say, "The boys showed great character in coming back to get a draw after being three down at half-time". That is simply getting stuck in, which nowadays includes such activities

as shirt-pulling, diving and intimidating the referee. I am talking about character in the sense of moral strength and integrity. That takes time to develop and traditionally it was the church's business to help people to do that. Indeed, the teaching of Jesus of Nazareth was all about that; he said that out of the human heart come evil and good intentions. He identified evil as theft, avarice, deceit, folly and impropriety and he wanted people to avoid them in order to cultivate truth, justice, compassion and wisdom.

Nowadays, there is a lot of public interest in religion—we saw that last week with the widespread outpouring of grief at the death of Pope John Paul II. However, people no longer live in the church, and the challenge for us all is how we can help people to cultivate ancient and eternal truths to ensure that they grow in character. As Abraham Lincoln said:

"If I was given six hours to chop down a tree, I would spend the first four hours sharpening the axe".

We must apply that to character, because nothing matters more than that.

Scotland's Needs and Aspirations

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-2619, in the name of Margo MacDonald, on meeting the needs and aspirations of people in Scotland. Given the diverse interests of the independents group, this debate will cover a wide range of topics. In order to provide structure, I have attempted, as far as is possible, to group the issues that will be covered in terms of their subject matter. After opening speeches, we will move to speeches on justice to be followed by health, education and sport, communities, planning and finance, and finally enterprise, economy and transport.

09:35

Margo MacDonald (Lothians) (Ind): I have to say that my best idea was not to have this debate—although that was not a bad one—but to invite the Rev Bob Brown to lead time for reflection. I and, I think, most members in the chamber thoroughly appreciated it.

I thank the Presiding Officer, his staff, the business team and the business managers, who have all helped the independent members to organise this debate. As everyone knows, we are attempting to introduce an experimental style of debate; I hope that everyone will find it to be something of a respite from the politicking that is going on outside these walls.

We have tried to structure this morning's proceedings to enable more free-flowing debate, in which all members will have the same amount of time for their speeches and are encouraged to speak on issues of their own choosing. Although Tavish Scott is on the front bench in his ministerial capacity—and will no doubt do whatever ministers do with the information that they glean from debates—I hope that he, too, will be able to participate actively, should he be moved to do so, even if the subject matter is not part of his portfolio. I also hope that other ministers—such as Margaret Curran, who has joined him on the front bench—will be able to make it into the chamber for the segment of this morning's proceedings that covers their particular areas of responsibility or interest, should those two aspects not coincide.

I hope that although ministers will not be expected to give Executive statements, they might be able to participate in the debate. Of course, I am in your hands, Presiding Officer, because you will decide which members will be called, when they will be called and for how long they will be able to speak. We hope that everyone will be able to speak for an equal length of time. I certainly do

not intend to take up the usual time in my opening speech; I would prefer it by far that that time be left for the exchange of information in the debate.

I assume that the Presiding Officer will inform members of the approximate timings that have been allocated to each subject. That is all that I want to say in opening the debate.

I move,

That the Parliament agrees that its members' primary function is to reflect and address the needs and aspirations of people in Scotland.

The Deputy Presiding Officer: Thank you. Margo MacDonald will make her substantive speech later. I call Tavish Scott to speak for the Executive. He has eight minutes.

09:38

The Deputy Minister for Parliamentary Business (Tavish Scott): I am grateful for that clarification. To avoid doubt, I had better stick to the ministerial script. Margaret Curran is here to make sure that I do not speak my mind on a number of issues.

As a Liberal Democrat, it seems appropriate to start by wishing my good friend and colleague, Charles Kennedy, and his wife, Sarah, congratulations on the birth of Donald James yesterday. They will be ecstatic to know that they will shortly receive a minute from my parliamentary colleagues to congratulate them on the birth. I am sure that that is just what they have always looked forward to at this joyous moment in their lives.

The Minister for Parliamentary Business (Ms Margaret Curran): Not a bunch of flowers?

Tavish Scott: Not a bunch of flowers, but a minute. After all, we are Liberals.

Today's debate is about the future of Scotland. Margo MacDonald introduced the topic today by suggesting that we can be innovative and possibly even experimental in our style. I encourage and welcome suggestions on any new ways in which we could consider the issues that confront us as a Parliament and a devolved Government. There have been immediate successes by this young and evolving Parliament, which was elected by proportional representation—by fair votes—with scrutiny of the Executive by Parliament and its committees, which have real teeth.

We have legislated to improve the quality of health care, education and transport, to tackle violence and inequality and to protect our children and vulnerable people in society. We have created Scottish policy solutions to Scottish needs, such as free personal care for the elderly, the abolition of tuition fees and the proposed ban on smoking in public places.

In today's debate for the future, I will address two themes. First is the need for a long-term perspective in addressing Scotland's future, although that might be a bit difficult in the middle of a general election campaign. The second theme is not just what we in Parliament and the Government can do, but what other people can do wherever they live or whatever their circumstances. Devolution has given us the opportunity to take decisions in Scotland for Scotland. We are determined to make the changes now that will mean that Scotland is a better place in 10, 20 or 30 years' time.

The state of the nation's health will play a massive part in determining Scotland's long-term future, so our investment in our health service and health promotion is crucial. We are promoting safer, healthier lifestyles and healthier eating, particularly in our schools. The future of Scotland depends on our children and young people; encouraging them to eat more healthily will help to ensure that the future is, indeed, healthy. We have ensured that our youngest children receive free fruit in school and we have delivered dramatic improvements in the nutritional standards of Scotland's meals, some of which have even appeared in recent television programmes hosted by famous chefs.

We are tackling two of the biggest health-related factors in our society—smoking and alcohol. They are time bombs that have long-term impacts that we must address now. Smoking is the single largest cause of preventable premature death in Scotland. Some 13,000 families a year in Scotland lose a loved one through smoking-related death and 1,000 of those are associated with passive smoking. Some 35,000 Scots are treated every year for smoking-related diseases. Each and every year we see among lifelong non-smokers 865 deaths from lung cancer, heart disease, stroke and respiratory conditions that are related to passive smoking. Statistics show that non-smokers who work in a pub where smoking is allowed are at least 20 times more likely to develop lung cancer than other non-smokers.

We cannot accept such statistics in modern Scotland; we have to act now and for the long term, which is why this devolved Government has committed itself to introducing a comprehensive ban on smoking in enclosed public spaces in order to reduce smoking, save lives and help to transform Scotland's national health.

We also need to tackle the problem that alcohol poses in our society. Too many people in Scotland drink to excess; that is why we have introduced the Licensing (Scotland) Bill to reform Scotland's licensing laws. This year's bill will crack down on irresponsible drinks promotions that encourage binge drinking—drinking too much too quickly and

its inevitable consequences. The national health service in Scotland spends £100 million every year on treating misuse of alcohol, so we as a country must ask ourselves some hard questions. Is Scotland serious about alcohol? Do we care that getting drunk at a young age is a rite of passage for both sexes? Why are more and more young women drinking too much?

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): We all agree with those sentiments about alcohol, but can the minister reconcile them with the current proposals to remove limitations on opening hours to enable 24-hour opening? How does that square with the sentiments that he expressed?

Tavish Scott: Mr Ewing should read the bill and the explanatory memorandum—there is a presumption in the bill against 24-hour opening. I state that for the record here and now and I will do so again when we begin consideration of the bill and when we launch it. Mr Ewing chooses simply to misinterpret and to make uneconomical statements about the position of the bill. I would respect Mr Ewing's position on alcohol a lot more if he were being straight about what we said instead of just making things up.

A bill alone will not change Scotland's long-held convictions on alcohol. Reform of the nation's licensing laws must go hand in hand with health promotion and educating the next generation to think responsibly about how much alcohol they consume. That will bring a long-term improvement in the nation's health.

There are other long-term issues, such as growing Scotland's economy. We are investing in transport to get Scotland's people moving and Scotland's goods to market. We have set out a 10-year transport investment plan with a £3 billion transport capital programme over the period. We are investing in road, sea and air connections and 70 per cent of that budget will be invested in public transport.

We are investing substantially in quality housing that will be available for the long term. In the most recent spending review, we committed £1.2 billion over the next three years and we are increasing our affordable housing targets from 18,000 to 21,500 homes. Nearly 5,000 of those homes will be developed for low-cost ownership; we on the Executive benches think that that is a good thing, even if the Scottish National Party does not.

We will help more people to take that vital first step on the property ladder. We know how important that first step is to people, which is why we have announced the new homestake initiative, which is a shared equity scheme to help would-be home owners who are on low incomes and who cannot afford to pay the full price of a house. By

2008, we expect about 1,000 homestake houses a year to be funded throughout Scotland. That will make a long-term difference for this country.

Margo MacDonald: I hate to be a party pooper; that was an impressive list of objectives and perhaps even half-achievements. However, why does the Executive think so many young Scots want to leave Scotland?

Tavish Scott: I was going to come to exactly that point. Growing the economy is this Government's number 1 objective. When I look at the statistics for the number of graduates who are graduating and staying in Scotland, I see that numbers are increasing—I will get the precise figure before we finish today's debate. The number of Scots who graduate, stay and pursue careers in Scotland is rising, which I am sure Parliament agrees is not only an important step, but an important stage upon which we must build.

If Government is to make a real difference, we need people to consider their lives, futures and responsibilities and to make choices. A healthy and prosperous Scotland will come about only if people make the right choices; for example, to drink less, not to smoke, to eat more healthily and to pursue their aspirations in education. We cannot legislate to make people take those choices, but we can assist them through education by ensuring that our schools provide comprehensive health education, including education on drugs and sexual health. We can assist in that progress.

Education is not just about health; we also need to help people to become financially literate and to end financial exclusion. Today in Scotland, 11 per cent of our population and as many as 18 per cent of people who are on low incomes have no bank account. Some 37 per cent of Scottish households have no savings and for many, credit is the only option for making large purchases. We have announced support for three separate financial education projects over the next two years, which will help people to make better and more informed decisions about which products best meet their needs, thereby helping them to plan for their futures and to ensure that they do not enter unmanageable debt.

Politicians have responsibilities to the people but, in turn, people have responsibilities to themselves and to their communities. That is a long-term approach to this country's needs and it is one manner in which the motion could be taken forward.

09:48

Mr Kenny MacAskill (Lothians) (SNP): I have been critical in the past of Executive motions that have lacked a substantive point around which

debate can pivot. The last such debate about which I could make that comment was on the prosecution service. It would therefore be remiss of me not to make the same comments when such a motion is lodged by the independents group. When I look at the wording of today's motion, it is clear that no one could possibly dispute the position

"That the Parliament agrees that its members' primary function is to reflect and address the needs and aspirations of people in Scotland."

Unless one believes in an oligarchy or dictatorship, everybody in the chamber subscribes to that view no matter to which party they belong—or whether they belong to no party. However, what do we seek to debate and where are we going to take it?

Other organisations exist in Scotland besides the Parliament and we are required to accept that the Scottish Parliament is not the sole font of knowledge in Scotland. We have a particular purpose, but other organisations play extremely important parts in the democratic process and are equally valid as we make progress.

I and other members subscribe to participative democracy, so we accept that we are at the legislative sharp end of delivery—the Executive delivers policy, the judiciary addresses legal matters and then there is civic Scotland. If we are to have a broader debate, organisations such as the Scottish Civic Forum might be better placed to take a general position than we are here, when we have a time-limited opportunity to focus on what we want to do and to make some distinctive change. We also have the opportunity of having members' debates; we have had such debates on the Scottish Civic Forum.

Call me old-fashioned, but I think that motions should have a beginning, a function and an end, and that there should be some tangible outcome; otherwise, we cannot make progress.

Campbell Martin (West of Scotland) (Ind): Will the member give way?

Mr MacAskill: Not at the moment.

Many people criticise the role of political parties, but political parties are important in the body politic because they provide cohesion and function. If we simply represented 129 separate views we would end up not knowing what we were debating and, with each member debating individually, there would be no cohesion or outcome. We on this side of the chamber may disagree on ideologies, certainly with those who represent the right of centre, but political parties provide focus and discipline and they place constraints. If we do not have that, debates tend to go all over the place.

However, this debate is in the independents' time, so we must focus on it. I do not disagree with many of the minister's points, but the Scottish National Party wishes to go further. The First Minister has said that we have to raise our game. To be fair, that has been taken on board by all members of all parties and of none. We acknowledge that the opening of this marvellous auditorium gives us a second chance, that we made many mistakes—individually and collectively—up at the Mound and that the game has been raised. However, there is still a considerable distance to go and every one of us must continue to strive to improve our game.

Mistakes have been made, and it is clear that devolution has disappointed people. However, we must take a phlegmatic view of matters and we must accept that that was perhaps always going to happen. One reason is the limited powers of this institution and the second is the legitimate aspirations of our people. We have to remember that Parliament was formed following a referendum after 18 years of Thatcherism, which scarred the people of Scotland and will not be forgotten when they go to the ballot box on 5 May. Those years resulted in people being bruised and grieved, and looking for something to change their lives dramatically. People voted not only for a Parliament to be re-established in Scotland but for a Parliament that has tax-raising powers. Even though those powers have not been invoked, we should always remember that.

However, people hoped—they may have been right and entitled to do so, even if their aspirations could never be delivered—not simply that the flowers would bloom and that the sun would shine perpetually in Scotland but, more important, that their granny would get a hip operation, that their son would get the job he needed, that their daughter would get the benefits she was entitled to and that they would have more money in their pocket and would pay less tax. Those are all things that people are entitled to and can legitimately expect to happen in their society. Clearly, some of those things could never be delivered, because we do not have the powers; others could never be delivered simply because, no matter which society they govern, Governments can only move so far and at such a pace. I am critical of the Executive and of the United Kingdom Government, but it should be recognised that there is a limit to what a Government can do in a globalised world and that change often has to come about slowly.

If we look back, we see that what has happened in Scotland is no different from what has happened in other countries. In post-Soviet Poland or post-Soviet Lithuania, people anticipated that life would be transformed—the yoke of Soviet domination ended and the opportunity for

involvement in the capitalist system arose. However, what happened in Lithuania, for example, was that within one election, President Landsbergis and the people who had faced the tanks of the Soviet Red Army were booted out to be replaced summarily by the apparatchiks who had connived and conspired with the Soviet regime, because life did not change massively in post-Soviet Russia and people still faced unemployment and other difficulties. We must recognise that.

George Lyon (Argyll and Bute) (LD): I have listened with interest to Mr MacAskill's speech. Is not he surely proving that the argument that he continually makes—that more powers and independence will cure all Scotland's ills—is not the case?

Mr MacAskill: If the member reads what I have said, he will see that I have never argued for powers and independence on their own. If we do not have the powers we cannot make any change, but we cannot do that with the powers on their own; they must be matched by a change in confidence. However, we could also argue that those things go together and that the constitutional powers would result in a change in confidence. Having read Carol Craig's book, I fully support her argument, and I accept that a change in confidence is necessary.

The transformation of the Republic of Ireland was not simply down to its being an independent nation state. I say to Mr Lyon that if the Republic of Ireland had not been an independent nation state, it could not have made the changes that were necessary to transform itself into the Celtic tiger. Had it not been a nation state, it could not have stayed out of the Iraq war. Had it not been a nation state, it could not have made the changes to corporation tax that have allowed it to become a far greater target of inward investment than Scotland can aspire to being. That is why, as well as seeking to have constitutional change, we require that confidence change. I do not know how that will be acquired.

There are mixed views about why the change occurred in the Republic of Ireland. Was it because of the election of Mary Robinson? Was it because of Jack Charlton and the success of the Irish football team? Whatever the reason, a mood swing came about in the Republic of Ireland that piggybacked on its constitutional powers, and the Republic of Ireland went from being a basket economy—almost a client state of Britain—to being a nation that is now a confident part of the European Union. The Republic of Ireland has a far better economy than Scotland and its citizens are wealthier than Scots. That has happened within one generation, and since Irish migration to Scotland. Parliament must go forward and it must

accept that changes have to be delivered. We must accept that we should reflect and address the needs and aspirations of the people of Scotland. However, at the end of the day, that has to be focused on tangible aims and it has to result, ultimately, in decisions' being made, rather than in our simply agreeing to something while changing nothing.

09:56

Bill Aitken (Glasgow) (Con): I like to think that the Conservatives can adopt a rather more constructive approach to the debate than that which was advanced by Mr MacAskill. The debate is, after all, on the independents' choice of topic. If we have to play the game by their rules today, it is surely not too much to ask that we do so reasonably constructively. The terms of the motion should be unanimously supported by all members; however, the motion provides us with an opportunity for a far-reaching discussion, while always being mindful that the aspirations of every member of Parliament must be to make a better life for the people of Scotland. I know that we all agree on that but there are, equally, genuine differences about how that can—and indeed must—be attained.

First, one basic thing should be recognised: freedom, choice and economic opportunity are what can make Scotland great. Unfortunately for all too many of our citizens, such choice and opportunity are being denied them. It should be recognised that extending economic opportunities to everyone in Scotland is the basis on which we can reduce poverty and social deprivation. At the moment, for far too many people, those opportunities are limited or non-existent: they are denied them in health provision, in education and above all in job opportunities. Enterprise seems to have vanished from the vocabulary of the Scottish Executive—a lexicon that appears to be dominated by “social inclusion” and “equality”. That is all very well, but we require some jobs, some enterprise and some entrepreneurial ambition.

Tavish Scott: As far as I am aware, every minister—from the First Minister on—has said that the economy is the number 1 priority of this Administration. Is that not good enough for Mr Aitken?

Bill Aitken: Of course, words are easy.

The Executive claims that economic growth is one of its top priorities; if that is the case, performance belies the statement. In 2004, gross domestic product in Scotland grew by only 1.8 per cent, as opposed to 3.2 per cent in the UK. New business start-ups fell by 660, manufacturing exports fell by 5.8 per cent and manufacturing

output was down by 1.1 per cent. In terms of competitiveness, we are simply not at the races; we rank at number 36 in the International Institute for Management Development world competitiveness rankings, behind such economic giants as Chile, Luxembourg and Thailand. We need action, not talk.

Fergus Ewing: The Scottish National Party agrees that we need to focus on economic growth—as Bill Aitken said—but is the Scottish Conservatives' way to achieve that to follow Teddy Taylor's advice and scrap the Parliament, or is it to follow Murdo Fraser's advice and increase Parliament's fiscal powers?

Bill Aitken: The Conservative group has made clear its commitment to the Parliament and to making it work. Fiscal responsibility requires to be addressed and will be addressed in due course.

One practical thing that needs to happen is a reduction in business rates to the same level as rates elsewhere in the UK. For too long, Scotland has had to labour against the double whammy of business rates that are more than 9 per cent higher than those elsewhere in the UK and water charges that adversely affect many businesses.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will Bill Aitken give way?

Bill Aitken: No, I have to move on.

Scottish Water's performance has been abysmal by any standard, and its inability to provide an economical and satisfactory service to businesses is little short of scandalous. It is time for Mr Scott and his colleagues to bite the bullet and to recognise that the existing publicly owned water provider is simply not up to the mark and must be scrapped to enable Scottish businesses to benefit from the lower costs and better quality that their English counterparts enjoy.

The complaint that is most often repeated when one speaks to a business—particularly a small business—concerns red tape. Job provision in Scotland is too important for it to be hobbled by almost backbreaking bureaucracy. Every Executive department should review the statute books and bring to the Parliament for repeal all laws and regulations that have no proven worth.

We also need to examine our transport infrastructure. Not only are there too many accident black spots, but the central belt motorway network and various other upgrades are still incomplete, which also inhibits business.

The principal concern that faces us is that our record of high public sector spending can no longer be sustained in the long term unless we are prepared to make appropriate investments, and to ensure that jobs are available in the private sector and that industry is able to provide the funds for

the public sector. Reform is vital—we must examine every aspect of what we do and change the approach.

I will deal with one matter that seriously affects the quality of life in Scotland and over which we have more direct and immediate control; that is our failure to combat increasing crime and disorder. As I have said before, we do not seek to exaggerate the situation. Although violent crime has increased significantly over the past six years, one's chances of being murdered in one's bed are still not high. However, the chances of suffering the effects of dishonesty and disorder are now very high indeed, and the Executive's failure to take the action that is necessary to protect society has resulted in a reduction in quality of life, particularly in some of our poorer communities.

Police establishments may be at a record high, but the number of police officers on the streets seems to be at a record low. It seems to take forever and a day to prosecute, and our court system is still open to exploitation by people who know how to play it to their advantage. The way in which the Executive has failed to make penalties bite is of the most serious import.

Margo MacDonald: Will Bill Aitken give way?

Bill Aitken: I am sorry, but I am running out of time.

Instead of collecting fines by means of deduction from salaries or benefits, the Executive chooses to let them remain unpaid. In many cases, community service that is imposed as a direct alternative to custody is simply not carried out, and breaches of community service orders are seldom reported. Drugs are freely available in prisons. We will not get far until fines are paid, community service work is done and prisons become drug free. Above all, we must restore faith in our judicial system by ending the farce of early release and by ensuring honesty in sentencing. Only then will the public begin to respect the system.

Scotland is a fine country; it could be great, but it is necessary that the Executive revisit many of its entrenched ideas and recognise that there is a requirement for it to innovate, to become more enterprising in its outlook, to encourage business and to clamp down on disorder. Only when that happens can we look forward to the sort of future for the people of Scotland for which we are all anxious.

The Deputy Presiding Officer: We come now to the open debate. The first speeches will be on justice. I intend to call two speakers on the subject: Margo MacDonald will be followed by Karen Whitefield.

10:05

Margo MacDonald: I would have liked to answer some of the charges that Mr MacAskill made, but we have tried to give all members an opportunity to speak on subjects on which they might seldom or never get the opportunity to do so, so I will concentrate on prostitution.

Prostitution must be attended to as quickly as possible. If the Parliament does that, it will meet a need in Scotland and will answer the requests that have been made of a number of members to tackle prostitution quickly. I recommend that the Executive put into effect the recommendations of the group of interested people and experts that, under the chairmanship of former assistant chief constable Sandra Hood, it appointed to investigate prostitution in Scotland.

Members might recall the bill that I introduced in the first session of the Parliament. It was called the Prostitution Tolerance Zones (Scotland) Bill, which was a bit of a misnomer, but we all make mistakes. After that bill fell, it was felt that, in the course of its progress through the parliamentary system, we had uncovered a neglected area. Therefore, the Executive—to its credit—set up the expert group, which has taken a year to investigate in depth how prostitution is practised and how it is changing as a result of all sorts of social and economic changes.

The group impressed me with how it tackled its work, in that it was not content merely to consider the scene in Scotland, but travelled outside Scotland to learn from others. However, the group found that much of the work that is being done to tackle prostitution in cities in England derives from the information and expertise that have been built up in Edinburgh, Glasgow and Aberdeen, because Scotland has been ahead of the field in its local attempts to manage an enduring problem for many citizens who are unconnected with prostitution.

I commend the group's report, "Being Outside: Constructing a Response to Street Prostitution", which recommends that the law on prostitution should be changed. The present law potentially criminalises only the seller of sex—that is, the woman—because, although it should not be, our law is gender specific. In the first year of its work, the expert group did not consider male prostitution, which it intends to consider in another tranche of work, so I am referring to women for the moment.

The group recommended that the buyer and the seller of sex or sexual services should both be viewed in the same light and that, if they offended any member of the public or any group in society or caused such people alarm by their actions, they could be prosecuted for doing so. That is of interest to those in Glasgow who have called for

the introduction of a law to deter kerb crawlers. If the offence was the creation of nuisance, alarm or annoyance, the kerb crawler would be caught by the same legislation as the prostitute who solicits in a way that causes offence or alarm. That proposal would equalise the law and would be a great improvement on the current law, which criminalises only the woman.

The expert group recommended that, even before we get to changing the law, a national strategic approach should be taken to this—not that we should have a huge policy and reams of well-meaning written work, but that the matter should be considered seriously. The group recommended that an overall approach should be taken to achieving the objectives of reducing the number of women who work as prostitutes; helping those who do so to exit that work; minimising the exploitation that—there is no doubt about it—goes along with prostitution; and minimising the potential for physical harm that is done to prostitutes. Those are all laudable objectives. The expert group also got it absolutely right in saying that, although the responsibility for drawing up a framework for achieving those objectives should lie with the Parliament, the implementation should be left to the local authorities through a local implementation plan, which would be subject to scrutiny by the Executive minister with responsibility, and so on.

We are not talking in a vacuum; this is not theory. We are talking about Aberdeen, Edinburgh and Glasgow—not even about Dundee, as there are so few women working as prostitutes in Dundee that we do not need a big policy there. The Dundee authorities say, “It ain’t broke, so we’re not going to fix it at the moment.” They manage prostitution in their area and, although they had a problem with it a year or so ago, they have managed it. However, the City of Edinburgh Council has responded to Hugh Henry by saying that it welcomes the expert group’s report, supports the comments of the officers groups and supports the proposed legislative changes, particularly the creation of a new offence that would penalise the purchaser of sexual services. The council executive also notes that the new offence is a replacement for soliciting and that it could help to manage the problem of street prostitution in more effective ways.

The City of Edinburgh Council also welcomes the recommendation of the establishment of a national strategic framework as well as the proposals for local authorities to formulate local plans. That is important. The pattern of prostitution is different in all the cities that I have mentioned, and the local people know best how to cope with it. That does not preclude delivery of the services that might be recommended under the national strategic plan—services for counselling, health

support and so on—via a local agency, such as there is in Glasgow and Edinburgh. Therefore, there might still be a red-light area in which it is known that prostitution will be encountered; however, it will be much better managed.

I commend to Parliament the recommendations of the expert group and I sincerely ask the minister to put those recommendations into effect as quickly as possible. If the Executive is prepared to introduce a bill, I will willingly withdraw my bill. If it is not, because it is short of time, I am willing to introduce another member’s bill.

10:13

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome the opportunity that the independents group has given me to highlight an issue that I believe reflects and addresses the needs and aspirations of the people of Scotland—namely, the need to protect the rights of shop workers to spend time with their families and friends on Christmas day and new year’s day. Some members may wonder why I am speaking about this in the justice section of the debate—it is because the issue falls within the remit of the Justice Department.

The results of the recently concluded consultation on my proposed bill overwhelmingly demonstrate that Scottish people support the right of shop workers to spend Christmas day and new year’s day with their friends and families. More than 3,000 people signed petitions and more than 1,300 people sent in postcards in support of the proposed bill. Of the 93 individuals and organisations that completed the full consultation document, 83 were in favour of the proposals and six of the remaining respondents had no problem with the closing of stores on Christmas day. The Union of Shop, Distributive and Allied Workers—USDAW—has clearly demonstrated that shop workers are overwhelmingly in favour of my proposals, and I take this opportunity to thank USDAW for its continued support.

Mike Rumbles: Let us be clear. Is the member’s proposal to close shops on Christmas day and new year’s day, or is it just to ensure that people are not forced to work on those days?

Karen Whitefield: The proposal would prevent shops from opening on Christmas day and new year’s day.

If, as Margo MacDonald’s motion points out, the Parliament exists

“to reflect and address the needs and aspirations of people in Scotland”,

there can be no doubt that my proposed bill deserves the support of all members. Shop workers provide the people of Scotland with an

invaluable service all year long. They are not highly paid and often have to endure verbal and physical abuse from unruly and antisocial customers. I do not believe that it is too much to ask that we create a law that ensures that they are not forced to work on those two special days—a law that safeguards their rights and provides them with two guaranteed holidays.

Patrick Harvie (Glasgow) (Green): Although I support, in principle, any measure that allows people to spend more time with their families and friends at times of the year that are special to them, I ask why the proposal specifies Christmas day and new year's day. Why, for example, should a Muslim supermarket that serves a Muslim community be required to observe a Christian holiday?

Karen Whitefield: New year's day is not a Christian holiday; it is a Scottish festival and a recognised holiday. The reality is that this is what Scotland's shop workers want—this is what USDAW and shop workers throughout Scotland have campaigned for. Christmas is a particularly busy time for Scotland's shop workers, and they feel that they need Christmas day and new year's day off.

I do not believe that it is too much to ask that large retail outlets, such as Sainsbury's, should put the welfare of their staff before their desire for profit on those two days. Contrary to the scaremongering of the Scottish Retail Consortium, I do not believe that closing stores on those two days will result in the decimation of our tourism industry. That is a spurious argument. Large stores in Edinburgh have, until recently, remained closed on both days. Despite that, Edinburgh remains one of the world's top tourist destinations during the festive period, and Edinburgh's shops continue to pull in large profits during that period. In fact, it is the very workers whom my proposed bill seeks to protect who help to deliver large profits for many of the large retailers.

Fergus Ewing: Obviously, there is a case for the proposal. However, can Karen Whitefield explain why shop workers should be exempted from working on the two days but not, for example, bar staff?

Karen Whitefield: Bar workers often do not have to work seven days a week, round the clock, whereas many shops are increasing their opening hours. Shop workers have been campaigning for these rights and I do not think that it is excessive to support their campaign.

Some members have reservations about my proposed bill. They are concerned that the Parliament should not become over-regulatory or take steps that could damage the Scottish economy. I understand those concerns, and I do

not want to do anything that could be seen to threaten the Scottish economy. However, I ask those members to consider my proposals realistically. Every one of them will spend Christmas day and new year's day with their families and friends. I urge them to ignore the hype of the Scottish Retail Consortium and take a rational look at the arguments. Did previous closures on Christmas day and new year's day damage our economy? Of course not. Did large retailers struggle to make a profit because they could not open on those days? Of course not. Is it too much to ask that we protect the right of our hard-working shop workers to spend those two days with their families and friends? In my opinion, of course it is not.

There are those who say that there is no need for my proposed bill, as retailers can and will regulate themselves voluntarily. I ask those people to consider the recent practice of Sainsbury's, which has opened on new year's day for the past two years. That places great pressure on other retailers to follow suit, even though many of them do not want to. One of the most interesting revelations to emerge from the consultation process for my proposed bill is the number of large retailers that support the aim of the bill. It seems to me that those retailers believe that in this instance the market should not be left to its own devices.

Margo MacDonald is correct: the work of the Parliament should reflect the needs and aspirations of all the people of Scotland. My proposed bill—[*Interruption*—to prevent large retailers from trading on Christmas day and new year's day would meet the needs of many of the thousands of shop workers. Mr Rumbles had an opportunity to respond to the consultation document, so perhaps he should have read it rather than making snide points from a sedentary position; that way he would have some knowledge of the issue. The proposed bill is supported by the general public, Scottish churches, trade unions and businesses, all of which see the fairness and sense in the proposal. I hope that when it comes before the Parliament, members will support it too.

The Presiding Officer (Mr George Reid): We now move to health.

10:21

Dr Jean Turner (Strathkelvin and Bearsden) (Ind): We expect our Parliament to be easily accessible, to be transparent and truthful in its actions and, equally important, to communicate with the people, which includes engaging in dialogue and taking on board the need to sustain communities and allow them to develop and prosper. This week the Parliament has gone a long way towards meeting those requirements. Today we are having the independents group

debate and on Monday we had the wonderful experience of a public debate organised by the Health Committee as part of its workforce planning inquiry. It was a great idea and the feedback from members of the public and representatives of health organisations to whom I spoke in the intervals was that it was a first on which to build, so other committees could use the idea.

People were pleased to be asked to speak on the record. Many felt that it was the first time that they had been listened to, despite having attended many organised public involvement sessions within their communities. One person reminded me about a public meeting in Glasgow on whether we should have two or three accident and emergency departments. They thought that three had been decided on, but by the time the decision went to the health board, it turned out that two had been decided on, not three.

Naturally, everyone thought that the public debate was a great idea, but they wondered what would be the outcome of the day. It is clear that there is a shortage in the national health service workforce. It is difficult for staff to cover the work; we need more staff on board. It is essential to keep morale up in order to retain and recruit staff. The people who are holding the NHS together have my admiration. Ways around problems can be found if we are open-minded.

Last year, Stobhill casualty department faced accelerated closure because of the lack of trained staff and consultant supervision. However, it was saved by rotating staff through the Western and Royal infirmaries and increasing the experience of junior accident and emergency staff. The other week I spoke to a nurse in charge who was enthusiastic about how successful the new arrangements were. Rotating staff like working in the hospital and spread to other colleagues the news about how good the working environment is. The upgrades to the waiting area in the department were not expensive, but have raised morale and have been worth every penny.

Staff rotation could work in many areas. Consultants could rotate to remote areas to cover midwife-led units. It would be good for patients and midwives to know that help was at hand on the few occasions when low-risk patients become high-risk patients in a short time.

On Monday the word downgrade was highlighted, which has different meanings for different people. I spoke to someone about it after the debate. It was stated that it was offensive to midwives to say that midwife-led units represented a downgrade, with which I agree. It is not a downgrade for a service to be midwife-led; midwives are highly trained and great at what they do. However, it is a downgrade when trouble arises and the nearest consultant-led service is

100 or 200 miles away; it is foolish not to have the consultants on board. People do not wish to live in areas where they cannot have general medical, surgical, obstetric and gynaecological services.

Fergus Ewing: Jean Turner mentioned the health debate that was held in the chamber on Monday. Does she agree that the Kerr report should take on board the contribution from Dr David Sedgwick from the Belford hospital, advocating the model of a rural general hospital?

Dr Turner: Absolutely. Any young doctor working with David Sedgwick would be inspired and would wish to work with him in rural areas. We need to upgrade general surgical services and other general aspects in rural areas.

We could consider having rotation of staff not only in cities and outlying communities but further afield. Having listened to the debate on Commonwealth week before the recess and the harrowing tales of the lack of medical services in Malawi, I was reminded that many Scottish doctors have worked in Africa relatively recently. Universities and hospitals in Glasgow, and royal colleges, have connections with Kenya and other places. We could help ourselves as well as helping others by building a hospital or hospitals in countries such as Malawi and rotating our staff for training through them. That way we could sort out the lack of experience in our hospitals that we are being told about. That would require long-term thinking; it would be a big project that would need to be well supervised to gain the best benefits, but it would be better than taking trained nurses from poor parts of the world and our staff would gain experience, which is lacking at present.

On Monday during the public debate, Sir John Temple talked about the need to train more people. However, our training colleges cannot cope with the increased capacity that is required, which needs to be attended to urgently. I hope that the Executive will come back to us about that.

Last Friday I met the parents of a young person who was one of many who had the entrance requirements for medical school, but could not gain entry to any of the four medical schools in Scotland. That was a heartbreak—she was not the only one. We are turning away many Scottish people from our universities. Of the 2,000 people who apply to the medical school at the University of Glasgow about 240 are accepted.

When posts become vacant, we should try to fill them. Time is short—the participants on Monday found out that it is difficult to fit a million things into four or six minutes of speech. I implore the Executive to consider the problems of student loans and debt and housing. How can students, especially the medical students with whom I have been in touch, start their lives with £19,000 to

£20,000 of debt? How can they afford mortgages when the houses that are being built in most areas cost £225,000? We used to have houses for medical staff and we should get them cheap mortgages, which banks used to offer to police and those who worked in the fire service.

10:28

Helen Eadie (Dunfermline East) (Lab): I sincerely thank the independents for the opportunity for this debate. As people say in Phuket in Thailand, from whence I came last weekend, "Khawp khun kha".

The Parliament sits for 35 weeks in the year and back-bench members such as me might have the opportunity to bring a subject for debate only once in three years. That is why the opportunity with which the independents have provided us today is so important. My contribution is intended to raise the awareness of politicians, the media and the public of the importance of skin cancer prevention in reducing the risk of sunburn for us all, especially for schoolchildren.

Children should be taught about skin cancer prevention in school. Authorities in Fife and Tayside have piloted the keep yer shirt on initiative through nurseries and other care providers for two to five-year-olds. However, skin cancer is no respecter of age; it affects all ages.

The UK's national skin cancer prevention campaign—sunsmart—has a website that gives information on skin cancer and how people can protect themselves from it. I urge anyone who travels to hot lands such as Thailand, Spain or Florida—or wherever else people go for sunshine—to consider the code that the campaign has developed. Each letter of "smart" stands for something:

"Stay in the shade 11-3pm";

"Make sure you never burn";

"Always cover up";

"Remember to take extra care of children";

"Then use factor 15+ sunscreen".

There is some argument about whether the minimum level of protection for children should be factor 15 or factor 16.

In addition, the code advises:

"Also report mole changes or unusual skin growths promptly to your doctor".

In seminars that I have organised in the Parliament over the past couple of years, leading speakers such as Professor James Ferguson from Dundee's Ninewells hospital photobiology unit have warned that skin cancer is the cancer with the fastest growing incidence. Over the past 25

years, Scotland has had a 300 per cent increase in the incidence of malignant melanoma, which causes the deaths of 100 constituents in each MSP's constituency each year. In Scotland, around 12,000 patients each year are diagnosed with skin cancer. In highlighting the skin cancer epidemic, Dr Colin Fleming urged that the principal thrust in preventing the disease should be public education about the harmful effects of ultraviolet radiation, both from the sun and from sunbeds.

Each year, 100 people die from using sunbeds—it is a shame that Tommy Sheridan is not in the chamber today.

Margo MacDonald: When I worked as a reporter years ago, I reported on the sad, sorry state of service provision and sunbeds. Is the member aware of whether there has been any improvement in the regulations on when the bulbs and tubes and so on need to be changed? They were absolutely lethal.

Helen Eadie: The member makes a critical point about the need for controls, which is an issue that I will come to.

Plans to stop sunbeds being used by under-16s were agreed by the Sunbed Association and skin cancer experts from Cancer Research UK. At a recent summit, the two organisations discussed how the tanning industry can be encouraged to adhere to stricter self-regulation in the wake of concern over sunbed use. Both the charity and the association are keen to ban unmanned, coin-operated sunbed salons. They also want all tanning salons to be registered with the Sunbed Association and—this picks up Margo MacDonald's point—to use only approved sunbeds. Both organisations have called on salons to insist that sunbed users read information that offers advice to people with different skin types.

Sarah Hiom co-ordinates Cancer Research UK's sunsmart campaign, which is a joint initiative with the Government to raise awareness of skin cancer and to encourage people to protect their skin in the sun. She has welcomed the Sunbed Association's willingness to regulate the industry. She said:

"Cancer Research UK feels to call for a ban on sunbeds altogether would be unrealistic and not possible to police. It may even drive the industry 'underground' and result in only the least reputable tanning salons remaining.

We would certainly like to see clear and strict guidelines for use wherever sunbed facilities are offered. This should include a list of those groups of people most at risk from sunbed use and strongly advise them against it.

We would like to see an EU wide Code of Practice developed by a representative group of health professionals, scientists and members of the sunbed industry. We would also like to see all sunbeds manufactured and sold in Europe bearing a permanent statement warning of the risks associated with use."

I am sure that members will join me in making the strongest possible appeal to Scottish Executive ministers and to the members of the Parliament's European and External Relations Committee. We need to set a high priority on putting pressure on our colleagues in the European Parliament to achieve those aims.

The secretary of the Sunbed Association, Kathy Banks, has welcomed Cancer Research UK's support. She said:

"The Association is committed to self-regulation and responsible use of sunbeds. As part of our Code of Practice under-16s are not allowed to use sunbeds. We know there are non-member operators out there who ignore some or, even worse, all safety guidelines. Customers need to be given proper advice and information about using sunbeds responsibly."

The Scottish Executive could, and should, set that as a clear priority in its work plan. It should develop the priority in partnership with local authority environmental health officers.

I will skip much of what I had intended to say and come to my final important point. At the skin care conference that I organised in the Hub in Edinburgh last April, I persuaded my colleague Dennis Canavan—who was born in Cowdenbeath in my constituency—to speak about his son Paul, who died of malignant melanoma at the age of 16. Everyone who attended the conference was visibly moved when they heard Dennis speak about his and his family's loss. He was persuaded to speak once again a few weeks ago. I know how hard it has been for him to speak on each occasion, but I also know that he believes that more people might take heed of campaign warnings if they understood what such a loss has meant to him and how it came to happen. I passionately believe that the clear message must be that it is critical that we educate our young people on the risks and possible dangers that they face by not taking preventive action.

I thank members for allowing me to give an important message on a topic that will make a difference to the people of Scotland.

10:36

Mrs Nanette Milne (North East Scotland) (Con): I congratulate the independents group on its clear and concise motion, which gives us an opportunity to take stock of why we are here and what the people who put us here expect of us. We all agree that our primary role is to reflect and address the needs and aspirations of the Scottish people, but we differ on how we should set about trying to satisfy those demands.

I have spent most of my adult life in or around Scotland's national health service. During that time, I have seen enormous changes in lifestyle,

diagnostics technology, drug treatments and surgical and non-invasive techniques. I have also seen changes in attitudes to health and in patients' expectations.

Today, people survive previously fatal diseases, thanks to chemotherapy, transplantation and advanced surgical and radiological procedures. The replacement of worn-out hip and knee joints is commonplace. Clogged-up arteries are opened up by angioplasty and bypass operations. Thanks to advances in drug treatments, many people live healthy lives despite having chronic diseases such as asthma or one of the host of auto-immune diseases. As a result, many more people survive into old age and are increasingly supported by the resources of the NHS.

Alongside those developments have come changes in lifestyles. Most women now work, as well as men. Convenience foods have largely taken over from home cooking. Our children are entertained by the computer rather than by outdoor play. Cars have replaced feet as a means of transport, even for short distances. We are also exposed to more chemicals than ever before in the air that we breathe and in the food that we eat. The pace of life brings stress and families are not the stable units that they used to be. Increasingly, alcohol and drugs are used to escape from the problems of life. As a result, we have seen a rise in the incidence of obesity, cirrhosis of the liver, allergies and type 2 diabetes—with all its complications—along with a multitude of other consequences of our modern way of life.

Rosie Kane (Glasgow) (SSP): Given the member's comments on the effects of pollution and car use on the nation's health, will she join me in opposing the construction of the M74 northern extension? Will she also support our free school meals bill to promote a better and healthier nation?

Mrs Milne: I agree that air pollution is a problem, but it can be dealt with by developments in modern cars. I believe that we need a transport infrastructure to maintain our economy, so I do not agree with the member on the M74.

The issues that I have highlighted put an enormous strain on our health service at a time when health professionals also want a modern lifestyle that includes leisure time, career breaks and early retirement packages that were unheard of even 20 years ago.

The NHS has been a wonderful institution for many years and has coped with demands that were unimaginable at the time of its inception. However, it is now creaking at the seams and cannot go on as it did in previous years. Its centrally driven, target-focused organisation swallows vast sums of the nation's resource—

much of which disappears into the bureaucracy and administration that results from a target-driven culture—while patients wait longer and longer for the treatments that they need. No one can accuse the Executive of not putting money into the NHS, given the unprecedented sums that have been invested, but I am in no doubt that the present culture needs to change before we reap the benefits of that investment.

Targets should go. Health professionals, rather than politicians, should have the major say in running the service. NHS patients should have the right, in consultation with their general practitioners, to choose any NHS hospital for their treatment. We should be working to create a genuine partnership between the NHS and the independent sector. Health and community care should be brought together with a unified budget—ideally, within the NHS—and more power should be devolved to individual hospitals by giving them foundation status within the health service. By empowering the professionals and focusing on the needs of patients, we are much more likely to achieve our aspiration to have a health service that is available to everyone wherever they live, that is free at the point of need regardless of the ability to pay, that is of the highest quality and that puts the needs of patients first. Sadly, however, for many people in our poorest communities and for many people with chronic ill health, the reality is far removed from that ideal, with patchy provision of services and a postcode lottery of diagnosis and treatment.

George Lyon: Will the member give way?

Mrs Milne: I am just about finished.

George Lyon: The member has plenty of time.

Mrs Milne: Go on, then.

George Lyon: I have listened to what Nanette Milne has said about the NHS but I wonder how her plans to cut the NHS budget to fund private patients will help the people about whom she is concerned.

Mrs Milne: Mr Lyon has had this matter explained to him many times. We do not see the situation in the way that he describes it at all. We are not cutting the NHS budget.

Some of us were fortunate enough to be here on Monday for the public debate on reshaping the NHS, which was attended by patients, campaigners and health service professionals from across the spectrum. It was clear that people in this country aspire to have a safe, accessible and sustainable health service that is delivered locally wherever possible, with centralisation accepted as necessary for highly specialised treatments only. There is clearly a demand for more generalist physicians and surgeons, for

increased numbers of the range of associated health professionals, for parity of esteem for those professionals and for more meaningful involvement of the public in the planning and organisation of services. There was also a strong plea for more efficient management and a reduction of waste in the NHS.

We heard a clear message on Monday. People want to retain their local services wherever possible, particularly in the more remote and rural areas, where facilities have developed over the years around communities. With more imaginative thinking, such as taking health professionals to patients instead of the other way round, and with greater use of techniques such as telemedicine, quite sophisticated treatments can be delivered safely at a local level to the satisfaction of patients and their families, in a way that will relieve pressure on the more centralised facilities.

There is a great willingness among all those with an interest in health to pull together to solve the problems that are currently facing the NHS. I hope that the Executive will listen to the voice of the people, as we heard it here on Monday, and work with them to achieve a health service that can respond to the needs of all who wish to use it and which will be the pride of Scotland, giving satisfaction to all who work within it.

The Presiding Officer: We move now to the part of the debate that will focus on education and sport.

10:43

Robin Harper (Lothians) (Green): I am delighted that Margo MacDonald and the other independent members decided on this form of debate. We have heard some interesting and informative speeches that should give us all pause for thought when we are deciding what we need to discuss in the ensuing weeks and months. That is why, as the education spokesperson for the Green party in the Parliament, I am happy to introduce some thoughts on education.

I was lucky enough to have my first teaching post in a small junior secondary school in Fife. The head teacher at that school was a man called R F Mackenzie—Bob, to his friends. The ethos and the values of that school challenged a lot that was going on in Scottish education at the time. Quite rightly, most people in Scotland felt that we had one of the best education systems in the world and in many ways, we did. However, we still had the belt. For the information of the young people in the public gallery, teachers in primary and secondary schools used to have the right to take a long, stiff strip of leather and assault their pupils with it whenever they were displeased with them. In some schools it was overused and in other

schools—including Braehead, my first school—there were policies that discouraged its use. R F Mackenzie led the fight that ended in 1975 with the raising of the school leaving age, which was shortly followed by the abolition of the use of the belt in Scottish schools.

R F Mackenzie also challenged the education system's over-reliance on measuring its success through results, productivity and tests, tests, tests. At the same time—in the mid-1960s—the Newsom report, "Half our Future", came out. At that time, the school leaving age was 14, and half the young people in Scotland's schools were leaving without any form of certification. However, instead of people asking what education is for and why those young people left school at 14, it was decided simply to ensure that they got certificates. That is what drove educational development until the middle of the 1980s. Since then, of course, the education system has been modified and people have accepted that certification is not absolutely everything. However, I contend that we should still question the extent to which certification drives what happens in Scottish education.

For example, with regard to international competition, we measure only numeracy and literacy—that is it. We measure only how many people we get through those subjects and the standards that they have achieved, rather than what young people's qualities are when they leave school, whether they have empathy and are self-confident or whether their time at school has been a wonderful and expanding experience for them.

Christine Grahame (South of Scotland) (SNP): As a former school teacher, I agree with much of what Robin Harper is saying. However, does he share my concern that we might be throwing babies out with the bathwater, in that some of our pupils have difficulties with literacy that pupils did not have in what Robin Harper might call the bad old days, when teaching methods delivered the ability to read, write and count?

Robin Harper: My memory of the children I taught is that they had the same problems with literacy that children have now. I am sorry but, every decade, someone stands up and says that children are not as literate and numerate as they were in the previous decade. If that were the case, however—if those who have made that claim in each of the previous 10 decades were correct—by now, our country would be innumerate and totally illiterate.

Margo MacDonald: I do not agree with that point entirely. It is true that the popular newspapers have dropped their average reading age. They know their readers' abilities.

The Presiding Officer: You have two minutes, Mr Harper.

Robin Harper: My goodness. I will be brief, in that case.

I have paid tribute to R F MacKenzie—I would love to be able to do so further in a full debate on education—and I also want to pay tribute to the late John Smyth. Resting on the Executive's shelves are several of his reports on sustainability in education. John Smyth made one of the greatest contributions to our thinking about sustainability in education—probably the greatest contribution in recent years. I implore the Executive to take down those reports. We are now entering the United Nations decade of sustainability in education. The Executive should try to find ways in which sustainability can be incorporated in the curriculum—in geography, history, modern studies and the sciences and in the ethos of schools. Great progress is already being made in relation to eco-schools. I will have to leave the debate early because I have been invited to join many other people at a primary school in Muirkirk to celebrate the building of an eco-greenhouse out of old plastic lemonade bottles. I am very excited about that and fully intend to be there.

As expected, I make a plea to the Executive on the subject of outdoor education and sport. One hundred and thirteen school playing fields have been built on since 1996; that is an appalling record. The problem did not start in 1996 but has been going on for decades. People have not been paying enough attention to the loss of green space in Scotland.

I make another plea on behalf of outdoor education: if we are going to question the ethos of education, we should recognise that outdoor education delivers self-confidence, empathy, team-working skills and the ability to communicate in ways that no other subject can deliver, yet it has been going downhill for the past 20 years. Perhaps we will come back with good answers—I think that we will be able to see some of the gaps that exist.

Why do the police use outdoor education? Until the Executive got rid of the Airborne project, why did the justice system use outdoor education and why do businesses use it?

The Presiding Officer: Please wind up. You are a minute and a half over time, Mr Harper.

Robin Harper: I am terribly sorry, Presiding Officer.

There are a lot of other things that I would love to throw into the debate. I plead for a more open debate on the purpose and ethos—rather than the nuts and bolts—of education in Scotland.

10:51

Karen Gillon (Clydesdale) (Lab): I also welcome the opportunity given by the independent MSPs to take part in a debate on the needs and aspirations of people in Scotland.

One of the greatest hopes, if not one of the greatest aspirations, for people in Scotland is for national sporting success. I begin by congratulating the Scots who have led our celebrations in recent years, particularly our Olympic medallists and the future stars who took part in the recent Commonwealth youth games. I wish well the young Scots who will be taking part in the Special Olympics that are to be held in Glasgow in July. I am sure that they will do Scotland proud.

Sport is without doubt an essential part of Scottish life and I support the Executive when it says that progress has been made in increasing participation in physical activity. There are now 339 active school sports co-ordinators and 191 active primary school sports co-ordinators. An important point is that 211 special educational needs sports co-ordinators are also now working in local authorities.

The Executive has indicated its desire to move towards providing greater access to physical education and I would welcome comment from the Executive—perhaps in the future, if not in today's debate—as to how that work is being progressed, how the numbers of PE teachers are being increased and how the infrastructure of sport is to be developed to allow that progress to happen. However, I would go further than the Executive has done and ask it to reconsider the role of PE and physical activity in relation to our primary school pupils. I firmly believe that we should make physical activity a part of daily life as early on as possible, and there is a case for having some physical activity and sport in the curriculum from the earliest primary school years. I understand the difficulties of doing that but, in the long term, we have to consider such an approach.

The Executive must also consider how it works with parents to encourage them to take responsibility for increasing their children's participation in sport and physical activity. How do we get our children away from the PlayStation, out of the house and into the sports club? Parents have a role in supporting their children by taking them to activities and volunteering to work in sports clubs.

I move on to talk about team sports, because the country has begun to lose its focus on that area. The big two team sports—football and rugby—are at a crossroads in their development. I remember 1978—Kenny MacAskill probably remembers it better than I do—and the hope and

vision that we had for Scotland. They did not lead to much success but there was a good feeling around. I am from the Borders, and Scotland winning the grand slam at Twickenham gave me a lift. We have lost that feeling, and Wales has shown us what can be done. I remember watching the Welsh team through the difficult years—and then I watched the team this year. The Welsh have shown what can be done through good organisation and work. The time has now come to stop the talking and to sort out the organisation of the big two sports. In that regard, I welcome the report on football from my colleague Richard Baker.

Looking down the food chain, if I may put it that way, there is a lack of quality information about who is participating in sport. When we ask for information about how many people are taking part in team or individual sports, the information does not exist. That gap must be plugged. We simply do not know how many of our children are participating in school sports, how they are making the transition into clubs and whether clubs are able to cope with increased numbers.

There are examples that show how a good structure has worked. In my constituency, 11 of the 15 members of Biggar rugby team came from Biggar High School, which shows what can be done with a good structure that moves people through primary and secondary school into community-based clubs. I ask the Executive to consider reviewing the existing provision of out-of-school sports, to ensure that the necessary co-ordination is done better and to report on the delivery of all out-of-hours school sport. If that is not done, we will miss an opportunity. I ask the Executive to give that suggestion positive consideration.

I go on to abuse the final minute of my speech. The area of education that I want to talk about is that of educating corporate Scotland about its responsibility to its employees and others. I ask the Executive to move more quickly than it has done to introduce a law on corporate culpable homicide. I understand the complexity and difficulty of that subject but I hope that the Executive will announce the membership of the expert group as a matter of urgency, that that expert group will report and that we will be able to get on with consulting and legislating. That would mean that by 2007, when the Parliament will be dissolved, the gap in the law will have been plugged and families will not have to face difficulties in holding to account those whom they believe have caused the deaths of their loved ones.

10:57

Lord James Douglas-Hamilton (Lothians) (Con): It goes without saying that in addressing the needs and aspirations of the people of Scotland we need to know exactly what those needs and aspirations are. Of course, the aspirations of MSPs should be to serve the people to the best of their ability at all times. The words on the mace contain aspirations, aims and purposes that are worthy and certainly should be implemented: justice, integrity, wisdom and compassion.

However, there are many other aims and aspirations and I agree entirely with Karen Gillon that national sporting success is an aim that we should endorse at all times. We recognise that sport, music and extra-curricular activities contribute greatly to the development of young persons. I am not sure that we would go along with her on corporate culpable homicide so readily, as the Health and Safety Executive can make recommendations for prosecutions, but the area is worthy of consideration to make certain that companies fulfil their moral responsibilities.

One of the needs and aspirations in which we believe strongly is providing an education that will be interesting, fascinating and of permanent value to all children. I start from the premise that education should be for all and that everyone should have his or her place in the sun, depending on his or her inclination, aptitude and needs. I had such thoughts in mind when some members of the Education Committee visited the smart young people project in Perth, which aims to assist young people who, for whatever reason, have become disengaged at school. That project, which is run by the YMCA, is particularly impressive and it is of considerable benefit that skills are being made available in an atmosphere that encourages learning and respect for those concerned. I mention that project because its hallmark is success and we should have the moral courage to build on such successes and extend them whenever and wherever appropriate.

I would, of course, commend the Executive for its dedication to the cause of education funding. However, some Scots schools are still failing some of our young people. The ideal of the comprehensive school is of pupils from all backgrounds and abilities being taught together in an ethos of common purpose. However, in spite of increased spending and the aspirations of parents for their children, half of Scots 14-year-olds do not meet the Government's standard for writing and a third do not meet the Government's standard for reading.

The inequality caused by comprehensive schools is demonstrated by the enormous gulf in attainment between the best and the least well

performing state schools. In 2004, the top performing state school, Jordanhill School, achieved a 70 per cent pass rate for highers, while Wester Hailes Education Centre, for example, achieved a 0 per cent pass rate.

Under our proposals, choice would be considerably increased. Parents would be able to select the school best suited to the needs and talents of their child. We would expand the choice available to them by providing funding to increase the number of places. We would encourage more specialist schools and more faith schools, and provide a capital element in the payments to schools to enable popular schools to expand and new schools to open. Our direct funding of Scotland's schools system would, we believe, raise standards for all. We have to trust parents to choose what is right for their children.

It was the statesman Lord Brougham who said:

"Education makes a people easy to lead but difficult to drive; easy to govern, but impossible to enslave."

I am glad that the Scots have traditionally been impossible to enslave and I am delighted that education in Scotland has always broadened people's horizons and provided a passport to jobs and fulfilment.

My hope for young Scots is that we will have an education system that provides greater opportunity and more choice, accompanied by higher standards, thus allowing all young people to fulfil their potential.

It was, I think, Cecil Rhodes who said on his death bed:

"So much to do, and so little time."

Happily, we are not in that situation. However, our commitment to education must be total, so that not only our children but our children's children and those of our countrymen and women should have much better opportunities than we had ourselves.

The Deputy Presiding Officer (Murray Tosh): I rarely disagree with Lord James, but Cecil Rhodes was remarkably prescient: we do indeed have so much to do, and so little time. We are significantly behind the clock and I will have to cut some speakers from the debate, which will affect the party balance.

We move now to the communities, planning and finance section of the debate.

11:03

John Swinburne (Central Scotland) (SSCUP): This is the first time that a plenary meeting has been held on a Wednesday morning in our new Parliament. Our motion will, I hope, bring another first. It calls on the Parliament to consider and then meet

"the needs and aspirations of people in Scotland."

One of the aims of the motion is to encourage a proper debate on a range of issues that currently affect people in Scotland.

I formed the Scottish Senior Citizens Unity Party because I believed that none of the other political parties was attempting to address the concerns or meet the aspirations of senior citizens and pensioners in Scotland. People of my age are not a homogeneous group. The way earlier life has treated the members of my generation will have a major impact on their needs in later life. For many, a big concern may be their becoming ill or unfit and therefore unable to live independently in their own home after struggling to pay their mortgage for 25 years or more.

The recent Scottish Executive publication "Homes for Scotland's People" was a well-crafted production. In his foreword, the Minister for Communities, Malcolm Chisholm, encapsulated in one short sentence the aspiration of the whole nation. He said:

"Everyone has the right to a home—a space of their own where they can enjoy privacy and family life."

That is an aspiration of older people. My only criticism of the document was that it lacked the vision of the green paper in the name of Dr Stephen Ladyman MP—"The New Vision for Adult Social Care". That paper is currently out for consultation at Westminster.

Dr Ladyman is a huge admirer of the Joseph Rowntree Foundation's pioneering Hartrigg Oaks development near York. That development is a continuing care retirement community and the first of its kind. It consists of 152 bungalows in 21 acres of land around a community block that includes a library, a spa, a restaurant, an information technology room, a hairdresser, and so on. Each house has access to home help and nursing care. There is also a 42-bed care home in the centre of the site if residents can no longer cope. Any retired person can apply to buy a bungalow and prices are set at local market values. Money is given back if residents leave or die.

Dr Ladyman's long-term vision of care for the elderly is a tiered system. First, as in Scotland, people can have their home adapted to enable them to stay there and can receive services to make them feel safe. Then, there is sheltered housing.

Dr Ladyman's next option is his innovative extra-care, super-sheltered flat, in which people would have their own front door and access to eating and care facilities, and a small and manageable garden. He says that, as more extra-care flats are built, economies of scale will lower costs, and he adds:

"In twenty years time, this will be seen as a better alternative to residential care homes, giving independence rather than dependence."

Seniors would be able to sell their existing home to finance the purchase of the extra-care flat. In the vast majority of cases, the flat would be much cheaper than a traditional home.

In the fullness of time, when people no longer required the flat, it would be bought back by the Joseph Rowntree Foundation; thus it would be part of their estate and duly willed to their family. Councils would also be encouraged to purchase a number of these extra-care flats for leasing on a straightforward rental basis to people in their community.

Those ideas are light years ahead of the uncaring sale of a senior citizen's home, which they have paid for throughout their life, in order to pay for their residential care. Dr Ladyman is offering an acceptable alternative, which may address the housing needs of an aging population.

I have just accepted an invitation to speak at a conference hosted by Glasgow Caledonian University. The conference will attempt to address the barriers to sustainable housing for older people. I hope that the exchange between academics, representatives of the construction industry, voluntary sector service users and politicians will formulate new alternatives to the status quo.

The second issue that I would like to raise has a direct bearing on our new Parliament. Back in 1997, and earlier, Canon Kenyon Wright preached consensus. He spoke of the "new politics of consensus" that would prevail in this place with the introduction of devolution in Scotland. It is a magnificent concept but, sadly, it has been largely ignored by all parties.

In some parliamentary committees, consensus has been enjoyed. However, that is not enough. Consider health: sickness, injury and ill health know no political boundaries, but when our Minister for Health and Community Care is questioned by the Opposition parties, I guarantee that he will be quizzed on MRSA in hospitals and that we will hear the usual screams and screeches resounding through the chamber, demanding, "When will the minister resign?" It will be negativity and crass party politics at their very lowest ebb. Andy Kerr is, without question, working desperately hard to find solutions to MRSA and other problems. Now is the time, and here is the place, for consensus to kick in. He needs help, not barracking.

Every MSP in every party in Holyrood is capable of making a positive contribution to the health problems that confront our nation. There is no such thing as a Conservative cancer, Lib Dem

ligaments, a Labour liver dialysis machine, or an SNP sickness of any form. Westminster yah-boo politics is not the solution to our health problems in Scotland. Why on earth can we not all start acting like adults and attack all the problems of the NHS on a consensus basis, free from the fear of party whips or political dogma?

We can all contribute to the success of our national health service in Scotland. Let us put party politics on the back burner and all work together on all health problems for the common good.

The Deputy Presiding Officer: I call Margaret Ewing. I ask members to stick to six minutes.

11:09

Mrs Margaret Ewing (Moray) (SNP): I think that members are all having difficulty watching the clock this morning.

The independents rightly have the opportunity to hold a debate in the Parliament on a subject of their choice and to project their policies and ideas into the Parliament. I recognise such a debate as being part of the democratic process and I hope that it will not be an unusual occasion but will be built into the procedures of the Parliament.

However, I find the motion to be motherhood and apple pie. It is difficult to disagree with it. I do not think that any elected member, be they in the Parliament, at Westminster, in councils, in community councils or in any other aspect of public service, sees their role as being anything other than trying to meet the needs and aspirations of the people in their communities.

The Deputy Minister for Parliamentary Business noted how life, hopes and aspirations might change in 20 to 30 years. Perhaps the Executive is finally getting round to taking a strategic approach. Instead of a strategic viewpoint being taken on the various issues that have been highlighted by members, the needs and aspirations of the Scottish people have often been ignored and what we have seen is a focus on task forces, review groups, spin and today's headlines. The attitude that is adopted is that we should worry about tomorrow when it comes along because the election will be over then.

In my experience of more than 20 years of being an elected member in one guise or another—I think that I speak as the most experienced elected member in the chamber today—I have realised that there is no magic wand and that I will not change the world overnight. I believed that I could do that when I arrived in Westminster at the tender age of 28, until I picked up my first postbag and realised that I was dealing with potholes rather than the peace of the world.

I believe that the Parliament has an opportunity, which did not exist at Westminster, to develop a sense of maturity. We are in the midst of a general election and all the political anoraks and commentators are churning out statistics that are mind-boggling and seem to have more black holes in them than Dr Who's galaxies. People are being turned off. They are switching off and zapping out of the political dilemma that we face.

If we are to address people's needs and aspirations, we must question ourselves, but there has been very little of that in Parliament this morning. We have not questioned ourselves about the humility that we should show in our approach to those needs and aspirations. We can all adopt certain causes and many of those have been mentioned throughout the chamber today, but we know that it takes hard work, commitment and dedication over the long term to even chip away at some of the corners of existing regulation and legislation.

I have chipped away over the years on warm homes. I have to question myself because I have welcomed everything that has been done at Westminster and in Scotland on the issue, but last year there was an increase in the number of people who died from cold-related illnesses. In the UK, a 63-year-old man's body lay undiscovered in his council flat for nearly six years. We must address those issues and ensure that such circumstances do not arise again.

We must have the political will to eradicate many of the problems that have been addressed this morning. We have talked about issues relating to justice. Although the press gallery is currently empty, I am sure that people may be watching the debate on their monitors. People talk about yobs, but I want to mention a group of young people in my constituency who have their own tee-shirts, which say "yobs". I asked them about it and they said that they are "youth outside buildings". That is how they feel. They raised money to revamp their community hall, but they still feel that they are kept out of it. We must be very careful in the language that we use when we talk about the young people of Scotland. The huge majority of young people in Scotland are very committed to their communities and to doing things for them.

I think that Jean Turner is the only member who has mentioned international responsibilities, in respect of providing decent basic health to our friends in Africa and elsewhere on the planet. The Parliament has an international strategy and a budget to assist, albeit in a small way. However, there are seven ministers in Scotland who all have bits of responsibilities for international development.

The Deputy Presiding Officer: Quickly.

Mrs Ewing: I believe that we should have one dedicated minister and that we should not have to try to raise questions somewhere in general questions but should have specific opportunities to deal with European and external relations on behalf of the Parliament, because the young people of Scotland are hugely interested in international affairs.

The Deputy Presiding Officer: The member must close now.

Mrs Ewing: If we took a step in that direction we would reflect not only their aspirations but our own. I urge every member—

The Deputy Presiding Officer: No. You must close now. I have cut your sound off. We must move on.

11:16

Donald Gorrie (Central Scotland) (LD): Colleagues will not hitherto have realised what an important role I play in the Liberal party. The fact that our leader has seen fit to adopt my Christian name as that of his eldest son shows my importance in the hierarchy. However, today I am not speaking as a member of the hierarchy but merely putting forward a personal view.

I support the idea of having debates such as this in which members can put forward ideas. Ideas are in short supply and we should air any that we have. The idea that I will pursue is that we currently neglect the good grass under our own feet because we think that there is better grass on the other side of the fence. There are huge talents in our communities that we are not developing. We must address that issue much more seriously. Good work is going on in various places. Whether we call it community enterprise or the social economy, many good things are happening, but we must get a grip of the whole issue nationally and encourage such developments.

I have a habit of going on about the need to fund the voluntary sector properly through core funding and the funding of successful projects rather than compelling the sector always to dream up new projects. We can develop that idea and use the voluntary sector, but in a commercial way. There can be various combinations of commercial enterprise and grants. Different approaches are possible, but they all involve partnerships between the public sector, the commercial sector and the social enterprise sector.

An initiative such as futurebuilders is a good Government programme that tries to address the issue, but I think that there is not enough political drive behind the approach. Very small businesses are not seen as part of any particular portfolio and community development and the commercial

aspect of trying to get communities to work together are not properly addressed.

I will give some examples. I am not saying that they are better than others, as there is a range of ways of doing things. The Sirolli Institute, which I know is speaking to ministers and officials, goes in for enterprise facilitation. The idea is that instead of going down and telling people what to do, it finds out what people in the community want to do, establishes what their dreams are and helps them to make those dreams a reality. They are given the necessary skill and support in the community so that we get genuine grass-roots, bottom-up development—that may sound like all the right clichés, but it actually happens. The guy who is involved has been doing it for 30 years and it works. That attitude could be adopted much more.

There are also groups such as the Scottish social enterprise coalition, which has developed ideas about public social partnerships. The approach is excellent and brings together local authorities and local voluntary groups to consider the gaps in the provision of community or social work in their areas and to work together in a co-ordinated way to fill the gaps. In some quarters, the view remains too much that there is enmity between the public and voluntary sectors, but the sectors must work together. There are activities that make good use of people who can work but need support to do so, which is illustrated by the work of the Shetland Soap Company—the minister knows about that—and the Soap Co Edinburgh. If members walk a quarter of a mile up the road from here they will be able to buy soap made by those good projects. We need far more such projects.

Near Dalkeith, McSense Community Business has built up a network of local, commercial organisations that are managed by a board of volunteer, unpaid directors. McSense's success has enabled it to let premises to people who do many good things, such as renovating furniture, and the organisation argues that we need a national community business network that would help and support local businesses of that type. It is regrettable that the English are doing that much better than we are and have better procurement arrangements. It is vital that national and local government procurement policy enables small businesses to secure their fair share of activity, which does not currently happen. There is a tendency to regard best value as being provided merely by the cheapest option, which is dangerous. We must take an enlightened approach to best value and consider the benefits to the community as well as the straight cash.

Recycling provides particular opportunities for community activity. People can work together to collect electrical goods, furniture or other items, discard things that do not work but mend, renovate

and resell the good pieces. There is a huge sphere in which recycling can happen.

We must ensure that we put real political muscle into funding voluntary sector and community enterprises and into helping such enterprises to build up our communities from the bottom up.

11:22

Colin Fox (Lothians) (SSP): Like other members, I welcome the independents' approach to the debate, which has provided an opportunity for us to consider an eclectic collection of themes that reflect the needs and aspirations of the Scottish people.

I will focus on one aspiration, which was highlighted this week when a BBC Scotland opinion poll revealed that 79 per cent of the population of Scotland support greater redistribution of wealth in the country. I share that aspiration and the Scottish Socialist Party's programme has been designed with that aim in mind. The poll clearly shows that more and more people think that there are obscene inequalities in the world, in Britain and in Scotland. I have no doubt that the tide of political opinion is more determined than ever that those inequalities should be addressed, as I think will be made clear in Edinburgh in July, when more than 200,000 people take to the streets to express that opinion. People are increasingly angry that it remains the case that one in six children in Africa die before they are five years old, that 1.1 billion people do not have access to clean drinking water, and—as many members know—that one in three children in Britain live in households in poverty.

Perhaps the only day of the year on which it is worth giving £1 to Rupert Murdoch is the day on which *The Sunday Times* publishes its rich list. Last Sunday the newspaper published the list, which showed that the money exists to eradicate such obscenities if there was the political will to use it. The list showed clearly that the rich are becoming richer than ever, while more people live in poverty than has ever been the case. Some 3 billion people live on an income that is less than that of the richest 300 people. Indeed, Britain's richest man, the Labour Party donor Lakshmi Mittal, has a personal fortune of £14 billion—more than half the Scottish Parliament's budget to cater for 5 million people. The top 10 richest people in Britain are worth £54 billion. All the statistics show that the gap between rich and poor has doubled in the past 40 years. We should highlight the fact that such inequalities are not natural disasters like tsunamis but are man made. The problem must be addressed and the solution involves redistribution and interventions to change current unfair mechanisms and practices.

Redistribution used to be part of the Labour credo. In 1997, when Labour came to power, the richest 1 per cent of the population was worth £355 billion, but by 2005 the figure had more than doubled, to £797 billion. I cannot help thinking that if Robin Hood was around today, new Labour would probably have him up on an antisocial behaviour order. Cathy Jamieson might ask, "Mr Hood, you have been caught taking from the rich and giving to the poor. How disgraceful. How do you plead?" I am sure that Robin Hood would say, "Not guilty," to which Cathy Jamieson would reply, "Not guilty? But you were caught red-handed by Strathclyde police in the middle of the forest, stealing from the rich and handing money out to the poor." Robin Hood was a sharp tack, so he would reply, "Aye, but they stole it fae us in the first place." Robin Hood had a sense of history and a sense of justice and this week's BBC Scotland poll proves that not a jury in the country would convict him on such a charge.

Yesterday, Tesco announced record profits of £2 billion. I cannot help thinking that the company amassed that fortune by charging us a fortune for our messages and paying suppliers and staff a pittance. The announcement followed announcements of record profits for BP, Shell, Esso and Texaco, which can perhaps be explained by the fact that petrol costs 86p per litre—yet we were told that the war was not about oil. The Royal Bank of Scotland also declared record profits recently. The bank charges us a fortune to get access to our own money and makes a tidy sum out of the national health service, because it owns Edinburgh's new royal infirmary—at least we know why it is called the royal infirmary.

The reality is that we must redistribute the wealth and profits of such corporations. When Mrs Thatcher was in power, corporation tax on profits was 52p in the pound; under Mr Blair, the figure is 40p. We should make the rich pay their share for a change. The programme for redistribution includes higher taxes for the rich, a national minimum wage of £8 per hour and a basic state pension of £160 per week. We must also abolish the council tax and ensure that there are jobs for all. We need such measures to end the inequality and poverty that exist in Scotland.

Last week I spoke at a meeting in Bellshill, not far from the birthplace of James Keir Hardie, who 100 years ago talked about such political change. At meetings in Bellshill and elsewhere he would say, "See thae Liberals? They don't give a monkey's about working people. We need a party of our own." If James Keir Hardie and the railway workers' and miners' unions that joined him in establishing the Labour Party were around today, they would say that the Labour Party appears not to give a monkey's about working people in

poverty and that we need another party of our own that supports public ownership of industry, utilities and services in the economy, to ensure that national wealth is shared by all.

11:29

Christine Grahame (South of Scotland) (SNP): I was interviewed yesterday by a student who is writing a thesis on the early years of the Scottish Parliament and in particular on one of the Parliament's founding principles: equality of opportunity. She asked me what we had done and could do to promote such equality, but I could not prise my thoughts from the blight of poverty. Equality of opportunity might be a founding principle of the Parliament, but people cannot begin to grasp opportunities if they live in the postcode poverty that predetermines their educational success, health, lifespan, home, home life and very happiness. I say to James Douglas-Hamilton that the answer is not Tory passports for people to buy their way out, but the eradication of the poverty that trapped them there in the first place.

The facts are that in Scotland one in five of our pensioners and one in three of our children live in poverty. In parts of Glasgow, males have 10 years shaved off their lives simply because of where they live. A pensioner in Scotland on the basic state pension gets only £79.50 per week. Of course, there is always the pension credit, but unfortunately we have a ruthlessly cruel benefits system and at least a third of those who are entitled to claim pension credit do not do so. Some 50,000 pensioners in Scotland do not claim the benefit to which they are entitled. What Scottish pensioners want, to answer their needs and aspirations, is a decent basic state pension that is not means tested.

Some 58 per cent of our pensioners live in fuel poverty. In Scotland, three times more deaths are excess winter deaths than in England and Wales. It is estimated that in Scotland 3,000 people each year die from living in a cold home in an energy-rich country. Where is the equality of opportunity for people who live in a cold home, whose choice is between food and fuel?

Of course, the Parliament has some achievements. Margaret Ewing is quite right; the Parliament is chipping away, with free personal care and concessionary fares throughout Scotland, both of which were whole-heartedly supported here. However, we do not have the power to tackle systemic poverty. I am sure that I will bore members, but I return to the fact that without the powers of an independent Parliament we cannot touch the poverty that blights the lives of one in five of our pensioners and one in three of our children. During the election campaign, I watch

Westminster politicians trample all over devolution when we should be trampling all over reserved issues. They talk, from Westminster and in the broadcast media, about policies on crime, justice, health and education as if they are UK policies, when in fact they are English policies. We must resist that and fight against the erosion of devolution. At present, we are not doing that, let alone eroding reserved matters.

I have a message for the pensioners, for those on low incomes and indeed for those who generate wealth, because without generating wealth we cannot redistribute it to those who are in need. They must realise that without the powers of a real national Parliament—powers to match this glamorous building—Scottish pensioners will continue to die prematurely from winter cold, and children in peripheral, decaying estates will continue to be born to fail. With independence, they have a chance to be born to succeed and to have the equality of opportunity that we should hold dear, which an independent Scotland with an empowered Parliament could deliver. Until then, I fear that the poor will always be with us. Perhaps not though. Thankfully, we discovered in a poll today that 46 per cent of the Scottish people support independence. That is the way to eradicate poverty in Scotland.

11:33

Campbell Martin (West of Scotland) (Ind): Presiding Officer, I am grateful that you were able to squeeze me into the debate. I am also grateful to my colleague Margo MacDonald, who gave up some of her time to allow me to make a contribution to the debate, in which we as MSPs raise the issues that our constituents have told us are of concern to them. That is the whole point of the motion; it is unfortunate that the lead speaker for the SNP did not understand that.

I ask ministers to consider whether it would be appropriate to change planning legislation to prevent development on playing fields. I will refer to a specific case in North Ayrshire that illustrates exactly what I am talking about.

We are all aware that in recent years there have been problems with playing fields being sold off to private developers, but we also have a new problem. In North Ayrshire, the local authority has proposals to build on playing fields. The Laighdykes playing fields are the only playing fields in Saltcoats and Ardrossan, yet North Ayrshire Council proposes to build a new school on them, which would obviously diminish the playing space that is available to the people of Saltcoats and Ardrossan.

I stress that the local people who have come together as Laighdykes residents group, who

organised a public meeting that was attended by more than 500 people and a march through Saltcoats that was attended by 700 people, do not object to having a new school. They are quite happy about getting a new school, although they have concerns about the method of financing it. However, their main concern is about saving Laighdykes playing fields.

The reason why local people oppose the plan so strongly is that Laighdykes playing fields are, as I said, the only playing fields in Saltcoats and Ardrossan. Not so many years ago, I played football for an amateur team in Ardrossan and we had to play home games at Laighdykes playing fields. If the council's proposals go ahead, local football teams from Saltcoats and Ardrossan will have to play their home games at Stevenston, which is the next town on the Ayrshire coast. That might not sound too bad, but I will put the matter into a political perspective so that we can understand it better. It would mean local football teams from Saltcoats and Ardrossan playing their home games not only in a different parliamentary constituency but in a different parliamentary region: Stevenston is in the South of Scotland region and Saltcoats and Ardrossan are in the West of Scotland region. That shows exactly what the result will be if North Ayrshire Council goes ahead and builds on the only available playing fields.

The council fully intends to build the school. It has been granted outline planning permission despite the fact that the National Playing Fields Association recommends that a minimum of 6 acres of open space for playing fields should be available per 1,000 people in the population. In Saltcoats and Ardrossan there are about 23,000 people. That means that the minimum amount of open space that Saltcoats and Ardrossan should have at present is 138 acres. Laighdykes playing fields, which are the only playing fields, constitute 36 acres. We are nowhere near the minimum at present, yet the local authority wants to build on the available playing space, reducing it to just 24 acres. That is a disgrace, and the local authority should be made to see that it is nonsense. That is why I ask whether it would be appropriate to consider reviewing the planning legislation.

At the moment, North Ayrshire Council is the developer, the landowner who owns the land for the people of North Ayrshire, the education authority that wants to build a school on the playing fields, and the planning authority. It has given itself outline planning permission. There is a conflict of interest in that. I know that ministers will probably call in the planning application and I hope that they will refuse it. However, I ask whether ministers should insert into planning legislation a provision that puts the onus on local authorities to prove that there are exceptional circumstances

when they propose a development that would encroach on playing fields. In other words, they would need to prove that there is no other available land on which they could build. In North Ayrshire, that is not the case; there are plenty of spaces in Saltcoats and Ardrossan where the school could go.

In such cases, the onus should be not on the people to oppose development but on the local authority to prove that there is nowhere else the development can go. Planning law should stipulate that in areas in which the National Playing Fields Association's minimum level has not been met, no development will be permitted.

On 5 May 2004, in response to a parliamentary question on playing fields, the then responsible minister, Frank McAveety, stated:

"Primary responsibility for the protection of playing fields lie with local authorities".—[*Official Report, Written Answers*, 5 May 2004; S2W-7718.]

In Saltcoats and Ardrossan, it is the local authority that wants to build on the playing fields. I ask the Scottish Executive to consider whether there needs to be a change in planning law to prevent such things from happening.

The Deputy Presiding Officer: We now come to the debate on enterprise, the economy and transport.

11:39

Pauline McNeill (Glasgow Kelvin) (Lab): Not so long ago, when we celebrated our final arrival here in the gathering place—the new Holyrood building—we were challenged to raise our game, to set our sights higher, to make greater speeches, to be more entertaining, to work harder, to create more consensus, to be funny, to make rabble-rousing speeches and to be original. That is a tall order, and I wonder how we are doing. I am sure that those members of the press who commented on that will never concede the progress that we have made.

Like others, I have reflected on my contribution to this institution. My fundamental beliefs and principles remain the same as they were on the day when I was selected, so raising my game is a longer-term and harder task. I agree with the honest speech that Margaret Ewing made.

I continue to argue for social progress; fairness; more resources for Glasgow's poorest areas to prevent the poorest from dying young; ending the exploitation of women; targeting unemployment; equipping the unemployed with the skills to attain better-paid jobs; giving children a better start in life; and growing the economy with the purpose of redistributing wealth. I say to Mr Aitken that if those are entrenched policies, I make no apology.

As Margaret Ewing said, we are all in the game of arguing our case; influencing decisions; chipping away—if that is what happens; questioning the Executive; and spending hours in committee. That is a long game. Unlike Mr MacAskill, I believe in devolution and in what we are doing under our constitutional settlement. I campaigned for the settlement and believe that it is right for Scotland. I know that the majority of Scots prefer that settlement.

We were all elected as members of the Parliament in its early years, which we are still in. In being here, we have a responsibility to shape and refine the settlement. I remember stalwarts who campaigned for that settlement. Bob McLean will launch his book next month—I hope that that will happen in the Parliament. My contribution to his book talks about people such as Jim Ross, Alan Lawson, Jimmy Boyack and Brian Duncan. We do not hear about them, but they were involved in the early years of the campaign for the Scottish Parliament.

We should try not to be set in our ways and we should review constantly how we operate. I am not surprised that Mr MacAskill is disappointed by devolution, because it is not really the constitutional settlement in which he believes, but I firmly believe in it. I acknowledge the key role of civic Scotland and participatory democracy, which we have done quite well, but all of us are elected members and it is first and foremost our responsibility to lead and to deliver on the settlement.

In some ways, having no subject for the debate made deciding what to talk about harder, because I want to talk about many issues. Like others, I care deeply about the five-to-14 age group. We must have an alternative strategy on antisocial behaviour and we must consider that age group's needs. I ask Tavish Scott, the minister who is present, to suggest to his colleagues a focused debate on what we need to do for that age group. I also thought about discussing civil justice reform, which we need because civil justice is still too slow and too expensive.

Instead, I will talk about the subject on which I have been working, which is bus industry reform. For some time, I have argued that action needs to be taken to regulate the bus industry. My primary concern is that people whose only mode of transport is the bus cannot be guaranteed an adequate service in their area. Everything is left to the free market, with some public provision when it is shown to be necessary. When the private sector decides not to provide a service, limited public funds are used to finance a service.

My interest arises from my experience of listening to constituents in a part of Glasgow Kelvin who are frustrated that their bus services

are altered or removed without their having any say. It would be unforgivable for the Transport (Scotland) Bill not to address that issue. The Transport (Scotland) Act 2001 failed to have an impact. Quality partnerships and quality contracts rely on the will of bus companies and service providers. In 2005, we must conclude that that model will not deliver.

It is astonishing that the public have little say in bus service provision—in routes and services. No requirement to consult bus users exists. I give credit to the bus industry for modernising its approach and I do not support reregulating the market, but serious changes must take place and the public must have a more formal view.

I do not see why the new regional transport partnerships should not specify key routes that must be serviced regardless of the profit margin. Often, the most disadvantaged communities are not best served. That is unacceptable to me and, I hope, to other members. If the Transport (Scotland) Bill creates regional transport partnerships, they should as a first step be given additional powers to ensure public consultation and to establish bus routes where they are needed. Special account should be taken of elderly populations.

I welcome the debate, which has been good and positive.

11:45

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I congratulate Margo MacDonald on bringing to the Parliament the topic of meeting the needs and aspirations of the people of Scotland. That is the reason why we are here, not just today, but every day that the Parliament meets. The motion is right to say that MSPs were elected to meet the needs and aspirations of the people of Scotland. It does us no harm every now and again to step back from the detail of policy and legislation that we must—rightly—consider and to assess whether our work meets the needs that we were elected to address.

During the debate in 1997 on whether we should establish the Scottish Parliament, some people expressed fears that the Parliament would be for the people of central Scotland and that the voices of the people of the Highlands and Islands would have no better hearing in Edinburgh than they would in London. That has not been my experience. As I am a constituency MSP in the Highlands, it is my role to ensure that Edinburgh listens and acts.

We have achieved considerable success and, in doing so, we have delivered improvements for the people whom we represent. Members will not be surprised that I offer as a prime example the lifting

of the Skye bridge tolls at the end of last year. Members will know that I pursued that issue for some time. I worked with my constituents, with my party colleagues, with other coalition colleagues and with our party's leader, Charles Kennedy. The campaign was long but, thanks to the strength of our case, we won through in the end. I am particularly delighted that when young Donald James Kennedy is taken for his first visit to Skye, his proud father will take him over a toll-free bridge.

The lifting of the tolls will not just benefit proud fathers who take their sons to Skye; the benefits will be far wider. The bridge has already experienced a 25 per cent increase in road traffic since tolls were abolished, which must be welcomed. The increase in the traffic volume must indicate an increase in economic activity in one of Scotland's most fragile areas.

Mrs Ewing: I do not want to interrupt the ceilidh that will occur on the Skye bridge. Like the member, I rejoice that the tolls have been lifted. Having examined that buy-out of a private finance initiative, does the member believe that Inverness airport should be treated similarly? That, too, would have an impact on the economy and tourism in the Highlands.

John Farquhar Munro: That is a continuing battle that has still to be won.

On the day when the Skye bridge tolls were lifted, Harbro, the agricultural products supplier, announced a reduction in the cost of its agricultural products to the island of £1 per tonne. That was quite significant. I do not doubt that it is a good indicator of an improving economic situation and I hope for significant growth in the summer tourist season.

I will move on to the more serious issue of the lack of affordable housing in rural Scotland. I recognise that the Scottish Executive has taken some useful initiatives. However, it must not rest on its laurels but must push ahead with those initiatives as quickly as possible. We need co-ordinated action from our planners—as members this morning have said—from housing associations and from Scottish Water, to ensure that new developments go ahead. Priority must be given to projects that are targeted at providing affordable housing. We need to devolve Scottish Water's role in local areas, because often the one-size-fits-all approach that might suit large conurbations does not work in small, isolated communities. Once houses are built, we need to ensure that young people and young families in need are given first refusal on tenancies and purchases. We need a demographic balance and, more important, family links, if we are to deliver secure, vibrant communities in remote areas.

As we hear regularly, Scotland has an aging population. We need to face the challenge of supporting our elderly. The state has an important role to play, but by far and away the best support that the elderly can receive is from their families. However, family members cannot give that support if they are forced to live miles away because of a lack of affordable housing in the area, which means that the state must assume much of the burden.

By focusing our attention on the important issues that I have highlighted, we will meet the needs and aspirations of people in Scotland, just as the motion suggests.

11:51

Rosie Kane (Glasgow) (SSP): Thank you for giving me the opportunity to speak in this busy debate. I, too, thank the independent group for provoking what Margo MacDonald calls this experiment. I was a bit nervous earlier, when Donald Gorrie spoke about Charles Kennedy's child in relation to his name. I am glad that he was talking about the child being named Donald, rather than any gory details. I had to get that in, as I panicked a wee bit.

Margo MacDonald's motion is entitled "Meeting the Needs and Aspirations of people in Scotland". Surely that must be our primary function. In his opening speech, Tavish Scott talked about the proposal for a smoking ban, measures on alcohol abuse, the provision of free fruit for schoolchildren and the state of the nation's health. However, I cannot help but wonder where the M74 northern extension fits into that agenda. What is the point of the Executive proposing a smoking ban amid a blaze of publicity, claiming that there will be democracy and consultation and promising to clean up the lungs of the nation, when at the same time it is pushing both inside and outside the chamber—and possibly over certain dinner tables—for the construction of the M74 northern extension?

Janis Hughes (Glasgow Rutherglen) (Lab): Will the member take an intervention?

Rosie Kane: I expected one.

Janis Hughes: I am glad that I did not disappoint.

Does the member agree that meeting the needs and aspirations of the people of Scotland includes meeting those of my constituents, as well as constituents in the wider west of Scotland and beyond, who will benefit from the M74 northern extension? My constituents, in particular, will benefit from the reduction in pollution in Rutherglen and Cambuslang that will result from the advent of the M74 northern extension and from

the inward investment that will follow from the building of that road.

Rosie Kane: Not only did I expect an intervention, but I expected the very intervention that Janis Hughes has made. I have put down the answer to her question on paper, so she should bear with me.

I described how the Executive is carrying out consultation and making promises in one area, while forging ahead in another—to hell with the hopes and aspirations of the people. I remind the chamber that the M74 motorway was conceived before most of us were. Consultation was conducted in the communities in 1965. At the time, concrete was king and the ill effects of increased car use had not yet been revealed to us. I say to Janis Hughes that we now have hindsight, which means that we know that increased motorway construction creates increased car use. That is bad for society, the planet and the member's community.

The M74 northern extension construction project has also been bad for democracy. It involves 5 miles of motorway and will be 50 feet high. It will have parapet lighting 24 hours a day, seven days a week, which will run through Janis Hughes's community. It will carry 110,000 car journeys per day through that community and urban Glasgow, yet there has been no proper consultation of those who live along the route.

I have voiced my opposition to the road all along, but I am not the only person to do so over the years. While it was in opposition, the Labour Party called for a moratorium on all motorway construction, including construction of this monster. The SNP now supports the superhighway and has caved in to the chambers of commerce, the Confederation of British Industry and the pro-car lobby, despite the fact that in the past it stood in election campaigns in opposition to the M74 northern extension. Frank McAveety, MSP for Shettleston, the sick old man of Britain—not Frank, Shettleston—was elected to Glasgow City Council on a manifesto that stated that the council regretted the construction of the M77 and would oppose that of the M74. However, the same council gave planning permission for that monster in the blink of an eye. I hope that, if I wanted to make a structural change to my home, I would receive a visit, but in this case the council did not even take the time to make a site visit.

To those members who tell us that the superhighway will boost the local economy I say a big fat, "It won't." The Standing Advisory Committee on Trunk Road Assessment has said that it will not. The local public inquiry, which the Executive has chosen to tear up and throw in the bin, has said clearly that it will not. If motorways help their local economy, why do Easterhouse and

Pollok not have booming economies? Although big motorways cut swathes through both areas, both suffer from a great deal of poverty and have social inclusion partnership money pumped into them.

Businesses that set up alongside motorways are tin-shed businesses. They are grant grabbers—they come along, take what they can get and leave. They do not supply long-term skilled employment. The chamber should note that surveys carried out several years ago by Glasgow Development Agency along the proposed route found that businesses would set up along it regardless of whether a motorway was located there. Communication was what really mattered to them—goods coming in and out, and workers getting to work and home again. Ironically, the route of the M74 northern extension straddles a railway line for most of its length. A site visit might have helped to establish that.

The route is littered with toxic waste. Chromium, arsenic and lime are all over it. Glasgow City Council and others have noted some sites, but the locals say clearly that workers along the route know where other sites were, because up to 100 years ago there was fly-tipping for White's chemical works, which was opposed by Keir Hardie at the time. The chemicals are carcinogenic, and when the road is built they will be thrown up into the atmosphere. The sick old man of Britain will get sicker, and the Executive will be to blame.

The M74 northern extension will pollute the planet and local communities. No allowance has been made for democracy and compassion, and there is no environmental justice involved. The motorway and its construction fly in the face of the aspirations of the people of the world.

The Deputy Presiding Officer: I record my thanks to Fergus Ewing, who withdrew from the debate and has allowed us to get back on time.

11:58

Mr David Davidson (North East Scotland) (Con): I thank the independents for giving their time to this debate. Unfortunately, there was not much direction at the beginning, which resulted in the minister giving us a mini-litany of the Lib Dem-Labour wish list. However, it covered only certain issues. The minister mentioned health—eating, smoking, alcohol, sexual health and drugs education. He touched on affordable housing, a theme on which John Farquhar Munro expanded. He also mentioned financial literacy classes, for which I hope the Executive has signed up.

However, the real issue for debate is people's needs and aspirations. I say to the minister that it is worth our listing those—the issues about which people talk to all MSPs, regardless of party.

People talk about the economy, wealth creation, skill acquisition, high taxes, individual opportunity, personal responsibility, safer communities, waste in public service, infection in hospitals, shortages of NHS specialist staff—which will not be assisted by the changes to pension schemes—schools that have discipline, young people with hope, the shrinking population, care of older people, pensions, an efficient benefits system, affordable water, overburdening bureaucracy and high council tax. The list goes on and on. Other members have touched on the issue of accessible transport, especially in rural areas.

Tavish Scott: It has to be said that Mr Davidson has given us a bit of a litany. How will privatising Scottish Water help with the provision of affordable water?

Mr Davidson: That is simple. It will do so by bringing in competition, which worked in England. Members should look at the water charges there. The same opportunity has not been provided here. Water quality is higher in England, too, and fewer planning applications are rejected because of a lack of infrastructure.

Karen Whitefield talked about her proposal for a bill to prevent shops from opening on Christmas day and new year's day. I hope that the reduction in shoplifting that the passing of that bill would result in would mean that some members of our police force would get a day off to be with their families for a change.

Many serious issues have been mentioned, including skin cancer, health, sustainable education, planning, sporting success, access to sport, care homes for the elderly, poverty and transport. Perhaps I could give my own wish list. Six years on from devolution, I would like the Parliament to start to deliver. That will take the co-operation of everyone in the Parliament, not just the members of an individual parliamentary group.

There are some issues about which I feel strongly. In my view, the Parliament made a mistake when it decided to treat drug misuse as a justice issue; it is a health issue and a social issue. We must offer holistic treatment to the individuals who are affected by drug misuse and provide support for their families.

I want there to be genuine choice in health care, which means offering alternative medicines in addition to the treatments that are available through a stylised health service that is micromanaged from the centre. I want there to be genuine choice for all in education. Physical education is important. I am in favour of providing access to physical recreation in all communities, not just those in the cities, and for all age groups, including older people. I do not want tuition fees or the tax on graduation to continue. We must ensure

that every individual in Scotland has access to education or training that is appropriate to their ability.

In the north-east of Scotland, special needs schools are a major issue. We cannot assume that everyone who has special needs can be mainstreamed. We must ensure that adequate provision is made for special needs education in every education authority.

In the first health debate in the Parliament's first session, I said that I was an interventionist on health. I am in favour of screening programmes in our communities, including screening for hearing and sight problems for children and screening for diabetes and cancer in later life. Early intervention will make a difference. The science is there. If we can screen and intervene early, we may cut off many of the problems that lead to waiting lists in our hospital system.

Many members have mentioned planning. If we are to have a planning review, we should start with a blank sheet of paper. We should not try to bolt on additional bits and pieces to an already failing and creaking system that is taking far too long to make decisions. Starting from scratch would give us the opportunity to speed up planning decision making and to allow the public to have an input at an earlier stage. We cannot bolt on third-party rights of appeal to the current system; that just will not work.

Industries such as the oil industry—in which there is a skills shortage—should be nurtured, not written off. There is a huge opportunity over many decades for business to be done and jobs to be created. We must move away from the Scottish tendency to attach stigma to people who fail in their attempts to build a business. I do not know why we do that; it is not done anywhere else. We have a highly negative approach to entrepreneurship.

One in four members of our population has a mental health problem at some point in their life. We need to examine the issue far more closely and not push it under the carpet. We must remove the stigma and provide appropriate care. We should get away from having mixed wards that treat different conditions, different age groups and different sexes. We must make a concerted effort on that because, in today's stressful world, more and more young people are experiencing mental health problems.

I have spoken about the need for competition in the water industry. We need better labelling of food. As well as indicating—for health reasons—the contents of food and the risks that it presents, labels should show its origin so that people know what they are buying and where it came from. We also need fair prices for our farmers.

I would like the Scottish people to reject any further intrusion by the European Union. After all, we have a Parliament and we should make our decisions here—and, where appropriate, in Westminster—without having the EU crawling over and interfering in everything. That is not democratic.

I want management to be decentralised. The First Minister talks about it all the time, but decentralising management in all our public services would work and, indeed, is what our councillors were elected to deliver. Such services should not be run non-stop from the centre.

When are we going to have a sensible debate about sustainable, renewable energy, including nuclear power? We cannot do without such power; after all, we already have dedicated sites, trained workforces and communities that are willing to continue with it. Why can we not simply find replacements until we can develop more renewable energy systems?

The issue of older people has been raised this morning. We must start treating them with some dignity and examine personal care and individuals' needs. In that respect, John Swinburne made a very good point about people who have to sell their houses to pay for care. Moreover, there must be a sensible review of pensions, and our older people must have affordable heating, never mind access to health care.

I want to finish on a fairly positive note. Like Donald Gorrie, I feel that we should nurture our voluntary sector and rebuild a caring society in which neighbours look after each other and children and old folk can walk about in safety.

12:06

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

The debate has certainly been wide-ranging, although "debate" is perhaps not the right word. We have had a series of very small debates that have covered a large number of topics that are of importance to the people of Scotland.

Some members have spoken about their aspirations for the health service in Scotland and the problems of public health in general. In particular, at the beginning of the debate, the minister highlighted the problems that are associated with alcohol and diet. I support many of the Executive's proposals and plans for introducing free fruit, trying to educate children in that area and improving the standard of school meals.

As far as public health is concerned, it will come as no surprise to anyone in the chamber that I believe that the proposal to ban smoking in public places will be seen in future years as a very

enlightened public health measure and that I fully support its implementation. I was glad to hear David Davidson's comment that he is an interventionist on health matters, and I look forward to his support for the Smoking, Health and Social Care (Scotland) Bill when it comes before the Parliament. I can think of no greater piece of interventionist public health legislation that this Parliament could make.

However, if we are truly to tackle widespread health problems in our society, we must concentrate not only on fixing problems after they occur—as Jean Turner highlighted in relation to acute services—but on being more proactive in identifying any problems early on. Like David Davidson, I agree that it is essential to invest in screening programmes, because they will allow us to identify people who have a health problem but who have not yet developed any symptoms. Such investment will reap rewards not only for the individual, but for society in general. That said, if we really want screening to succeed, we must take it to the people; we must take it out of medical centres and into shopping centres. Part of the problem is that people will not go to their local general practitioner or medical centre for screening. However, if such screening were available in the local supermarket or shopping mall that they use regularly, they might think "That's a good idea. I'll pop in and get my cholesterol or something else checked." That is a very useful approach.

A common thread runs through areas such as poverty, pensions and the economy, which have all been mentioned today. Members can have as many aspirations as they like about eradicating the poverty or benefits trap, and I believe that they have a genuine desire to tackle pensioner poverty or to grow Scotland's economy, which the Executive has told us is its number 1 priority. However, benefits, taxation, pensions and macroeconomic policy, to name but a few matters, are all reserved to Westminster, which means that we can do nothing meaningful about them.

Even with health and the proposed smoking ban, we are operating with one hand tied behind our backs. For example, Ireland introduced a comprehensive workplace ban on smoking; however, although many of the groups that campaign on that issue want such a ban here, we are not allowed to do that, because health and safety is a reserved matter. It does not matter what the ambitions and aspirations of politicians and the Scottish people are, because, while Westminster holds the purse-strings, they are boxed in and limited. If Westminster decides to slash public spending in England and Wales, we will suffer. As things stand, there is nothing that we can do about it.

I am sure that there is no disagreement in the chamber with the idea that people should have aspirations for themselves. In fact, having such aspirations and taking responsibility for oneself would be universally applauded. The reaction would be the same if we talked about having aspirations for our families or taking responsibility for our businesses and aspiring to make them grow and be successful. Those aspirations would be warmly welcomed and people with such ambitions would be heartily congratulated.

However, when it comes to people who have real ambition and aspirations for Scotland, many members in the chamber, instead of congratulating us, tell us that we must not have ambitions for our country. Ambition is applauded by the Labour and Liberal parties when it is for an individual, a family or a business, but not when it is for our country. Labour members, Liberals and Tories abandon logic when we start to talk about the self-same aspirations for Scotland that we all support for individuals, families or businesses. When those of us who support Scotland have aspirations and ambitions, or even when we talk about taking responsibility for our country, we are not applauded by members of those other parties; instead, childish abuse is hurled in our direction. A certain Labour member of Parliament said that those Scots who support independence are nothing more than sewer rats. That comment says more about Labour MPs than it does about those at whom the comment was aimed.

If the argument of those who oppose independence was consistent, perhaps their position could be respected, but there is no logic to it. They tell us why nationalism is wrong, why it is an outdated idea and why it is a policy of the 19th and 20th centuries, but apparently that argument applies only to Scotland and not to other countries around the world. Although they oppose the idea of the nation state for Scotland, they support it for everybody else. They argue fiercely for the continuation of the British nation state and for the creation of new nations around the world. The Tories loudly support the nationalists of countries such as Estonia. They applaud the get-up-and-go of the separatists of the Czech Republic.

The Labour Party has an enormous number of members who support the break-up of Britain, but only if it is Northern Ireland that leaves the UK to become part of a united Ireland. They have no problem with nationalism and they support it all over the world. They celebrated, as did we, when East Timor gained its independence from Indonesia, but they hurl abuse at those in Scotland who support independence for Scotland. They sing songs about those who struggle for independence and freedom across the globe and

spit venom at those who support the self-same thing here.

Let us not forget that every member of the Parliament is a nationalist. As far as I am aware, nobody supports the abolition of all nations and the creation of a single world Government. The debate about Scotland's future will not be limited by the barriers that the supporters of the British state try to place on it. The aspirations of the Scottish people can and will be met only when Scotland rejoins the world community as an equal partner and the Scottish Parliament has all the normal powers of a normal independent nation.

Members have talked about their aspirations and the aspirations of their constituents. Many of those aspirations are laudable aims, but they cannot be met by this Parliament because we do not have the powers to achieve them. Independence on its own will not achieve those aspirations, but without it we can do nothing to deal with them. We can only tinker at the edges. *[Interruption.]* I ask Labour members, how will they tackle economic policy? How will they deal with pensions? What will they do about the poverty of pensioners? They will do nothing, because they have no power to tackle those matters.

Only with independence will the resources of Scotland be used for the benefit of all the people who live here. At the same time, unlike past UK Governments, we will live up to our international obligations to assist other people around the world to achieve their ambitions and aspirations by meeting in full the United Nations target for international aid. An independent and free Scotland would join the family of nations around the world to work together for the aspirations of our people. Without that independence, we cannot fully manage and progress this country to where it should be or the place that it should take in the international community of nations.

12:14

Tavish Scott: I seek to draw out some of the points that have emerged from what has been an informative morning, but not in a prepared speech. I accept Stewart Maxwell's absolute right to set out his arguments in favour of nationalism, but we are making winding-up speeches about the debate. In fairness, David Davidson did that. I did not agree with any of what he said, but I will come to that in a minute.

Overall, there has been a role for the debate. Margo MacDonald, who represents the independents group on the Parliamentary Bureau, and her independent colleagues, were entirely correct to have used their rights under the Parliament's standing orders to introduce the debate. The debate has allowed contributions

across parties, and of no party, in areas that do not usually get an airing in the regular, more politicised atmosphere that permeates our discussions from week to week.

In that sense, today's innovation has been no bad thing. Even at this young stage in its life, a new and evolving institution such as the Parliament should be able to consider its procedures and should not become fossilised. I am happy to take back to ministerial colleagues the vast array of informative issues that have been raised. I cannot comment on—nor indeed do I know—the detail of many of those issues, whether they are Margo MacDonald's points on prostitution or Helen Eadie's powerful arguments on skin cancer. The point that I tried to make at the outset—possibly not that well—is that this generation of parliamentarians and politicians has an obligation to look to the long term. I agree with Margaret Ewing's central point that if we cannot do that in a new institution and, as Kenny MacAskill fairly said, in this building, that would be a missed opportunity.

I was not, as David Davidson suggested, reading out a litany. I sought to set in context some of the measures—I cannot trot them all out in an eight-minute speech—that the Executive is trying to implement for the long term. It would be easy for me to stand up and demolish the Tory manifesto or any other party's manifesto, and for other parties to do the same to my party's manifesto, but we are better having speeches such as Helen Eadie's, and those of colleagues across the parties, on serious issues that we should consider not only today and tomorrow but over the next 10, 15 or 20 years. That is why Margo MacDonald was right to introduce today's debate. In that sense, Pauline McNeill was right to draw us back to the arguments that were made at the time by those of us who campaigned for this institution.

Karen Whitefield's speech may have shown the real value of the debate. Not only did she articulate what she is trying to achieve with her proposed member's bill, but she took interventions from right across the chamber—a real issue leading to some real debate.

Bill Aitken said that words do not matter, and that we should concentrate on our actions. Well, in unemployment and economic growth, words matter. Bill Aitken's party considered that 3 million unemployed was a price worth paying—we all remember those words. I utterly refute the charge that this Administration takes no responsibility for economic growth, for driving forward entrepreneurship and for the principle of decentralisation. This Government has taken forward decentralisation. This Government has pursued the relocation, for example, of civil service

jobs. The Conservatives, when they had the power, never did that in the co-ordinated way in which we are now doing it, which, I would have thought, will be advantageous to all parts of Scotland.

Words matter, too, on water charges. The Conservatives' policy position is to privatise Scottish Water because, as Mr Davidson said, that would reduce our water charges below those of England. However, the average household charge in Scotland in 2005-06 will be £280. That compares, for example, with average bills of £283 from United Utilities and £296 from Southern Water. The suggestion that the Tories trot out as usual, that competition will be the master of all those problems, as usual does not stand up to scrutiny.

Mr Davidson: Will Mr Scott quote the figures in England from before competition was introduced?

Tavish Scott: Mr Davidson should remind us that the Conservative party did not write off the Scottish water industry's debt when it was in government. Had it done so, we could compare like with like, but we are dealing with a situation that we inherited from the 18 discredited years of Tory economic mismanagement, rather than the position that Mr Davidson would like to employ in an ideological pipe dream.

Jean Turner made an informative and interesting speech on health and our international responsibilities, and members from all parties picked up on that latter point. Again, I take to task the Tories' argument that, under their proposals on health, all would be well whereas, by definition, everything is at death's door under the initiatives and action that we are taking. The investment that we are making will rise by £3.2 billion over the next five years, but the Tories have three kinds of health policy: uncoded, unfair and, more to the point, unbelievable. The Tories talk about choice—a subject that they were keen to trot out again today—but that means choice for the few and longer waits for the rest of us; it means subsidising private treatment for those who can afford it, which would cost the NHS £1.2 billion before a single extra operation had been performed. It is clear what the Tories' patient passport would do for real people who need real treatment and whom we are committed to assisting.

Robin Harper made a series of important points on education. As a member of the Enterprise and Lifelong Learning Committee in the previous parliamentary session, I remember that committee's report on lifelong learning, which picked up Robin Harper's point about balancing the vocational and academic routes into work for young people. That will be, and is being, built on by the Administration.

A variety of other points were made on enterprise in education and on education in general. I was somewhat taken aback by Mr Davidson's argument that the Conservatives were a decentralising party, that he valued councillors and the role that they play and that the Conservatives wanted to decentralise services because that was the right way forward. Of course, it is Conservative policy to remove education services from the local authorities' control, so it is beyond me how that argument hangs together.

The debate has been useful and informative and has allowed a wide variety of issues to be brought to the Parliament's attention. In that sense, it has raised the importance of attracting, and dealing with the needs and aspirations of, the people of Scotland.

12:22

Margo MacDonald: I thank everyone who has taken part in the debate. John Farquhar Munro got the idea of stepping back in the middle of an election campaign to try to look at the big picture. He did that, and he produced what I must call joined-up thinking, because he placed people's needs in the context of the policies that we can produce in the Parliament. I thank him for doing that, but others did it too.

When Jean Turner spoke, it was obvious that she did so out of expertise, but her speech had added value because she discussed international engagement and exercising responsibility to the rest of the world on the Scottish community's behalf. That is something to which the Parliament aspires and to which people in Scotland aspire, to judge by the response to the recent tsunami appeal, but, for a long time, perhaps we did not do it as much as we might have done. Jean Turner took our immediate needs and her knowledge and added them to what we might do internationally, so she got the idea as well and I give her three gold stars.

I wished that I could have got into the open debate on education, because I wanted to talk about the purpose of education and whether we are certificating ourselves out of it. I hope that Robin Harper has given some Executive members ideas about the holistic approach to education that we need. We know perfectly well that we have to prime our young people for an international—indeed, global—marketplace, but, for goodness' sake, we have to educate them to be citizens as well. The Parliament could spend more time considering that.

Karen Gillon touched on education and school sport—an area that I am particularly interested in. I did not intervene, even though she said that she

would let me in if I wanted to speak. The debate went rather well, and when information was needed, it was given unsparingly. I thank members for their co-operation in ensuring that.

Campbell Martin raised the issue of playing fields. He referred to a local issue, but all members recognised it as something that we have to deal with—it is happening in Edinburgh, too. He has obviously built up knowledge of the subject from listening to people, and he knew exactly how many parents had been on the march. That is important, and it is important that the Parliament relays to people the message that we are doing that sort of thing. We have not done a great deal of such public relations work at ground level.

Helen Eadie, Rosie Kane and Karen Whitefield spoke passionately, but they spoke well and knew what they were talking about. We cannot ask anything more of members of the Parliament.

I think that Tavish Scott came prepared for something less than the debate turned out to be. Just when he needed them, he had the brief and the notes to rebut something that David Davidson had said. I congratulate the minister on rising above the normal hurly-burly of party-political, internecine strife. He showed that he had extracted from the debate some of the ideas and blue-skies thinking, which he has promised he will feed back into the Executive's thinking. That was all that we independents wanted from the debate. We just wanted to provide the opportunity for that to happen, and we thought that now was a good time to do that.

Nobody mentioned the black hole in the Tories' spending plans and in Labour's spending plans. We have had a full debate and that has not even been mentioned. Perhaps we are all too sensible and know that whoever gets in will raise taxes eventually. A bit of honesty could be read into what was not said in the debate as much as into what was said.

I regret the fact that the opening speaker for the SNP, Mr MacAskill, poured scorn on what we were trying to do, although I congratulate his colleagues on taking advantage of the opportunity that was afforded them. Some members will disagree with me, but I believe that we heard a fine speech from Stewart Maxwell. It seemed entirely relevant that we should talk about independence in the context of talking about the hopes and aspirations of people in Scotland.

I have good political friends who share much the same philosophical outlook as Labour members although we disagree, for the moment, on the constitutional question. Just as they opened their minds to changing their party's philosophy and policies because they accepted that the world had changed, I ask them to consider changing their

view on the constitutional question if it can be proved that we live in a changing world and that our present constitutional arrangement does not best serve the needs and aspirations of the people of Scotland. I am asking only for an open mind on the subject.

It is great to sit on the independent benches, as we are allowed to have open minds and we do not need to have any set responses: we can go with the flow. I sincerely hope that, in providing the opportunity for a debate such as we have had today, we have given members on the other benches the idea that going with the flow is a good thing. Members do not always need to stand on the principle on which they were elected to the Parliament if things have changed around them. It is not so much the principle. We talk about principles, but we do not mean principles: we mean policies. Principles can stand, but policies can change. I hope that we can help that to happen as and when it is in keeping with the needs and aspirations of the people of Scotland.

12:29

Meeting suspended until 14:30.

14:30

On resuming—

Women Offenders

The Deputy Presiding Officer (Trish Godman): The business this afternoon is a debate on motion S2M-2689, in the name of Cathy Jamieson, on women offenders.

14:30

The Minister for Justice (Cathy Jamieson): I say at the outset to the Opposition parties that have lodged amendments that each of the amendments contains something with which we certainly cannot disagree. However, given the current structures, it is difficult to accept—indeed, we cannot accept—all the amendments and so, in the spirit of equality and in an attempt to get consensus, I will not accept any of them. Nonetheless, I will listen with great interest to the debate, because I suspect that, if the speakers reflect the tone of the amendments, there will be more to unite us than to divide us on the issues that we discuss. I hope that the Opposition spokespeople will take that in the spirit in which it is intended.

Last week, there were 312 women in prison in Scotland, very few for serious offences. Sixteen women were serving life sentences. Around one in five, including those on life sentences, were long-term prisoners sentenced to more than four years. Around one in three were either being held on remand or serving sentences of less than 12 months. Most people agree that short-term prison sentences are neither the most appropriate nor the most effective way of challenging women's offending. It surely cannot be beyond us, working together, radically to reform how we manage women offenders in Scotland.

Elaine Smith (Coatbridge and Chryston) (Lab): On a point of order, Presiding Officer. The sound system does not seem to be working, so we cannot hear the minister's speech properly.

The Deputy Presiding Officer: I shall look into that. Please continue, minister.

Cathy Jamieson: Last December, as members will recall, I published the criminal justice plan, which sets out plans for transforming Scotland's criminal justice system. It also sets out how I want us to move away from services that are too often volume led and demand driven towards services that can deliver speedy and visible criminal justice—services that not only challenge offending behaviour but reduce reoffending.

We are making progress. In the past month, I have published my plans for the reform of summary justice to deal more effectively with the

vast majority of offences—those offences that persistently undermine our communities. Those proposals will at the same time make our courts more efficient, bringing offenders speedily and visibly to justice in ways that repair the harm that they have caused in communities. I have also introduced the Management of Offenders etc (Scotland) Bill, to join up arrangements for managing offenders in the community and in prison so that they are less likely to reoffend. Last week, the Sentencing Commission for Scotland published its first report setting out practical measures to make the system of bail and remand work better.

Those are three important strands in what I believe is the most far-reaching reform of criminal justice in a generation. However, the need for further reform is nowhere more evident than in the way in which we deal with women offenders.

Stewart Stevenson (Banff and Buchan) (SNP): Will the minister clarify something that I thought I heard her say in her introductory remarks? She said that one in three of women prisoners are on remand or serving sentences of less than 12 months. How does she reconcile that with the statistical bulletin published just last month, which suggested that 80 per cent of prisoners serve less than 12 months? Are women different in that respect to a marked degree?

Cathy Jamieson: The figures that I quoted are a snapshot of the women's prison population in the past week, but Stewart Stevenson makes an interesting point, which relates closely to the work that we are trying to do, particularly in dealing with those short-term sentences. I shall go on to say a bit more about why I believe that such sentences can be particularly difficult and damaging for women offenders and why they are not necessarily effective.

It is important to recognise that we have devoted a lot of time and effort in seeking to understand how best to work with women who offend and in seeking to reduce the likelihood that they will reoffend. Many in the chamber will remember the national debate that ensued as a result of the number of tragic suicides at Cornton Vale in the mid-1990s, the conclusion of which was that we were failing women offenders. That was a crisis point for the system; it was the point at which we knew that things had to improve.

Cornton Vale responded by initiating major reforms to improve conditions and to put in place systems to reduce the risk of harm to women prisoners. When I visited Cornton Vale, I saw the progress that had been made in improving the physical fabric, the regime and the arrangements for throughcare.

We also have a much better understanding of the range of problems that lead women to offend.

That said, our goal must be to design a system that is better suited to the specific needs of women and that can deliver better outcomes for offenders, as well as for victims and the wider community.

The ministerial group on women's offending started the process by setting out a blueprint in its report "A Better Way". The group looked forward to a system that would move away from sending more and more women to prison for relatively minor offences. I share that aim, as I believe most members do. It is now time to move things on again, to be more ambitious and to redefine our approach.

It is interesting to note that Scotland is sitting in the middle of the league table of international comparisons—if we want to have league tables, that is—which shows that we imprison six women for every 100,000 people in our population.

Carolyn Leckie (Central Scotland) (SSP): Will the minister take an intervention?

Cathy Jamieson: I will do so in a moment. It is important that I get the figures on the record.

Our figure is less than those in Portugal, Spain, England and Wales and the Netherlands and it is more static than those of other jurisdictions. I want us to set our sights on doing better than that, however. If we look at the comparisons, we see that Denmark and Finland can keep numbers down at two or three per 100,000. That should be our benchmark.

Carolyn Leckie: On the statistics, will the minister comment on the fact that, despite our knowledge that the routes to imprisonment for women are associated with abuse, violence and with just being a woman in our society, Cornton Vale's population increased last year? Women in Scotland are five times more likely to be imprisoned than women in Northern Ireland are. Can the minister explain that anomaly?

Cathy Jamieson: I am not going to explain the point; I want to focus on what we need to do at the moment in Scotland. I will say more about some of the ways in which we can prevent women who do not need to be imprisoned from ending up in prison. I hope that the member will recognise that the figures that I have just quoted show that we can do better and that we must do better.

I make it clear that I accept that some women are involved in serious offences. When those serious offences take place, women should face the consequences of their actions, as their male counterparts have to do. As a result of those offences, there will always be circumstances in which women will be imprisoned.

I recognise that the profile of most women's offending is different: it is more about shoplifting and crimes of dishonesty than about crimes of

violence. I also recognise that it is more about problems in accessing appropriate services in the community. We need to understand and lessen the damage to families and the lasting impact on children. Those are some of the issues that we need to look at, because communities and families pay a price for the way in which we deal with women offenders. I believe that that price is too high at the moment.

I want to say a few words about community options. As Carolyn Leckie said, we know that many women offenders suffer from serious problems that are caused by addiction, mental illness, the struggle to cope with debt and—too often—a history of physical or sexual abuse. It is therefore right that our starting point must be to deal with those problems before women reach the criminal justice process.

I recognise that the Conservative amendment addresses that point. I am sure that Conservative members will say more on the subject and I look forward to hearing their comments. I believe that every member can sign up to the goal of dealing with the problems that women face before they reach the criminal justice process.

When women come into the criminal justice system, the focus has to be on solving problems and not on creating new ones. It cannot be right that we have to send women to prison in order that they can access services that address society's ills. We want a system where support services are available earlier rather than later and within the local community rather than within a prison setting. Moreover, it cannot be right that we do more damage to families, and to children in particular, by imprisoning so many women, especially when we know how important family support is in tackling reoffending.

I strongly believe that any strategy for the future must acknowledge that many women offenders have a drug problem and that more often than not drug problems are linked to their offending behaviour. It is estimated that, on average, 90 per cent of women who are admitted to Cornton Vale have addiction problems. That is a serious issue, which is why I want more to be done to get women with drugs problems into treatment services. We need to have arrest referral schemes at the earliest stage in the criminal justice process and we need drug treatment and testing orders for those with long histories of offending linked to addiction.

We are already beginning to see signs of success with DTTOs, which are high-tariff disposals. Of the DTTOs imposed in 2004, 17 per cent were for women. The principle is to use punishment and rehabilitation, as I have emphasised in a number of debates in the chamber and in much of the work that we are

doing. Evaluation is finding that that approach works. More than half the offenders who received a DTTO had no further convictions within two years.

Drug dependency is not just a problem for the criminal justice system. It also affects our communities and is a public health issue. That is why I am determined that our drug action teams, criminal justice services, courts and enforcement agencies should work more closely together, because one service's repeat offender is another's repeat patient and the community's repeat problem. We have to do something about that. We need better arrangements for joint working so that services better meet the needs of people and communities. Within those better arrangements, I expect services to address the specific needs of women offenders by intervening early, consistently and appropriately to help them to challenge their addiction and to reduce their offending behaviour.

We know that Scotland has a particular problem with persistent minor offending. We see women appearing time and again within the criminal justice system as petty persistent offenders—I see Bill Aitken nodding his head in agreement. I am sure that, in some instances, those who sit on the bench are hard pressed to know how to respond in a way that not only does justice to victims but ensures that rehabilitation is undertaken appropriately.

I want to ensure that we provide more effective options for our courts at the lower end of the offending scale. If we can divert people from the process altogether, so much the better. As for the needs of victims and the efficiency of the process, we must get better at resolving problems at an earlier stage. We also need to look at bail information and supervision schemes. Electronic monitoring as a condition of bail could help to reduce the large number of women who are currently held on remand and who are not a danger to the public. There has been a consensus over the years that too many women end up in prison for fine defaulting. Supervised attendance orders are being put in place as an alternative to prison for that group and are beginning to prove effective, according to our monitoring of the pilot schemes.

I will say a few words about the 218 time-out centre. We need to be more imaginative and to look for new solutions to old problems, which is why I am pleased that Scotland is pioneering a very different approach to women offenders. The project arose directly from the report of the ministerial group on women's offending, which called for such a centre. The centre—whose formal opening I was pleased to be involved with in 2003—provides day and residential services for women in the criminal justice system and offers a

direct alternative to custody. That point is worth stressing. Some of the services that are offered at the centre are, of course, available to women who move through the system, but the centre is intended to provide a direct alternative to custody.

The centre is an innovative project and its effectiveness in reducing reoffending is being examined. It has a year's experience behind it now and we already know that it is increasing its profile in the courts, from which it is beginning to get more direct referrals. In addition, its reputation is spreading further. Last month, the Home Office cited the 218 time-out centre as a groundbreaking initiative and an example of excellence. United Kingdom ministers will be looking northwards to learn lessons from it.

That is all very positive, but, unfortunately, not everything has been positive. I am particularly disappointed that Scotland's female prison population continues to rise year on year. Of course it is true that it will take time for some reforms that we have set in place to yield results, but we must do more and push forward with further reforms. Simply increasing the range of community disposals will not in itself reduce the number of women in prison. We must also ensure that community sentences can deliver results, are credible and can secure the confidence of sentencers. Later this year, an online version of our information pack will be available to every sheriff in the country to keep them up to date on the availability of community sentences.

On the quality of the programmes that follow sentences, we have set up the community justice accreditation panel, which is important for driving up standards and promoting excellence in community programmes. The panel will soon combine with the Scottish Prison Service panel to give a unified approach in order to try to manage programmes and to ensure that offenders are less likely to reoffend.

Christine Grahame (South of Scotland) (SNP): I am delighted that an information pack on alternatives to custody will be sent to sheriffs—we pursued that aim when I was on the Justice 1 Committee. Will the information be available in an electronic format that can be rapidly updated, so that programmes that fall off the agenda are not included and sheriffs can rely on the information?

The Deputy Presiding Officer: The minister should be brief.

Cathy Jamieson: It is important that the information will be in that format so that people can easily access it.

I am aware that I do not have enough time to develop in detail other points that I wanted to raise, so I will conclude. The pressure for change is acute. Cornton Vale aims to become a centre of

excellence for custodial practice for female offenders and it is making progress. That progress has been made possible by the significant efforts of staff and the investment in the estate. The fact that Cornton Vale has been able to create a safe physical and emotional environment for women offenders is important. Cornton Vale has risen to challenges in the past, but it must continue to move forward. It must ensure a safe environment, but it must also create the impetus for a more fundamental change that will further reduce the likelihood of women reoffending, that will prepare women offenders for a return to a law-abiding lifestyle and that will end the revolving door that still catches too many women.

Again, we can see that happening. We know that female offenders work better in small groups, so Cornton Vale has set up smaller classes to encourage women into education. Moreover, smaller units have been set up for living accommodation. Cornton Vale is moving towards a community-based model.

We know that we must work with women offenders to address their offending behaviour, so the change programme focuses on practical areas. During the debate, I hope that we will hear more about the work that has been done to deal with debt management, housing and family issues. I could have dealt with a range of other matters, but I hope that the issues that I wanted to cover will be raised later in the debate.

I move,

That the Parliament notes the continued increase in the female prison population; recognises that, to reduce this, greater emphasis on rehabilitation within prisons and in community sentences is required to ensure that problems, including drug misuse, are addressed; believes that community sentences can play a significant role for those women who pose little risk to the public or communities in which they live; acknowledges that family and community support is vital in ensuring that women offenders are able to successfully reintegrate into the community, and recognises that a more integrated system of community and prison-based support services to improve the management of women offenders is required in order to reduce reoffending.

14:48

Stewart Stevenson (Banff and Buchan) (SNP): It is right that the debate should be relatively consensual, as none of us wants to lock up people unnecessarily. I will make an unlikely start to my speech. My equality credentials exceed those of the minister, as Scottish National Party members find it possible to support the motion and all the amendments and I expect my colleagues to vote accordingly. However, Mr Fox will not receive our support if our amendment is passed, purely on the mechanical basis that his amendment would delete our amendment. If our amendment is not agreed to, we will support Mr Fox's amendment.

That said, the motion and amendments in the *Business Bulletin* are simply words—they might enable us to agree on the broad policy direction, but that is probably all that they do. Let us start by agreeing a statement that was made previously in the Parliament:

"I suggest that the only relatively sure method of dealing with the problems associated with women in prisons is to make a significant reduction in the number of women going to prison or undergoing any kind of prison service. That should be the core policy objective."—[*Official Report*, 16 December 1999; Vol 3, c 1774.]

The difficulty is that that was said by the Deputy Minister for Justice, Angus MacKay, on 16 December 1999. It was not said yesterday. In fact, there will be members present who have no idea whom I am speaking about, as he left the Parliament before they were elected.

How have we done? The conviction rate for females has risen a little in the most recent statistics, from nine to 10 per 100,000. That is just about the figure that it has been for 10 years. We males should not in any sense be complacent, as the conviction rate for males is 53 per 100,000. Yes, that figure is declining, but it is more than five times greater than the figure for female convictions. Crucially, however, the number of women in prisons has risen by some 50 per cent. Let us therefore not confine our assessment of the Government to its words and its motion today. We should never judge any Government simply on its words; we must judge it on its achievement and we must track that achievement.

The most recent statistical bulletin on criminal justice was published in March. It shows that, for example, 58 per cent of the crimes of indecency are committed by females—crimes related to prostitution. Interestingly, the Protection of Children and Prevention of Sexual Offences (Scotland) Bill, which is about to be considered at stage 2 by the Justice 1 Committee, will, for the first time, create a criminal offence for the person who makes use of prostitution, although only in the limited circumstances of the prostitute being aged between 16 and 18. We should look again at prostitution and consider moving the criminal burden from the prostitute to the user of prostitutes.

An astonishing 69 per cent of offences under the Wireless Telegraphy Act 1949 are committed by women. That simply means that they are convicted because they have no television licence. The situation is interesting, as the statistics also tell us that more than half of all custodial sentences in 2003 were for three months or less and that four fifths of all custodial sentences were for six months or less—I inadvertently said 12 months in my earlier intervention. Among women, short sentences are even more prevalent. In 1999,

speaking as a back-bench member, Richard Simpson said:

"The degree of recidivism—repeated minor offences—among that population"

of women prisoners

"is very substantial. Prisoners are admitted for very short sentences, often for failing to pay fines, which may have remained unpaid for a long time."—[*Official Report*, 16 December 1999; Vol 3, c 1765.]

By 2001, fine defaulters represented more than 40 per cent of prisoner receptions in Scotland. For women, the figure is probably much higher, although, mysteriously, speaking as a minister in 2001, Richard Simpson said that only two prisoners in Cornton Vale prison were there for fine default. He may well have been right at the time, but that seems at odds with other figures.

Pauline McNeill (Glasgow Kelvin) (Lab): I do not dispute the figures—certainly not with Mr Stevenson, who tends to be good at quoting such things. Nevertheless, does he accept that some women have got into a cycle and prefer, for their own reasons, to do the time and that, therefore, the figures include women who just refuse to pay their fines?

Stewart Stevenson: The convener of the Justice 1 Committee is entirely correct on that matter. On the other hand, we have a criminal justice system that criminalises someone for not paying for a TV licence, although that is only like not paying council tax, the bill for having papers delivered to their home or a phone bill. The licence fee is a fee for the provision of a service, yet, uniquely, it is a criminal offence not to have a television licence, whereas non-payment for other services is a civil offence with civil remedies for the recovery of money. I make the constructive suggestion that the Executive might talk to colleagues at Westminster about whether, in the modern world, it is appropriate that non-payment of that specific fee, for which payment has to come out of the household budget, should, uniquely, remain a criminal offence.

Cathy Jamieson: I wonder whether the member would be interested to know that the overall figure for fine receptions in Cornton Vale in March was 26. I am led to believe that two women are in Cornton Vale today for fine default. We have had discussions in the chamber about the point that he raises. It is important to acknowledge that people in the circumstances that he describes could end up being imprisoned if they fail to pay their fines. We believe that other measures can be taken and we wish to address the issue. I hope that he will acknowledge that and give us his support.

Stewart Stevenson: I thank the minister for the update on the figures. The fact that there were 26 fine receptions in March illustrates the problem. I

am delighted to hear that there are only two women in prison for fine default. However, that suggests that those who are imprisoned for not paying their fines are in for a few days. I am not quite sure what the benefit to the prisoner or wider society is of putting people in prison for a week or a fortnight, because the Scottish Prison Service cannot offer them anything in that time. If the Executive takes action on that, it will have our support.

Some of our women prisoners are in the wrong place. The issue is not just about Cornton Vale. Craiginches prison has a small female wing; it is doing its best and is improving on its previously dismal record. Given that it is a local jail, the inmates have the advantage of being closer to their families, so the disconnection is less than it would be otherwise. However, by being in a small unit in a general jail, of which Craiginches is one example, inmates are denied the specialist support that might be provided by a specialist jail—the minister will know that I am a great fan of specialisation.

I acknowledge that Cornton Vale has made progress. In 1998, Andrew McLellan's predecessor, Mr Fairweather, described it as a casualty clearing station, a psychiatric ward and an addictions clinic. Yes, we are making progress, but it is clear that there is much more to do. In 2001, in a debate that my colleague Roseanna Cunningham initiated, the Executive said clearly and unambiguously that we were giving paramouncy to what prisons do over what prisons cost. I hope that that remains the case.

I visited the 218 centre in Glasgow and was impressed by what it was doing; we certainly need more centres. I know that its work has been praised beyond Scotland. We also need to do more to ensure that sheriffs make greater use of non-custodial sentences. There is an upfront cost in moving from prison to community disposals, but the long-term benefits are both financial and societal.

For those whom we lock up, we have to ensure that we do better things while they are in prison. I visited the women's wing of Bapaume prison near Paris about three years ago and found that the industrial activity there was relevant and interesting; the women were making baby-changing mats and could imagine other mothers using their work and they had a real-life office in which they were acquiring skills. That was all terrific. We must focus on equipping people who get into the criminal justice system with new skills by ensuring that the system re-lives offenders, so that victims will not relive their hurt as crimes are repeated. We are happy to support the Executive motion.

I move amendment S2M-2689.1, to insert at end:

“, coupled with the necessary resources for the Scottish Prison Service, local authorities and voluntary organisations to enable them to make their contribution to achieving this goal.”

14:58

Miss Annabel Goldie (West of Scotland) (Con): I, too, welcome the debate, which provides a helpful opportunity to consider the specific position of female offenders in prison. Perhaps unusually, much of what I say will echo many of the observations and points that the minister made.

Before I proceed to the specific topic of women in prison, it is important to clarify two general points. First, if the safety of society demands it, prison will always be the only option for a particular category of offender, male or female, and I was comforted by the minister's comments in that regard. Secondly, if it is the view of a presiding judge that, given all the circumstances of a case, prison is the appropriate disposal, that judicial discretion must be respected. It is the obligation of Government to ensure that the necessary capacity exists to meet that requirement.

It goes without saying that if the public are to have confidence in the criminal justice system, the public must be reassured that the interests of society as a whole and the integrity of judicial disposals are respected by the political process. It would be quite wrong if Governments sought to undermine the interests of society and the proper discharge of judicial responsibility by circumventing the imposition of a prison sentence simply to save money or to reduce prison capacity.

On the issue of public confidence, the Executive is already aware of public concern, which is shared by my party, about automatic early release and about measures that appear to be more concerned with keeping certain categories of criminal out of jail than with ensuring that regard is had to the role of the courts and to the rights of victims.

Having pointed out those general premises, I will consider specific aspects of women in prison. As the minister said, it is a matter of profound concern that many women prisoners suffer from mental health problems, addiction problems and/or a history of being abused. That is deeply troubling. The motion rightly acknowledges the need to address that distressing general background.

Although the number of female receptions to prison due to fine default decreased by 1 per cent in 2003, the total still stood at 570. It seems to me unacceptable that prison needs to be an option for fine defaulters. Many other routes can be followed before that unhappy destination is reached. As on

previous occasions, I urge the minister to consider a more rigorous collection system for outstanding fines. The ratio for successful recovery of fines in the world of commercial debt recovery would make an interesting comparison. It could provide lessons to be learned.

Cathy Jamieson: I welcome the support of Annabel Goldie's party for the proposals that we will take forward from the review of summary justice. Those include an intention to consider a more effective and efficient method of collecting fines.

Miss Goldie: I am reassured to hear of that intention. Providing that my party is satisfied with their robustness, we will support the proposed measures.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Will the member give way?

Miss Goldie: Forgive me, Mr Purvis, but I must make progress.

Given that the largest group of female prisoners in 2003 comprised those who were detained for drugs offences, with the next largest group being those who had been convicted specifically of other theft, the figures surely begin to provide signposts towards what lies at the heart of that offending and reoffending. In February last year, the inspector of prisons identified that, of women who were admitted to Cornton Vale, 90 per cent had addiction problems, 80 per cent had a history of mental illness and more than 60 per cent had a history of being abused. Those statistics build a helpful, albeit depressing, picture of why certain women are drawn into a pattern of petty crime followed by more serious crime that results in a prison sentence.

As the Executive can see, my party is not at variance with the terms of the motion, which identify existing deficiencies in the handling of women offenders, in the facilities that are currently available to such offenders and in the sensitive balance that is involved in preparing women offenders for re-entry into the community. Just as it would be wrong not to recognise the praiseworthy dedication of prison governors and officers in dealing with the female prison population, it would be wrong not to comment on the positive improvements and innovations that have taken place in the way in which Cornton Vale deals with women in prison.

However, there is no doubt that there still exist barriers and challenges to women when they leave prison and seek to re-enter society. In my view, there must be a far better linkage between the tackling of drug addiction, mental health problems and the personal frailties of women when they are in prison and the environment that the women will encounter on leaving prison. From

a position of support, I say that it is not just necessary but absolutely essential that we improve those linkages.

I want to pay tribute to, and promote the cause of, prison chaplains. They do a tremendous and largely unsung job that brings a unique dimension to the prison environment. By offering a point of contact to prisoners and prison staff that is not compromised with the taint of authority, regime or institution, prison chaplains can give comfort and support in situations in which anyone else would be intrusive.

I turn to the amendment in my name. Although the motion is principally concerned with the position of women in prison, many important additional elements must be considered in relation to female offending. There will be situations in which a judge seeks to find an alternative disposal to prison that will offer a woman a real chance to address the issues that are contributing to her criminality. The minister referred to the 218 time-out centre, which operates in Glasgow. It is an interesting innovation that is already benefiting many women. However, it will be important to track the progress of women going through the centre. In particular, we must determine whether the support and help that they receive at the centre has a long-term benefit once it has concluded.

Clearly, however, that facility can deal with only a small proportion of women offenders suffering from drug, alcohol or drug and alcohol problems. That is why my amendment attempts to expand the worthy intentions of the Executive motion with a view to recognising that, with early intervention, support and advice, there is a great deal that can be done to steer women away from a path of criminality.

Anyone who has appeared in Glasgow district court on a Monday morning—and seen me in my role as a solicitor, or my colleague Bill Aitken sitting on the bench—cannot help but be distressed by the spectacle of women who have found themselves in an extremely distressing situation. It is a dreary and deeply upsetting prospect. Better by far that young women who are developing chaotic lifestyles are identified and supported rather than left to exist in chaos until the necessary and inevitable intervention of the criminal justice system. I urge the Executive to consider again how we approach the issue of drug and alcohol abuse in Scotland.

We have to be able to provide, on a universal basis, swifter referral from social workers, general practitioners or the police to advice, counselling and supportive rehabilitation. Further, we must respect the wishes of people with addictions who do not want to be put on methadone or, if they are on methadone, want to be taken off it. We would

all agree that Professor McKeganey's research, which was published last October, disclosed a situation that, at best, commands further discussion and debate and, at worst, is deeply troubling. I urge the Executive to consider a sensible response to that research and also to consider ensuring that there is a far greater involvement of the voluntary and charitable sector in trying to frame that response.

I said at the start that I welcome this debate. I hope that all parties will feel able to support my amendment. I noted what the minister said in her speech and I wonder whether Stewart Stevenson, with the gallantry with which he is associated, might feel minded to withdraw his amendment.

I move amendment S2M-2689.2, to insert at end:

"and acknowledges that the best outcome of all is to advance and promote measures which provide early intervention thereby ensuring that significantly fewer women enter the criminal justice system."

15:07

Colin Fox (Lothians) (SSP): In preparation for this debate, I was struck by a quote that appears in the Scottish Office's 1998 paper "Women Offenders—A Safer Way". The quote dates from 1970, when the Government felt confident enough to suggest that

"It may well be that as the end of the century draws nearer, penological progress will result in even fewer or no women at all being given prison sentences"

and that

"...other forms of penalty will be devised which will reduce the numbers of women necessarily taken from their homes".

Given the subsequent explosion in the number of women we are jailing—the number has reached record levels—and given that alternative penalties were devised, we are surely entitled to ask what went wrong.

Stewart Stevenson: Will the member clarify his intention? Was he suggesting that the 16 lifers should be let out of prison immediately, as well as those women about whom the consensus is that they should not be in prison?

Colin Fox: That was a quote from the Government rather than a quote of my own. I will come later to the point that Stewart Stevenson raises; I have only just started my speech.

Clearly, the arrival in the 1980s of hard drugs and a noticeable and dramatic change in sentencing policy changed all those 1970s predictions.

My colleague Carolyn Leckie and I went to Cornton Vale prison on Monday to meet Governor

Sue Brooks, her staff and the prisoners to enable us to put this debate in context and allow us to consider the Executive's aims, which are set out in today's motion, alongside the realities for the record number of women in prison in Scotland. The first question that would come to anyone's mind is why those women have to be in jail. Of course, society is entitled to protection and people are entitled to see justice being done and offenders paying the penalty, but it is clear that the present situation serves no one's best interests, least of all the 300 women who are held daily in our prisons.

When we consider those women whom we imprison, a clear and depressing picture emerges: 80 per cent of them have mental health problems; 80 per cent are unemployed when they are imprisoned; 90 per cent have drugs problems; more than 60 per cent have a history of physical, emotional or sexual abuse; 95 per cent left school at the age of 16 or earlier; and 38 per cent have tried to take their own lives outside prison. We cannot help but see that prison is a thoroughly inappropriate disposal for the majority of women who are incarcerated. For people with severe drug, mental health and alcohol addiction problems, prison is a highly unsatisfactory disposal for our society and for the courts.

It is ironic that because prisons have been dumped with the problem over the years, we often find that the facilities to treat people for many of those addictions are only available in prison. It is clear that the majority of offenders in those categories would be best rehabilitated elsewhere. I cannot help but feel that those problems should be treated as health problems rather than criminal justice issues.

Margaret Mitchell (Central Scotland) (Con): Will the member take an intervention?

Colin Fox: I will develop my point for a second.

How are we to reverse the trend and get back the optimism of the 1970s? I am heartened that the starting point for the discussion on criminal justice acknowledges that any strategy will be doomed if it does not address the root causes. What leads women to offend in the first place? Poverty, unemployment, abuse and homelessness are all factors and they have all increased in recent times. We must increase access to education, training and employment and we have to understand that drug misuse is often a way of dealing with physical, emotional and sexual abuse.

I also have a point about the nature of women's offending. Women are in jail for theft, benefit fraud, shoplifting, minor drugs offences, low-level prostitution, and television licence defaulting. As a society, we must examine those issues and consider decriminalising certain offences to avoid

giving out custodial sentences for them in the first place. I agree with the remarks of Annabel Goldie and the minister; when 52 per cent of women who are in jail are there because of fine defaults, I hope that we all feel that there should be a way around that problem and that we should encourage an alternative proposal to putting people in jail. After all, society pays £30,000 to keep someone in jail for a year.

The Deputy Minister for Justice (Hugh Henry): Would Colin Fox therefore agree that those who can afford to pay their fines should pay them, but that we should be actively considering alternatives for women who cannot afford to pay them?

Colin Fox: I have no problem with that suggestion, as the minister has put it in black and white terms. Those women who can afford to pay should be encouraged to pay rather than being sent to jail as a consequence.

Margaret Mitchell: Will the member take an intervention?

Colin Fox: Give me a second.

This is my answer to Stewart Stevenson's earlier question; the overwhelming majority of the 300 women who are incarcerated in Cornton Vale, Greenock and elsewhere do not pose any threat to the public. We reiterate our desire that the majority of those women should serve their sentences in the community, and use drug treatment and rehabilitation centres such as 218. I hope that when the report about the examination of 218 is put in front of us, the minister will announce that more day and residential services will be available to the courts as an alternative disposal to prisons. Greater support for community-based disposals and encouragement for the courts to use them surely depends upon the courts seeing that those resources are properly provided, resourced and backed up by criminal justice social work, and health, housing and other departments.

The alternative penalties such as warnings, diversions from prosecution in the first place, and addressing the roots of offending behaviour—such as poverty, domestic violence, drug abuse and alcohol misuse—and deferred sentences are all steps in the right direction. I support the idea of recovering fines without the remedy of sending women to prison. We have to acknowledge the fact that, when only 2 per cent of women offenders are sentenced to community service orders, and the remaining 98 per cent are not, there is an institutional problem. Supervised attendance orders are the way forward.

I welcome the minister's plan for us to consider more ambitious disposals. There is a political desire to reduce significantly the number of people jailed. However, I would like the Executive to go

further. It should consider the British crime survey's recommendations on the need to reduce public expectation of what custody can achieve; on the need to reduce prison numbers; on the need, perhaps, to cash limit sentencing budgets; and on the need to consider the issue of the vast numbers of women that we remand in custody—some 40 per cent of the total—while they await trial.

The Justice 1 Committee's comparative report on the situation in Finland, western Australia and Sweden was highly instructive. In Sweden, the use of intensive supervision—backed up by electronic monitoring—has resulted in substantial reductions in prison numbers.

We should aim for the 1970s goal of having no women in jail; we should increase the facilities to allow people to be treated in communities; we should treat people with mental health problems and people who have survived abuse in the appropriate location—which is not prison; we should consider decriminalising certain offences; and we should support more alternatives to imprisonment.

I move amendment S2M-2689.3, to leave out from "rehabilitation" to end and insert:

"alternatives to custody for women and greater access to drugs rehabilitation resources are vital; believes that prison is no place to treat women with severe mental health, drugs or alcohol problems; believes that the vast majority of women prisoners pose no threat to the community and should best serve their sentences in the community; believes that only by tackling the root causes of their offending: poverty, unemployment, domestic violence, history of abuse and health problems, will the current trends of increased incarceration be reversed; further believes that it is unacceptable that women end up in jail for trivial offences like fine defaulting, shoplifting and TV licence evasion, and believes that it is time to end custody as a penalty for these and other such offences."

15:16

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I begin by endorsing Colin Fox's comments on the Justice 1 Committee's interesting comparative study. I hope that it will be the source of further debate in the chamber.

This debate is important and I am glad to speak on behalf of the Liberal Democrats. The average daily prison population in Scotland in 2003 was 6,524. Of that total, 297 were female—that is 5 per cent—and 577 were young offenders. In 1990, there were 137 women prisoners in Scotland. The average daily female prison population increased from 277 in 2002 to 297 in 2003, a rise of 7 per cent. Regrettably, that trend has continued, and the figure last week was 312.

Women make up a small percentage of the prison population, and the proportion becomes

even more stark when we consider the gender balance of the population as a whole. This afternoon, it is right that we have heard about Cornton Vale. However, the Executive's motion rightly considers that institution in the wider context.

It is worth quoting in full two paragraphs of Her Majesty's prisons inspectorate for Scotland's report of February 2004. Paragraph 2.1 begins by quoting Anne Owers, the chief inspector of prisons for England and Wales:

"It is quite clear that there are people in prison who don't need to be there and who are being made worse by being in prison and who could benefit from other provisions outside prison."

The paragraph continues:

"Issues of mental health are important in every prison in Scotland: but they are particularly noticeable at Cornton Vale. Eighty per cent of prisoners in Cornton Vale have a history of mental illness. Medical records confirm the impressions formed during even a short inspection, that some of these women are very disturbed indeed."

Paragraph 2.2 says:

"The statistics make grim reading. Over 90% of admissions have addiction problems: in one period of assessment the figure was 100%. Over 60% have a history of being abused. This is not a cross-section of society: these are very damaged women. What will prison do for them? It would be impossible to visit Cornton Vale and not to agree with Anne Owers."

Those paragraphs raise the two principal issues that I want to address. The first concerns the institutions and structures in Scotland to accommodate women offenders; the second is the need for a different approach.

It is worth remembering the conclusions of the 1996 inspectorate report—and it was Mr Stevenson who highlighted some past issues from Cornton Vale. The 2001 report recalled the situation in 1996 when it said, in paragraph 1.2, that in 1996

"the prison was found to have been seriously affected by the growing number of drug damaged and drug abusing women. This was especially the case in the Health Centre and remand hall, where there had been a spate of tragic suicides. Some basic conditions and opportunities were lacking and in addition there were some concerns about security."

The paragraph continues:

"Education facilities were poor and there were no structured offending behaviour programmes or pre-release arrangements. The combination of a range of difficulties had become overwhelming, to the extent that management and staff were described as 'struggling to meet the daily requirements of the prisoners'. At that unhappy time the overall conclusion was that the establishment was fulfilling its basic requirements for custody, but little else."

The population in Cornton Vale has, thankfully, benefited from improvements that the inspectorate's 2004 report indicates are "impressive".

It is worth recognising that there have been improvements in the estate within Scotland and also that the approach has become more responsive to the needs of the prison population. I visited another prison this week—Saughton. I was impressed by the staff and saw the new building, which will allow prisoners to transfer from a 1919 Benthamite block to one fit for today's purpose. Investment in Cornton Vale has also been effective. However, even with the improvement in facilities, what has not changed in recent years has been the condition of the women who arrive at the prison gates. The population of Cornton Vale, and women prisoners throughout Scotland, do not suffer only from substance abuse: they are characterised by social exclusion, poverty and lack of opportunity.

Carolyn Leckie: Jeremy Purvis seems to acknowledge that things have improved in Cornton Vale, but we should put that in context. Unfortunately, it is still the case that during the night women often have to urinate in the sink. Will he comment on that? Will he also address the fact that women in Cornton Vale are twice as likely to be disciplined as men in male prisons?

Jeremy Purvis: I am happy to recognise that, although there have been improvements, the inspectorate's report indicated that in some areas some of the targets post-1996 have not been achieved. Nevertheless, the population of women who go to Cornton Vale, and other women offenders, are characterised by social exclusion, chaotic and undisciplined lifestyles, single parenthood, low self-esteem, a dysfunctional family background, poor physical health, mental health problems, insecure tenancies and homelessness, and poor social and coping skills. In addition, the population also has high levels of anxiety and depression—not to be underestimated—and 88 per cent of all admissions score at least two out of the five predictive factors for potential self-harm. In addition to the fact that 90 per cent of the prisoners have drug addiction problems and that, for 66 per cent, the sole means of income was income support, 40 per cent of women have self-harmed before entering prison.

Following conviction, all prisoners who are sentenced to 60 days or more undergo a locally developed and structured induction and assessment process, similar in each prison but shaped to be more appropriate in Cornton Vale. Within such a process, the needs of the prisoner with regard to health and addiction, employment and employability, housing, education, family and offending behaviour are determined, as are throughcare needs.

The SSP amendment, as Colin Fox stated, says that prison is no place to treat women, although he

recognised the fact that in some places prison is perhaps the only location where such provision can be made. However, what is the point of an intensive programme to identify need when there is limited provision to supply a service to meet that need in the community? Long-term support is required even when sentences have been short term—in most cases, especially when sentences have been short term—to address the many factors of disruption in the women's lives. The SPS rightly has a wide range of programmes, but those are ineffective and can be counter-productive in respect of very short sentences.

Serious consideration must be given to ending all short sentences, not only for women but for everybody. We need more community disposals that include compulsion for assessment and we need proper throughcare along with the development of skills and education in prison. We must move away from pointless manufacturing in prison and enable people to develop transferable skills and obtain qualifications, including vocational qualifications in catering, health and so on. Very short sentences, from seven days up to 60 days, are not effective.

We also need education, not only for sheriff courts but district courts. I support the publication online of alternatives to custody for sheriffs, but it is vital that that is also developed within district courts.

Finally, the Parliament is considering the community justice authorities. Community justice authorities will be effective in pulling all the agencies together. We need to continue to improve our prisons. We need more supervised attendance orders in the community and we need to take a radical look at ending all short sentences. In my view, that should be the first task of the CJAs.

The Deputy Presiding Officer: We move to open debate.

15:24

Kate Maclean (Dundee West) (Lab): I agreed with most if not all of the opening speeches and I welcome the opportunity to contribute and listen to the debate. The issue is important and complex and generates a wide range of opinions whenever it is discussed among the general public, although it does not appear to be doing so in the debate. Like the minister, I could agree with all the amendments to the motion, although it is not technically possible for me to do so. Perhaps it would be a good idea if we had the facility to have composite meetings before our meetings in the chamber—that used to happen at Labour Party conferences, but it no longer does—so that we could put together a motion with which all members could agree. When we vote against

other parties' motions and amendments later, I think that we will do so for technical reasons rather than because we have found much with which we disagree.

I welcome the initiatives that the minister outlined and that Jeremy Purvis mentioned, which are being implemented or proposed to make conditions for the women who have to be in prison—I will return to that aspect—more appropriate and responsive to their needs. Prison should not just punish women; it should prepare them for the future and address the problems that led to their ending up in prison. It is not only women who do time when they end up in prison; the women's children often do very hard time, too. I would welcome any initiative that ensured that the children of women who are sent to prison are affected as little as possible—obviously they will be affected—because such children are not criminals and should not be punished in the way that currently happens.

Although I welcome all the initiatives that were mentioned and would welcome more such initiatives for women who have to be in prison, I am appalled that women who have committed very minor offences are increasingly being sent to prison, despite the measures that have been put in place to address the issue. I welcome the Scottish Executive's commitment in making available alternatives to custody for everyone, and especially for women. The challenge for the minister and the Parliament is to ensure that the courts use such alternatives and I ask the minister in his summing up to indicate why the various community sentences that are already available to courts are not used more often for women. The number of women in prison has steadily increased during the past several years and last year alone there was a 7 per cent increase. We know the effects of imprisonment on a woman prisoner's children and we know that the criminal profiles and needs of women prisoners are different from those of men, but six or seven years after the Scottish Office report, "Women Offenders—A Safer Way" reached the conclusions that underpin much of our thinking on how women should be treated in the criminal justice system, we are still locking up women for relatively petty crimes such as fine default and shoplifting. I do not suggest for a minute that people should not pay their fines; I agree with Colin Fox that people who are able to pay their fines should do so. Carolyn Leckie should not have had to suffer a night in prison and a severe absence of moisturiser for not paying a fine.

Carolyn Leckie: There is a difference between not paying a fine and refusing to pay a fine under an unjust law. I am interested in Kate Maclean's response; does she think that it should be a crime to protest against weapons of mass destruction?

Kate Maclean: It is ridiculous for the member to suggest that there is a difference between her non-payment of a fine and anyone else's non-payment of a fine. Someone who is able to pay a fine should do so. The only difference between Carolyn Leckie and other women is that she came out of prison to a comfortable life, whereas the women who are currently sent to prison for not paying their fines come out to the same dire circumstances that sent them to prison in the first place. That is a huge difference.

I think it has already been said that women who are in prison are often victims of crime and that they often have drug and alcohol abuse problems, the experience of poverty and a history of mental health problems. Seventy per cent of women who are in prison have revealed that they are victims of abuse. Obviously, the true figure could be much higher because some people will not have disclosed that they are victims of abuse. Just when things cannot get any worse for these women, society comes along and makes it a lot worse. For them, crime is to a certain extent ancillary to any or all of the above.

That should not distract us from the distress of the victims of their crimes—obviously, people should be punished, rehabilitated and stopped from committing crimes—but because courts are not using the range of disposals that are available to them, women and children are suffering unnecessarily. Prison should be used to house serious and dangerous offenders, not further to abuse vulnerable women and children. I feel strongly about the matter and I hope that the minister, in summing up, will go some way towards addressing those concerns.

15:30

Linda Fabiani (Central Scotland) (SNP): Stewart Stevenson took us back to 1999, when the Parliament discussed women in prison, but before any of us was elected to the Scottish Parliament the Scottish Office carried out a review on the matter. In 1998, it echoed the Prison Reform Trust in saying:

"The number of women prisoners who actually pose a grave danger to the general public can probably be counted on the fingers of one hand."

In its conclusions, it noted:

"less than 1% of female convictions are for violent offences."

The report also noted:

"Women's offending frequently relates to drug abuse and is often rooted in poverty",

as the Minister for Justice has confirmed seven years on. The life history of many women offenders has been detailed by previous speakers.

At this point, I would like to say that I am not denying that at times there are women who require custodial sentences. Today, we have heard a lot about shoplifting as an example. Occasionally there are shoplifters who deserve to be put in prison because their behaviour is not caused by poverty, and they can be women as well as men. We should not get too sentimental about the subject. However, the evidence suggests that too often women who are perceived as offenders are in fact victims.

Stewart Stevenson mentioned fine defaulting in relation to prostitution. I have had chats with women who work as prostitutes and they spoke about the vicious circle that they are in. They are fined for being on the street, but they have to go back on the street to be able to pay the fine. That is another debate, but there is a relevant point in it for today's debate.

The ministerial group on women offenders, which reported in 2002, was set up in response to the Scottish Office review that I mentioned. In reading the group's report, I noted that although there is an upward trend in prisoner numbers, the number of convictions has decreased. Are sentences becoming harsher? If so, why is that happening despite the recognition of the issues that surround the incarceration of women offenders? I am pleased that alternatives to custody are now on the agenda. The 218 time-out centre initiative in Glasgow seems to be one part of the answer and I look forward to the analysis of its work when it has operated for an appropriate period of time.

As has been noted, a further part of the answer is prevention, but realistically there will always be a need for reactive measures as well, to discourage repeat offending. That is to the benefit of the whole of society because, after all, more women offenders than male offenders have dependent children living with them and studies have shown that such women are likely to be lone parents. That is where the SNP amendment comes in. We agree with the motion, but we also seek

"the necessary resources for the Scottish Prison Service, local authorities and voluntary organisations to enable them to make their contribution to achieving"

the goal to which we all aspire.

Hugh Henry: Notwithstanding the fact that there may, at times, be a need for more resources, one of the things that I have taken from the debate—for example, from some of the concerns that were expressed by Kate Maclean—is that the resources and options that are available are not being used to their full effect. Although it is right to consider that we may need more resources, is it not right also to consider how effectively we are using what is currently available to us?

Linda Fabiani: Absolutely. That is one of the issues that I was talking about. We have recognised the problem for a long time but we are still not seeing tangible results. Perhaps we need to front load resource to encourage and enable the recognition of the services that can properly be used. We should consider core funding of voluntary organisations that can help. All sorts of issues are involved. Not just voluntary organisations that deal with drug abuse need to be used. We also have organisations to support families. Some women suffer from terrible stress, so perhaps we should fund groups such as Stresswatch Scotland. Perhaps we should look for organisations that are staffed by ex-offenders, who can consider what can be done to encourage people to leave the terrible mire that they are in, which causes repeat offending.

Jeremy Purvis rose—

Linda Fabiani: I will give way in a moment.

The report by HM prisons inspectorate of the inspection of Cornton Vale in 2004 shows that 80 per cent of prisoners have a history of mental illness and 90 per cent have addiction problems. Whatever we have been doing is not working, so we must start to take an innovative approach. If we can provide pump-priming funding and examine ways to make a difference, we will have long-term benefit, as will the women and their families and, ergo, the whole society will benefit.

It is too easy to keep looking at statistics and saying that we must do this or that. We should turn the situation on its head and view it from other directions so that instead of having another debate in the next parliamentary session and, despite all the good intentions, talking about the issue in the same way, we will be able to return to report that there has been true progress and genuine improvement.

I am terribly sorry, but I cannot give way to Jeremy Purvis now.

15:37

Pauline McNeill (Glasgow Kelvin) (Lab): I welcome the Executive's choice of debate, which was not an easy one. The subject is difficult. As others have said, the prison population of women continues to grow. What more needs to be said? Too many women are in prison, which is not the best place for most women. Most of us agree on that. The question is how we will achieve progress.

The debate is complex. It is important to understand the reasons for the trends before we decide what action to take. Andrew McLellan's inspection report repeats what other inspectors have said. We know that 90 per cent of women in

Cornton Vale have or had a drug addiction problem and that 60 per cent of the women have a history of abuse. They are damaged women. Cornton Vale and Greenock prison, where women are contained, are now large health centres rather than prisons.

Carolyn Leckie asked why many women in Scotland go to prison. We are not the only country to send women to prison and the league table does not show that our position is very bad. However, we must ask why the situation exists. One theory that results from what we know about the health of the women whom we send to prison is that sheriffs are so concerned about the physical and mental health of the women whom they see that they believe that Cornton Vale may be the best option for those women. That is a sad reflection on the available options.

Ms Rosemary Byrne (South of Scotland) (SSP): Does Pauline McNeill agree that dual diagnosis, whereby both drug or alcohol-related problems and mental health problems are treated, is a way forward? Does she agree that it is shameful that only one health board in the United Kingdom—Ayrshire and Arran NHS Board—provides dual diagnosis?

Pauline McNeill: I bow to Rosemary Byrne's knowledge of dual diagnosis, which I do not know much about. However, I will talk about the member's essential point, which concerns the underlying reasons why women find themselves in prison. I am sure that we will agree on that.

I declare that I am a member of the Routes Out board. I know that 90 per cent or more of the women in Glasgow who are involved in prostitution are drug addicts. Street prostitution is brutal and women who end up being exploited on the streets are not there through choice. Tolerance of prostitution is not an option for those women, so the Routes Out project is important, because we need to get them off the streets and out of prostitution when possible.

In answer to a written question, Cathy Jamieson advised me on 9 March that the number of women involved in prostitution and charged with soliciting whose cases have gone to the drugs courts is none. I want to explore that issue for a minute. We know that 90 per cent of women who have been charged with soliciting have a drug problem, but none of them is getting access to drug treatment and testing orders. We need to understand the underlying reasons for that. The cases of women who are charged with soliciting tend to go to the district courts, where DTTOs are not available at the moment. I find it difficult to get my head round that. Men may be serial shoplifters or housebreakers, or may be involved in assaults, but because their underlying problem is addiction they are referred to the drugs courts, so that

intensive therapy can take them out of offending. Why can the same not be done for women who are exploited by prostitution? I fail to see the difference. The option of DTTOs should be available to such women. Prostitution is not an informed choice and we must get women out of the danger that they are in.

I have visited both Cornton Vale and Greenock, where I spoke to many women prisoners who are not in prison for the first time and who are already involved in a cycle of offending. Colin Fox referred to the shortage of community service orders. The number of community schemes that are available is not the same for women as it is for men, so the trends for men and women are different. That goes back to the issue that I highlighted earlier. For some reason, women with badly damaged physical and mental health on community service orders do not get access to the same services that would be available to them at Cornton Vale. As other members have said, the issue of child care has also never been addressed properly.

I want to spend the last minute or so of my speech talking about the innovation of the 218 time-out centre, which is in my constituency. It was not an easy venture. The Scottish Executive, in association with Glasgow City Council, took some time to procure the building and to get things up and running. Like other members, I have been to see the centre a few times. I know that there is to be a review and that the University of Stirling's report on the centre will appear in October. However, at this stage I must express some doubts about whether the time-out centre is the best facility for taking women out of custody.

I do not demean in any way the excellent work that is being done at the centre, which is very impressive. However, I have the impression that it tends to deal with rehabilitation, rather than offending. If that is the case, I implore ministers to think seriously about the concept of a halfway house, which Sylvia Jackson has suggested many times in debate. That means tackling the problem from the other direction—taking women from prison to a facility where they can deal with their chaotic lifestyles. I remain open-minded about the issue, but we must seriously consider setting up a halfway house. The resources that we are investing are colossal, but we must be open to the possibility that the time-out centre may not be the best way of directly reducing the prison population, which is what we all want to achieve. That is why I voice doubts at this stage.

15:43

Bill Aitken (Glasgow) (Con): The debate has been interesting. The minister will be interested and, possibly, concerned to learn that I agreed with much of what she said. All of us are

uncomfortable with the fact that so many women are in prison. However, there are no easy answers. It is incumbent on all of us to examine the matter constructively and to see whether we can find some solutions to this difficult problem.

The problem is difficult because there are issues outside the judicial aspect. One of the things that makes us most uncomfortable is the fact that prison sentences that affect women impinge on their families. The fact that someone is guilty of criminality does not necessarily make them a bad mother and none of us can be happy about children having to be taken into care.

Let us consider what we can do. If we exclude the few women who in the course of a year end up in jail on quasi-civil matters, such as breach of interdict, women in jail can be put into three categories. First, there are those who are serving sentences. Secondly, there are remand prisoners. Thirdly, there are those who find themselves in jail for fine default.

I am pleased that there has been a genuine move away from a position that was apparent the first time that the matter was debated in the Parliament, which was that women were being sent to jail merely on a judicial whim or without a great deal of thought and care being given to whether such a sentence was appropriate. I assure members that that certainly does not happen. For the reasons that I have articulated, judges at whatever level turn somersaults to avoid having to send women to jail. Indeed, perverse as it may seem, there is a degree of sexism in the judicial system in that respect.

Stewart Stevenson: Given that the conviction rate per 100,000 females has remained relatively steady for 10 years, why are we ending up with more women in prison if judges are acting in the way in which the member suggests?

Bill Aitken: As the member has intervened on that issue, I will deal with it now. It is unfortunate that the fact that nowadays women are committing more serious crime cannot be gainsaid. We have 16 female lifers. There are women who are involved in the drug trade. It is no longer the case that only shoplifters and so on are ending up in jail.

Sentencing is carried out on the basis that it should provide deterrence, punishment and protection of the public. There are not too many people who are in jail whose sentence does not fall into one of those categories.

I turn to fine defaulters, about which we can do something. It may be the case that only two women are in jail for fine default today, but tomorrow another two will go to jail and on Monday there will be three more in jail. By any stretch of the imagination, in the course of a year

there are probably 400 to 500 admissions for fine default. We must consider how that can be avoided. I forget who made the point, but many of the women who end up in jail because of unpaid fines for prostitution do so on the basis of a roll-up. They have no intention of paying the fines that they receive and serve a one or two-day sentence simply to clear the debt. That is a completely unsatisfactory way of dealing with the matter. We must consider the question of prostitution, although that is for another day.

I do not think that women are sent to prison very often for not paying their television licence fee. Stewart Stevenson made the interesting suggestion that that should be regarded as a civil matter. Although it is possible to argue that case, it raises the question where we draw the line. Should motor vehicle excise cases be handled in the same way? I do not know. It is simple to prevent people from going to jail for not paying fines. I am sorry to keep banging on about this, but the most sensible solution is to deduct the fines at source, either from salaries or from benefits. That would avoid having to send people to jail.

The third category of prisoners is remand prisoners. It is clear that to be in prison on remand is an unhappy situation in which to find oneself, but we must put ourselves in judges' position. They have to deal with women who come back time and again for shoplifting while they are on bail. After about the ninth or 10th not guilty plea, they must be remanded in custody. There is no way round that problem.

Jeremy Purvis: The member will have heard in my speech that the sole means of income of 66 per cent of women in prison is income support. Is he aware of the potential impact on those women and their families of taking fines from benefits? Bill Aitken has not addressed why the district courts are not using community service disposals at an increased rate when it comes to fine default.

Bill Aitken: The member should give me time. It is a fact that fines are frequently imposed on people who are unemployed. I am sorry, but even though their benefit may have been fixed at a low level, the money must be paid. The disposal of community service is not always available to district court judges. It is available in the stipendiary magistrate courts in Glasgow.

The 218 time-out centre was an innovative idea, but I am afraid that the jury is out on whether it will be successful. What I hear may be apocryphal, but I think that there have been problems with it.

We must consider all the arguments. Much can be taken out of the debate; it is a pity that it is not longer. There are measures that can be taken to reduce the female population in prison, but they must be applied with a degree of realism, common sense and—dare I say it—innovation.

15:49

Patrick Harvie (Glasgow) (Green): The problem of women offenders has been known for a long time. Colin Fox told us of the aspirations in the 1970s, and other members have mentioned the many reports that have been produced since then. The one that was published in 1998, just before devolution, "Women Offenders—A Safer Way", sent a clear message to ministers that the number of women offenders could and should be reduced. Community service was being used less frequently for women than for men, although very few female convictions—less than 1 per cent—were for violent offences. The report highlighted the prevalence among women offenders of a history of emotional, physical and sexual abuse, suicide attempts, mental health problems and drug problems, and it also highlighted issues to do with dependent children—and yet the problem persists.

In the first five years of devolution, we saw a 40 per cent increase in the average female prison population, and Cathy Jamieson's motion today notes that that increase continues. The Executive is aware that previous attempts to address the problem have not been successful and the motion acknowledges some of what the Executive now believes is necessary to make progress. I support many of those specific commitments, but I believe not only that specific commitments are necessary but that the underlying philosophy has to be right as well. I want to address the general issues relating to the criminal justice system first, before focusing on the specific issues of women prisoners.

Community sentences and alternatives to custody are, of course, the right approach, but the availability of sentences is not enough unless, as Pauline McNeill noted, there is a possibility of those sentences being put into practice. It is not just a question of integrating services inside and outside prison, to which the motion makes a commitment. There must also be much wider availability of services.

The Executive is still too committed to the concepts underlying punitive justice. People with mental health problems and substance misuse problems do not belong in prison. They need hospitals, rehabilitation services, care and support, and that need for care and support should be the defining factor in the way in which the state treats them.

Hugh Henry: I do not disagree with some of what Patrick Harvie says, but I struggle to identify in any of Cathy Jamieson's remarks today—or indeed in anything that has been said before—any indication that the Executive believes in punishment for the group of prisoners whom we are discussing today. However, as Bill Aitken has recognised, there is an increasing number of

women who are committing violent offences. In those circumstances, it is appropriate to deal with prisoners in a more punitive and severe way. However, in relation to the vast majority of the people whom we are talking about, we share Mr Harvie's aspirations.

Patrick Harvie: As I said, I intend to address the general point about the criminal justice system. The Executive's own documents make it clear that it regards retribution as part of the purpose of prison. That is a point that I have made before.

Cathy Jamieson: Will Patrick Harvie give way?

Patrick Harvie: I would like to move on.

It is not a matter of being soft on crime—whatever that might mean—or of focusing on the needs of offenders at the expense of the needs of victims, because those needs are the same needs. In introducing the legislative programme for 2004-05, Jack McConnell said:

"too many offenders leave only to reappear in the police cells and courts—and back into the prison ... This cycle is wasteful—of time, of money, of lives. It is especially wasteful of each new victim's life."

The most wasteful way in which we can fail to meet the needs of victims is by failing to meet the needs of offenders, because that will lead to the creation of more victims tomorrow.

In the partnership agreement, the Executive commits itself to expanding the role of restorative justice, but ministers seem to want to hang on at the same time to concepts of punitive justice, saying that we cannot yet be sure of the effectiveness of adult restorative justice. However, we know with certainty that what we are doing at the moment to vulnerable people who commit offences is making matters worse. I am not suggesting for a moment that we should ignore the unacceptability of their offences, but neither should we let ourselves be blind to life circumstances or lose our sense of compassion. It is that compassion, not our baser instincts for retribution, that will create hope that things can change.

Much of what I have said so far—and I have spent too much time on it—applies equally to men and to women. However, for women offenders, the need for a new approach is all the more urgent. An extraordinary mismatch exists between the Executive's stated intention to imprison only those who need to be imprisoned for the protection of the public and the reality that only a tiny minority of convictions of women are for violent offences. Far too many women are being sent to prison without good cause. The distinctive nature of the problem is shown by the fact that a high proportion of women prisoners have experienced abuse, homelessness, housing insecurity, addiction, mental health problems, poverty, debt or local

authority care, or have been the victims of other crimes.

A far higher proportion of women prisoners than men prisoners have dependent children and that, too, serves to show the distinctive needs of this group of people. It should remind us that in addition to the duty of care to the victims of crime and the duty of care to offenders, to give them the chance of change, we have a duty of care to the next generation, some of whom will be victims and others of whom will be offenders. Shame on us if we allow the sins of the mother to be visited on the sons and the daughters.

15:56

Elaine Smith (Coatbridge and Chryston) (Lab): My interest in women in the justice system was fostered after reading Helena Kennedy's book "Eve Was Framed: Women and British Justice" in the early 1990s. Although by the end of the book, the jury is still out on whether Eve was framed, Helena Kennedy leaves the reader in no doubt that women do not get a fair deal at the hands of the criminal justice system.

I am pleased to speak in support of the Executive motion. The Executive is undoubtedly committed to reforming the criminal justice system and to reducing the number of women in prison. A number of initiatives have already been introduced as alternatives to custody.

We need to be clear that community sentences are not a soft option. They provide an element of punishment and—perhaps more significantly—of rehabilitation. Most important, community sentences keep families together and so are better for the welfare of children. Kate Maclean and Patrick Harvie referred to that fact.

Separating young children from their mother causes trauma that can often lead to mental illness or profound emotional problems. Recent research shows that 30 per cent of prisoners' children suffer significant mental health problems; the comparable figure for the general population is 10 per cent. The Prison Reform Trust estimates that only 5 per cent of female prisoners' children remain in their own home after their mother is imprisoned.

When we note that many of the young women offenders who enter the system come from chaotic family backgrounds and that a high proportion of them were looked after by local authorities, we see that imprisoning mothers can become a self-perpetuating cycle. Society has nothing to gain from enforcing increased instability in society and from perpetuating looked-after situations in the lives of more and more children.

Research has shown that even short stays in prison can make it more difficult for women to

settle back into their community. They result in problems with housing, with taking back care of their children and with reconnecting to services outwith prison. We should be concerned about the number of women who are held on remand for short periods of time in Scotland's prisons. Between 1994 and 2003, the number of female receptions on remand almost doubled.

The report "Punishment First—Verdict Later?", which was published by Her Majesty's inspectorate of prisons for Scotland in 2000, reminded us that individuals on pre-trial remand are innocent in the eyes of the law and that a large proportion of those in post-trial situations are unlikely to receive a custodial sentence. That begs the question why we feel it is necessary to imprison women when they pose little or no threat to their communities.

Since 2003, the Executive has taken action on the issue and has developed an innovative initiative in the 218 time-out project, which is the first of its kind in the United Kingdom. The initiative was mentioned by the minister and also by Pauline McNeill. The 218 project offers programmes of care, support and development to women offenders that are designed to stop their offending by tackling substance misuse and the trauma and poverty that drive that misuse.

The 218 project combines a detox facility with residential and day programmes and provides support and outreach to health, social work and housing services. Given that the project is expected to restore and promote greater confidence in community disposals, I was concerned to hear the point that Pauline McNeill raised and would be interested to hear the minister's comments on it. I would also be interested to know from the minister whether the project has been a success so far and, if so, whether it will be rolled out.

In any discussion about female offenders, it is essential to consider the overarching influence of poverty on patterns of female offending—an issue on which we have amendments today. Women are disproportionately represented in the figures for so-called crimes of indecency, namely prostitution, and they comprise a higher than average proportion of those who are convicted for shoplifting, other theft and non-payment of TV licences—the kinds of things that other members have mentioned today. All those offences are either directly or indirectly linked to financial hardship and poverty. Frankly, it is ridiculous that financial penalties, followed by prison when women fail to pay, are imposed on women whose behaviour is in effect the result of poverty and social exclusion in the first place. It makes no sense.

Dr McLellan of HMIP summed up the situation in his report on Cornton Vale in 2004, when he said:

"Eighty per cent of prisoners ... have a history of mental illness ... 90% of admissions have addiction problems"

and

"Over 60% have a history of being abused".

The question must be asked: what will prison do for them? The minister touched upon the fact that we must examine what prison can offer in terms of rehabilitation.

I want to mention briefly the storybook mums initiative, which is due to be introduced in Cornton Vale next week. It is a positive initiative that was outlined in the *Sunday Herald* a couple of weeks ago. The project will allow mothers to record CDs of stories in their own voices for their children, which is important when we consider that research shows that prisoners are less likely to reoffend if they are able to maintain contact with their families while in custody. It is also important for the children. Another worthwhile project is being developed by Routes Out, which I do not have time to go into, but it involves intervention within prison.

It makes no sense to send women to prison as a punishment, as others have said. I return to Helena Kennedy's book. She proposed in 1992 that real alternatives to prison should be created, such as appropriate community service, hostels and rehabilitation centres. She made the sensible suggestion—which might address the point that Kate Maclean made so passionately—that before any mother is sent to prison, the court should obtain the details of the likely impact on their child, and reasons should be given for not imposing an alternative to incarceration. Helena Kennedy stated:

"If the modern spirit of sentencing policy behind the new Criminal Justice Act 1991 is truly that prisons are places for dealing with serious crime, particularly violence, then it should be translated into reality by the judges, and our female prisons particularly could virtually be emptied."

Sadly, more than a decade later, the number of women in prison is actually going up, which is uneconomical, unnecessary and unacceptable.

16:02

Michael Matheson (Central Scotland) (SNP):

Over the past six years in this Parliament, there has been a variety of debates on our criminal justice system, a number of which have been about our increasing prison population. In those debates, particular attention has been paid to and concern expressed about the ever-increasing female prison population. However, despite the parliamentary scrutiny of the matter in this chamber and in the justice committees, our general prison population continues to rise, and our female prison population in particular.

I welcome the fact that we are having a specific debate on female offenders and women prisoners. One of the key elements in tackling the matter is ensuring that we acknowledge the specific issues that surround female offending. That is why it is important that we do not lift off the shelf the methods that we have used to tackle male offenders, but instead recognise the specific issues that surround female offending. Members throughout the chamber acknowledge that we are locking up too many women for crimes that they should not be in prison for.

I recall that, when giving evidence to the Justice and Home Affairs Committee in September 1999, the former chief inspector of prisons, Clive Fairweather, said that, in general, those who are in Cornton Vale are sad, not bad. The complexity of the situation, with people being locked up in Cornton Vale who should not be there, was clearly demonstrated in research that Dr Nancy Loucks carried out back in 1998. She demonstrated that, over a period of time, 82 per cent of women who ended up in Cornton Vale had been subject to some form of abuse in their lives. Some 46 per cent had been subject to sexual abuse and 60 per cent had been subject to physical abuse. Those statistics demonstrate that there is a real story of human misery and tragedy behind many individuals who end up in Cornton Vale for the criminal acts that they have committed.

If we are to be committed to tackling the problem, we must be prepared to tackle the causes behind women committing criminal offences in the first place. Sadly, in political debates on the issue in the chamber, when a member recognises a problem in someone's background, they are sometimes accused—by the Conservatives in particular—of being soft on crime and of not recognising the crimes that are committed against victims. However, that is not the issue. The issue is about recognising the complexity of the matter and not about condoning people's criminal behaviour. We should be honest about the need to tackle the complexity that lies behind the matter.

I do not for one minute question the minister's commitment to reducing the number of female prisoners in Scotland, but the question of whether she can deliver on her commitment to address the problem remains. In his four-year period of office, the previous Minister for Justice—Jim Wallace—was clearly committed to driving down the number of female prisoners in Scotland, but he simply failed to do so. Before him, Henry McLeish, as a minister with responsibility for home affairs at the Scottish Office, stated in 1998 that he was committed to driving down the female prison population. However, seven years on, ministers have failed to address the matter.

Margaret Mitchell *rose—*

Cathy Jamieson *rose—*

Michael Matheson: I give way to Margaret Mitchell.

Margaret Mitchell: Does the member's aim of reducing the prison population and the number of women in prison extend to refusing to jail more women if they commit more serious offences and there is an increase in such offences, which we know that there is?

Michael Matheson: Sadly, that simplistic and naive approach continually undermines the debate. Too often, the Conservatives seek to run with the public trend of condemning people rather than to show political leadership to tackle the problem. The issue is not about letting off people who have committed serious crimes, but about recognising that we are locking up people for committing crimes for which they simply should not be in prison.

Cathy Jamieson: On political leadership, does the member accept that, however much commitment they demonstrate, no individual can single-handedly succeed in the matter? Politicians must be involved in the approach to it, but every agency that works with people in the criminal justice system and in our communities has an interest in it. The task is to garner that support in order to move forward.

Michael Matheson: I recognise that inter-agency and departmental co-operation is needed to ensure that things work properly to tackle the issue, but we also recognise the systemic nature of the problem. Over the 10-year period between 1994 and 2003, the female prison population in Scotland increased by 68 per cent, which is four times the rate of growth of the male prison population. That clearly suggests that there is a systemic problem that must be addressed.

I hope that, for the strategy that the minister is pushing forward to address the issue, the Executive is realistic and ensures that resources are available to deliver the services that are necessary. If the Executive fails to deliver those services at a prison and a community level, it will fail to address what other ministers with responsibility for justice have failed to address for the past six years.

16:09

Mrs Mary Mulligan (Linlithgow) (Lab): Listening to members has been interesting. There are similar concerns, and the actions that have been taken so far to allow women to stay out of prison have been supported, which should give us hope that we will not wait another 35 years before we see progress, which Colin Fox suggested that we would have to do.

I acknowledge the genuine puzzlement of many members about why so many women end up in our prisons. As has been said, most women are minor offenders—such offences as theft, fine default and prostitution have been mentioned. Nevertheless, I believe that women can do anything that men can do, which unfortunately means that a woman could be violent or commit murder. For such women, prison is the right place; however, they make up only a small number of women prisoners, not the majority about whom we have been talking today.

The second annual report of the inter-agency forum on women's offending, which was published in January 2001, considered the patterns of women's offending. I will highlight two specific areas that it addressed, the first of which is prostitution. The IAF noted that different police policies could affect whether a woman is arrested for prostitution, and it cited Edinburgh and Glasgow as clear examples of cities with different policies. It was also shown that women are disproportionately penalised for prostitution-related offences and that their criminalisation seems to lead them into a spiral of reoffending and fine default, with prison often being the end result.

The other issue that the IAF highlighted, which I want to note, is fine default. The 2001 report stated that more than half of all females who were sentenced to prison were there for fine default. We have heard that again this afternoon. More recently, the Justice 1 Committee's report on alternatives to custody stated that the committee had heard evidence that

"almost half the women are in custody for fine default with an average sentence of nine days and their average outstanding fine is £214".

No one could say that it is right to have so many women in prison for fine default; however, as we have seen, in the three years since then, little progress has been made. Why is progress so slow?

There are alternatives to custody, to which I will return. Before I do that, I will comment on the women who find themselves in the prison population. In a previous life, I was a member of the Justice 2 Committee, and we visited Cornton Vale prison as part of an inquiry into women and the criminal justice system. No one who has visited Cornton Vale can be unaware of the poor physical and, often, mental health of the women. We have heard about that from governors, prison officers and prison visitors, and we have heard about it again today. A recent presentation to the Justice 1 Committee by the Church of Scotland reinforced the reasons why people have concerns about the health of women in the prison system. One snapshot of the prison shows them clearly. More than half the women have an addiction; 80

per cent have experienced some form of abuse; a third have been psychiatric out-patients; a fifth have been admitted to psychiatric hospitals; and many have, at some time, self-harmed.

I have no reason to believe that those figures are unusual. Although I am aware that the Scottish Executive is investing in prison modernisation and in improving conditions in the prisons, I would like to hear from the minister that such work will include improving health care, especially in our women's prisons. That is not meant as a criticism of the health care that I saw at Cornton Vale; if anything, it is to all our shame that the care that women receive at Cornton Vale is often better than the care that they have received in the community. I have even heard it said that custodial sentences are given and might not be unwelcome because prison is a safer environment for some women.

Carolyn Leckie: Given the obvious vulnerability of the women, which the member has explained, does she think that it is acceptable that they are strip-searched and have their personal items removed; that restriction of their access to personal clothing is used as a punishment; and that restriction of access to the toilet can be used as a punishment? How does that help to improve the women's self-esteem and address all the problems that they exhibit?

Mrs Mulligan: We all want to ensure that the conditions that women experience in our prisons are such that the women are not degraded as has been suggested. However, the general message that we want to get across is that we need to ensure the highest possible standards for those who are in prison.

There are alternatives to prison. DTOs have been used and have been shown to be successful, and we want the number of women who are offered them to be increased. The 218 project, to which my colleague Pauline McNeill referred, is an example of the alternatives that can be offered.

The point that I want to ensure that the Parliament makes today is that alternatives to custody need to be accepted by our communities. We need people to understand that they are not a soft option and to ensure that those who hand out sentences have the confidence to use alternatives and that those alternatives help in the betterment of the women concerned.

I am pleased that the Executive introduced the debate. Women in prison need to be considered separately from men in prison; they are not just a subset. We must understand the reasons why most women offend, the options that are available to deal with their offending and how to help them through a prison sentence so that they can return to their communities and have a life in which they avoid reoffending.

16:16

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

I welcome the fact that the Executive motion acknowledges the problem of the continuing growth in the female prison population in Scotland, which, over a number of years, has risen from 137 to 312, which the minister said was the figure last week.

Many female prisoners have serious drug or alcohol problems and we must confront the reality of that fact. As many others have said, 90 per cent of women admitted to Cornton Vale have addiction problems, 80 per cent have a history of mental health problems and more than 60 per cent have a record of being abused.

Half the women in Cornton Vale each year are on remand and yet the majority do not go on to receive a custodial sentence. Elaine Smith made that point earlier, which I thought was valid because the statistic is concerning. We have to ask ourselves why so many women are on remand in prison and yet do not receive custodial sentences. If the offences that they commit are so trivial that they do not merit a custodial sentence, why are they on remand in the first place? We need to get to the crux of that issue. In addition, most women in Cornton Vale are serving very short sentences and about half appear to have been sent there for fine defaulting.

Given that 80 per cent of the women there have a history of mental health problems, we have to ask ourselves why, for example, only 6 per cent completed a course on anxiety problems in 2003-04. There is a large gulf between the number of prisoners with problems and the number of prisoners who attend courses that are designed to help them overcome those problems.

Figures show that more than 90 per cent of women in Cornton Vale have addiction problems and yet in 2003-04 only 12.5 per cent of them completed a 21-hour drug awareness course and only 9 per cent completed a course entitled, "Guide to Sensible Drinking". Audit Scotland reported that there are courses on drugs relapse prevention, alcohol awareness, advanced drug awareness and health choices. Not a single woman completed any of those courses at Cornton Vale in 2003-04. That makes me wonder whether they really are available to the prisoners, rather than just being available on paper. Were they just not available for the vast majority of women who registered an addiction problem but did not go on the courses that seemed designed for them? Why are the courses listed and yet no women are going on them, given that most of the women who enter the prison system register as having addiction problems? Was there a resource issue? That is why the amendment in the name of Stewart Stevenson is particularly appropriate, and

I had hoped that the Executive would support it. It seems to me that the courses that we offer must be taken up by women in prisons if we are to begin to wean them off drugs and alcohol and address some of the anger management problems that they face.

Women are held not only in Cornton Vale; a number of women prisoners in the west of Scotland are held at the jail in Greenock. Last year, other members of the justice committees and I visited Greenock and spoke to many of the women who were held there at the time. Such women will be leaving Greenock soon. In August, they will be heading back to Cornton Vale, where work has been completed on its extension.

Stewart Stevenson raised the problem of holding women in prisons that are not specialist centres for women prisoners. Given that, one would have thought that women prisoners—whose number has averaged around 70 since the move to Greenock in November 2002—would welcome the move back to Cornton Vale, but it seems that they do not want to go back to Cornton Vale. From my personal experience of that visit, I know that many women prisoners have expressed a preference to stay in Greenock rather than return to Cornton Vale. A recent article in the local newspaper included a quote from a woman prisoner, who said:

"Greenock is much better than Cornton Vale. If you want something here, the staff try to help you."

Another woman prisoner said:

"I find here very good because staff will hear you out, even if nothing comes of it. Cornton Vale hands you a form for a complaint."

Those comments suggest that, although there can be no argument about whether Cornton Vale jail has improved, it still has problems.

Like the women in Cornton Vale, most of the women in Greenock prison are in custody for a variety of mostly low-level offences. They are much more likely than men to have been imprisoned for low-level offences. In a recent interview, the governor of Greenock prison said:

"Female prisoners are different because they come into prison but still have to be the parent and family provider. When you come into prison as a single parent, your children go into care and you have to maintain a relationship with social workers and schools through the prison walls. ...When the women meet their kids and partners, it's very tearful and difficult. Kids are often reluctant to leave the room. Cornton Vale works on a different agenda. It would seem the staff relationship is better here."

In that interview, Governor McGill also said:

"There's 66 females in right now and none of them poses a threat to the community; none that you could not put a tag on and let them out tomorrow."

If the women prisoners pose no threat to society, why are they in prison in the first place? The Executive has a responsibility to ensure that we imprison only those women who pose a threat to society, especially when imprisonment might involve taking away the only parent that a child has. Where women are imprisoned, the Executive must make available the necessary resources to ensure that proper treatment is available to enable them to avoid re-entering the prison system. That means that we must ensure that the courses that are listed are available to all prisoners, including female prisoners.

I urge the Executive to give serious consideration to alternatives to custody for many women offenders and to make available the necessary funding to ensure that those are put in place.

The Deputy Presiding Officer (Murray Tosh): We move now to closing speeches.

16:22

Ms Rosemary Byrne (South of Scotland) (SSP): I welcome today's debate and the consensus that has emerged that we lock up too many women. It is good that we have all come to that realisation, which I hope the minister will take on board. There is no doubt in my mind that many women prisoners simply would not need to be in prison if we had proper drug treatment and rehab in the community. After all, some 90 per cent of women prisoners in Cornton Vale have a drug misuse problem. For every pound that is spent on rehab, at least £9.50 is saved on criminal justice services, according to the latest figures from the Scottish Drugs Forum.

Postcode treatment is also an issue in prisons. Many areas of Scotland have no prescribing doctor who is willing to prescribe methadone or put prisoners on to maintenance programmes. That is an increasing problem for the young women who go through the revolving door, whereby they enter prison and, on leaving, return to a drug dependency habit that causes them to end up in prison again due to their reoffending and returning to petty crime to feed their habit. Unless we get those services correct in our communities, that situation will continue.

From recent conversations with the agencies in North Ayrshire, I know that the social services and drugs rehabilitation agencies there have a problem with practitioners who are reluctant to act as prescribing doctors to people in prison. I ask the minister to look into the matter to find out what the situation is across Scotland. As long as treatment and support are patchy, we will not be able to cure the problem.

The treatment of women in the system has been appalling. Given the element, to which some

members have alluded, of women being treated differently from men, it seems to me that civil rights issues are also involved. It is quite clear that, in Bowhouse prison, because of the high degree of misuse of drugs in the prison, male prisoners were given easier access to a maintenance programme. I think that women are being very much discriminated against and that questions of human rights are raised.

Most of the women who are in jail pose no problem or threat to the public, as the majority of their offences are minor, as Colin Fox and others said.

The largest group of women—90 per cent—who are detained for drug-related offences are those who suffer from drug or alcohol addiction. Some 80 per cent of those women have mental health problems, as has been said already. I want to emphasise the point that I made when I intervened earlier to ask a question about the dual-diagnosis teams. Again, I ask the minister to ensure that that is looked into and that we have effective dual diagnosis in all our health boards. There is no doubt that the issue of drug and alcohol misuse is related to the issue of mental health. We should be treating both those problems in the same way.

Many of the women who are imprisoned are mothers. Most of them have a background of social deprivation and the implications for the children can be stark. Having a mother in prison has a greater effect on a family than having a father in prison because, in many cases, the mother who is imprisoned is a single parent—the only parent in the household. In such situations, arrangements have to be made for the care of any children. The separation of young children from their mothers can have long-term effects, as Elaine Smith outlined. They can have social, emotional and behavioural problems in later life and there is an increased risk that those children will become offenders. More than a quarter of women prisoners have been in care. That is a stark figure. We require a range of alternatives to prison, based on the requirement to provide rehabilitation and community involvement. I welcome the minister's statements on that and look forward to progress in that regard.

We do not want the revolving-door syndrome to continue. I visited Greenock prison recently and spoke to a group of young women from Ayrshire. The story that I got from all of them was that, when they left prison, they came back again within two, four or six weeks as a result of committing the same minor offences related to their drug misuse. They told me that if they had got on to a methadone maintenance programme, they could have stayed in the community. However, they need the correct support, which is why we need community-based rehabilitation facilities, which I

have proposed in my member's bill. We need those facilities because people who have been stabilised or who are going through detoxification need support in the community to keep them level. That is crucial and I hope that work will be done on that issue.

I welcome today's announcement of the tower project that will be piloted in Motherwell. I hope that the proposal goes ahead.

16:28

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I am sorry about the partial collapse of my desk but, as a former member of the Holyrood progress group, members will understand that I take an interest in snagging in the building.

I am not an expert on the subject of this debate, having only fairly recently joined the Justice 1 Committee, but I have listened to the debate with great interest. The speeches from all parts of the chamber have been worth while and I believe that I have learned things this afternoon that I did not know before.

I will make two points that occurred to me as something of a layman in these matters. There are 312 female prisoners. The minister is right to say that that is not as bad as the situation in England or Wales, but it is a lot worse than the situation in Denmark. The minister said that we can do better and talked about community options and the 218 time-out centre, as did Pauline McNeill and other members.

The figure of 312 prisoners sounds like a statistic, and lots of us go through life not quite appreciating what lies behind a statistic until something happens and, in a blinding flash, we realise what the statistic means. In that regard, I will tell members a short tale.

Quite recently, John Farquhar Munro and I visited a prison in Scotland and got talking to two male prisoners in a cell, one in the upper bunk and one in the lower. On the wall opposite the guy in the lower bunk was a picture of a child who had recently graduated. The guy on the upper bunk told us that he was going to get out before Easter and the guy on the lower bunk said he had a bit more time to do. He seemed a nice, decent, sad guy in his early sixties. When we were walking away from the cell, the governor said, "Of course, you'll understand that, because of the nature of their crimes, they cannot mix more freely with the other prisoners." I hope that this does not sound stupid, but I felt an awful chill and suddenly realised the extent of that man's personal tragedy and that of his family. Let us not try to weigh up bad against sad, but that was sad. At last, I came to realise how desperately we do not want to

incarcerate people. Everyone is right to try to reduce the number of females who are in prison. That is the understanding that I came to—thank goodness—and I am sure that lots of people have reached that understanding before me.

Annabel Goldie talked about the role of chaplains. Interestingly, when pushed by Jeremy Purvis on the issue of community work, Bill Aitken said that, to be fair to the judges, it was not always available as a disposal; it is available in Glasgow but not in other places. As a layman, one would say—

The Deputy Presiding Officer: Mr Stone, it would be better if you addressed your remarks towards your microphone all the time. The sound is wavering as you turn and face sideways.

Hugh Henry: That is just a bonus.

Mr Stone: I shall therefore speak more clearly, particularly in the minister's direction.

My question to Bill Aitken is why such community work is not more widely available. If I am getting the minister's message right, in developing 218 and similar projects, one has to demonstrate to those on the bench that there are workable and viable alternatives that will not leave them with egg on their faces. However, I absolutely endorse the remarks made by Labour members behind me about people being seen to be soft on crime. That is not the point—the point is that we do not want such people in prison. It is crazy to put women inside because they cannot pay their TV licences.

A lot of MSPs visit prisons—I suggest that that is part of the job. I was a councillor for long enough in the Highlands and I did not visit Inverness prison. An awful lot of councillors, MSPs and others still do not visit prisons. Therefore, despite the good work that is being done inside prison by social work and prison staff, I still think that society can play a much bigger role, not just through people visiting prisoners but through people bringing literature and art to them. Yes, they are incarcerated and—alas—some will always have to be incarcerated; that is a sad fact. However, I believe that if society stretches out the hand of friendship to them while they are inside, that will better prepare them for when they come out.

I applaud the minister's work. Positive suggestions have been made by members on all sides of the chamber and I assume that the minister will consider them carefully to see what we can get out of working with them. If we can work more closely with local authorities, agencies and charities and encourage them to get into the prisons and among the prisoners, they can do great work, not least by healing the wounds in society and bringing people back as responsible members of society.

The debate has been most interesting and I will follow the subject with great interest. It has been a privilege to join the debate, albeit in a wavering voice and with a collapsed desk.

16:33

Margaret Mitchell (Central Scotland) (Con):

There are too many women in prison who should not be there. That is the loud and clear message from the chamber today. It has come from the minister, Stewart Stevenson, Colin Fox, Patrick Harvie and others. It is also an observation with which I agree. However, that most certainly does not mean advocating different or special treatment or a soft-option approach for women who commit crimes.

Prison and custodial sentences are intended to serve four main purposes: rehabilitation, public protection, punishment and deterrence. If the offence committed merits a custodial sentence—and such crime is on the increase—we should quite simply jail more people, men and women alike. Instead—and I genuinely regret this—the Executive is sending out entirely the wrong message by its refusal to end automatic early release. That stance is merely increasing the revolving-door, reoffending syndrome in Scottish prisons.

Bill Aitken and the deputy minister have both confirmed that more women are committing serious crimes. Ending automatic early release would send a clear message that those crimes will not be tolerated. Ten years should mean 10 years.

Mr Stone *rose—*

Hugh Henry *rose—*

Carolyn Leckie *rose—*

The Deputy Presiding Officer: I think that Mr Henry won that particular competition. No, it was Mr Stone.

Margaret Mitchell: Quickly.

Mr Stone: Is Margaret Mitchell seriously suggesting that we should not be tackling the reasons why those women have been led into crime?

Margaret Mitchell: If Jamie Stone will possess his soul in patience—I know that that is difficult for him—we will get to that point.

If we have to build more prisons to cope with an increasing prison population—to ensure that the prison experience deters and that it aids the rehabilitation process in order to stop reoffending—so be it.

The acknowledgement that too many women are in prison is not about prison numbers, as Michael Matheson seemed to suggest. Rather, we

have to focus on the fact that a large proportion of the female prison population should not be there. More worrying still, a Scottish Executive report of last year in which bail and custody trends were analysed suggested that male offenders were more likely to be jailed for crimes of violence and dishonesty, whereas female offenders were more often remanded on lesser charges such as shoplifting and other thefts. If this debate does nothing else but highlight and redress that injustice, it will have achieved some positive effect.

I hope that we can also put the spotlight on the number of women who are sentenced for defaulting on fines. We should encourage the use of civil diligence to recover those fines directly from the salaries and benefits of wilful fine defaulters—such as Carolyn Leckie—who can pay but won't pay and who abuse the criminal justice system at taxpayers' expense merely to grandstand and attract publicity.

For the other categories of fine defaulters who have financial difficulties, resources must be put in place to help them with money management. I would advocate more use of supervised attendance orders.

We know that 90 per cent of the women in Cornton Vale are there for drug-related or other addiction-related offences. The minister must therefore provide sufficient drug and alcohol rehabilitation services, coupled with community-based services. I very much welcome her announcement about the tower project in Motherwell. However, we need more such projects.

We also need an extension of the availability of drug testing and treatment orders, which, as Pauline McNeill rightly pointed out, should be available to all Scottish courts. They should also be available to children's panels.

If this debate is to be worth while and not merely a discussion of a relatively uncontentious subject to fill debating space during an election campaign, I issue the minister the following challenge. In February, during justice questions, I asked her whether she would commission an accessible directory of drug and alcohol treatment places and programmes, with up-to-date information so that adults and their families could access the programmes. Her response was that the information was available and that she declined to act. She missed the point. Our amendment is intended to highlight the fact that early intervention is crucial. In the same way, it is absolutely essential that adults and their families know how and where to access such information quickly and at short notice, so that they can seize the moment.

My challenge to the minister is to ensure that this debate is not just about warm words and good

intentions. She must make it count by announcing today that she will commission such a directory for Scotland.

16:39

Christine Grahame (South of Scotland) (SNP): I ask members to forgive me, but I have found the debate rather depressing because I know from my previous life in the Parliament on the Justice 1 Committee—I am a former convener of that committee—that all the things that are being said have been said for the past six years. We know that too many women are imprisoned and that many of them are imprisoned for completely the wrong reasons and to ill, rather than to good, effect. I remember a procurator fiscal saying that prisoners in the main were bad, mad or sad. It has already been said that many of the prisoners in Cornton Vale are very sad, damaged people.

We know that government moves slowly, but I must go back to a comment that was made in 1999 by the then Deputy Minister for Justice. He stated that

“the only relatively sure method of dealing with the problems associated with women in prisons is to make a significant reduction in the number ... going to prison”.—
[*Official Report*, 16 December 1999; Vol 3, c 1774.]

That has not happened and, in my book, taking six years is too slow.

Good and worthy comments have been made by many members throughout the chamber. I will touch on as many of those comments as possible. The points are consensual, which is why I feel that progress must be accelerated. We must not stand in the chamber in a year's time debating the same issues with the same worthy comments being made.

The 218 time-out centre is to be welcomed, but I understand that it has a small capacity of approximately 20. That hardly touches the problem of rehabilitating women and diverting them from prison.

On the info packs for sheriffs, I remember that when I was convener of the Justice 1 Committee, we went to great lengths to examine alternatives to custody and to look for a way whereby sheriffs could access information about such alternatives. I can only be glad that that work is moving forward, hence my question about information being put on an electronic database. Sheriffs are modern people: they could press a button and find out what places are available on the day, if the information existed. Sheriffs will not use alternatives to custody if they do not know what is available; they would have no option but to send women to prison. As Pauline McNeill said, sometimes they do so for reasons related to the

health of the woman. Sheriffs sometimes look at a woman and say that the only way in which she can be helped and given a structured programme is by being put into Cornton Vale. That is the wrong reason for imprisoning someone.

Stewart Stevenson raised important issues about short sentences. We all know that they are not meaningful and that there is a revolving-door syndrome—prison becomes a habit. The process is costly to the individual and to the public purse, but it achieves nothing. He also raised the issue of decriminalising some offences, such as non-payment of the TV licence. I know that that matter is reserved, but it is an important issue. It is a farce that people are imprisoned for non-payment of their TV licence.

Linda Fabiani touched on the important issue of voluntary organisations. During the Justice 1 Committee's inquiry into alternatives to custody, we kept coming across the issue of funding for worthy organisations that were providing alternatives to custody. They sometimes had three or four funding sources and used acres of paper and a lot of their time trying to access funding, and all their grants lasted for different periods of time. That must be addressed. When a project is successful it should be given core funding to keep it going.

Michael Matheson raised the important issue of the systemic nature of the reasons why women offend. That issue was also raised by other members.

Stewart Maxwell pointed out that half the women in Cornton Vale each year are on remand and that many do not go on to a custodial sentence. That is another curable nonsense.

Short sentences and low-level offences have been mentioned. People should not be imprisoned for low-level offences. Members have also raised the huge social and human impact that a person's imprisonment has on their family.

Mary Mulligan raised the issue of how wrong it is to put fine defaulters into prison. She also referred to the Justice 1 Committee's alternatives to custody report and raised the health issues that face many of the women. She asked why progress has been so slow, but I do not think that she gave us an answer—I hope that the minister will do so.

Annabel Goldie rightly addressed the issue of maintaining the confidence of the public in our sentencing policy. She also agreed that prison is not relevant for many women prisoners. I agree with her comment that there must be effective collection of fines when they are properly imposed: again, we must ensure that we take the public with us. I was glad to hear her mention the issue of alcohol abuse, because it often gets missed in the mixture of problems that many of the women have.

I say to Annabel Goldie that both the Conservative and the SNP amendments could be agreed to—the Conservative amendment could follow the SNP amendment, if SSP members were good enough not to pursue their amendment.

Bill Aitken talked about how prison sentences impinge on families. He was quite right, and the matter was raised over and over again during the debate. I think that Bill Aitken is not unsympathetic to the idea that the failure to pay one's TV licence should not lead to imprisonment—

Bill Aitken: It is arguable.

Christine Grahame: It is arguable; I give Bill Aitken that.

Colin Fox was right to say that there are wider social issues. Poverty drives many people into criminal activity, which is often low-level activity in which people are themselves victims. That point was also made over and over again. However, I cannot agree with him that no women should be in jail—I think he said that, although I do not know whether he meant it—because obviously a woman who commits a serious criminal offence such as murder or assault should be treated no differently from a man who commits the same offence. Society must be protected and there must be an element of punishment, which might include the removal of someone's liberty, for certain offences.

Pauline McNeill referred to very damaged women. We all agree that that is a problem, particularly in Glasgow, where 90 per cent of prostitutes are on drugs—a horrific figure. Pauline McNeill used an expression that I will remember; she said that street prostitutes lead a "brutal" existence. A system that allows such people to end up in prison is not compassionate.

Elaine Smith referred to community sentences. I agree with her that such sentences are not a soft option, but she will have to take the public with her, because when the public read that someone has been put in jail they think that the problem has been dealt with and has gone away—that is not the case, of course.

Patrick Harvie questioned the philosophy that underpins punitive justice. As I said, there is a role for punishment in some circumstances, but in others there must be compassion and rehabilitation. The approach will depend on the nature of the offence and the individual.

I will quickly pose a few questions for the minister. Did she have discussions with the Sheriffs Association on the difficulties of implementing alternatives to custody? What input and return will there be on the information pack for sheriffs? Is the minister concerned about bullying in Cornton Vale prison, which was mentioned in the report by Her Majesty's inspectorate of

prisons? It is not all roses in Cornton Vale. Finally—this is a hard nut to crack—when will there be a return even to the 1999 numbers of women in prison in Scotland, when there were slightly more than 200 women in Cornton Vale prison?

16:47

The Deputy Minister for Justice (Hugh Henry): I understand that Christine Grahame is disappointed and, to some extent, frustrated by the fact that we have gone over ground that has been covered previously. However, on the whole, the debate has been good, measured and constructive. Members acknowledged generally that there is some consensus, not only about the nature of the problem but about how we address it. Although members raised issues to do with investment, which I will talk about, I did not hear them say that they would do things very differently. However, there is much on which we can improve and indeed need to improve.

The only dispiriting aspect of the debate was Margaret Mitchell's ill-judged speech, which was out of kilter not only with the speeches of members of other parties, but with those of her colleagues on the Conservative benches. It takes some going to make Bill Aitken look like a conciliatory moderate. If anyone was guilty of politicking in the debate, it was Margaret Mitchell. Some of her comments about ending automatic early release were completely misplaced and I would be interested to see the statistics that she has in relation to women offenders, which would be affected by her allegations about ending automatic early release. I suspect that her remarks were intended for somewhere else rather than for this debate.

However, on the whole we have had a good debate, with some telling speeches. We all acknowledge that there are far too many women in prison who do not need to be there. The Minister for Justice outlined our aspirations, and I repeat that we want to move forward with three distinct aspects of our policy. First, we want to provide suitable and credible alternatives to custody for female offenders so that as few people as possible are sent to prison unnecessarily. I will return to that point.

Secondly, we must ensure that those female offenders for whom prison is the most appropriate disposal receive the services and support that they need. As Christine Grahame, Bill Aitken and others said, there are, regrettably, some people who need to go to prison. Patrick Harvie mentioned that he thought that only a tiny minority of women in prison are there for violent offences, but a snapshot that we took last year showed that 37 per cent of the women who were in Cornton

Vale at that time were there for violent offences. That is a minority, but it is not a tiny minority, as Patrick Harvie suggested. Just as significantly, we need to ensure that female offenders receive the services and support that they need on their release. The minister touched on the work of the proposed criminal justice authorities, and the work that we are doing to try to reduce reoffending is pertinent to that.

Thirdly, we need to look at the wider social problems of poverty, social exclusion, drugs, sexual abuse and prostitution, because all those factors can and do lead to offending. Colin Fox and a number of other members touched on that, and we are doing some work on all those issues.

Stewart Stevenson and others mentioned that short-term sentences, often for failure to pay fines, seem to be more prevalent for women. Other members dealt succinctly with that issue and I do not need to repeat what they said. The fact is that prison is not necessarily the best place for such women and there should be alternatives for them. Pauline McNeill mentioned the 218 time-out centre, and she was echoed by Stewart Stevenson and Bill Aitken. It is interesting that the speeches of Pauline McNeill and Bill Aitken, who are fairly close to the issue, were slightly different from those of a number of other members. Those who mentioned the positive aspects of the centre were right to recognise the good work that is being done, but it is incumbent on us to listen to some of the other comments that were made by Bill Aitken and Pauline McNeill, because they are absolutely right. We have invested a lot of money in that pilot project and we want to see what it delivers.

Pauline McNeill's point is the fundamental one: the 218 time-out centre project must be seen as an alternative to custody. It cannot be seen as a soft option for people to get rehabilitation should they need it. Although the project may well help people with rehabilitation needs, if that is all that it does—if it does not address alternatives to imprisonment—it will have failed. We need to wait and see what comes from the pilot project. There have been some good examples of cases in which the centre has worked with women who have been in and out of prison and their lives have been transformed by their having access to it. However, we need to bear in mind the points that Pauline McNeill succinctly raised.

Annabel Goldie was right to say, as a number of us have said, that if the safety of society requires imprisonment, that may be the correct option, but we need to put the matter in perspective. We are talking about a minority of women offenders. She was right to say that judicial judgment should be respected, but Kate Maclean and others mentioned their concerns about the judicial system not using alternatives sufficiently. We need to

respect judicial judgment, but equally there is a responsibility on us as ministers to ensure that those who are responsible for sentencing are not only properly informed of sentences, but have confidence in the credibility of sentences.

Christine Grahame asked whether the Minister for Justice has had discussions with the Sheriffs Association. The minister has had discussions and our officials are working with the Sheriffs Association to ensure that the relevant information is provided. It is interesting that the association has responded positively to the minister about the success of drug treatment and testing orders. We must ensure that the interventions that we offer are valid, credible and properly accredited. The work of the community justice accreditation panel should help to provide more confidence.

Annabel Goldie talked about respecting addicted people's wish not to take methadone and about helping people to stop taking methadone. She is right. The Executive has said more times than I care to remember that those who are on methadone should be offered help to stop taking it and that people who want to pursue abstinence should be helped to do so.

In her excellent speech, Rosemary Byrne described another alternative. Some women see a sustainable course of methadone as a way of overcoming cyclical entry into prison. The analysis that all that is involved is not going on to and coming off methadone is fairly simplistic and crude. Methadone has a role to play, but equally, so does abstinence. Rosemary Byrne put the situation in perspective.

Colin Fox echoed what several members said about having options outside prison, and I have spoken about issues such as poverty, sexual abuse and physical abuse. Colin Fox said that more day and residential services are needed and that the courts need more encouragement to consider such services. Several members, including Linda Fabiani, talked about the need for more money and for front loading. Linda Fabiani said that we needed reactive measures. The debate is not simply about money; it is about using our resources more effectively.

Carolyn Leckie: Will the minister give way?

Hugh Henry: No, thank you.

If a gap exists, we will seek to plug it. It would be a travesty to fail to recognise what has been done. That is not complacency. We have put money into arrest referral schemes, supervised attendance orders, structured deferred sentences and DTTOs. As for the criticisms of Cornton Vale, £3.7 million has been invested in new facilities there, where independent living units have been created and a family centre has been opened. In the community, we have initiatives such as the time-out centre,

electronic monitoring and other measures that I have mentioned. We have spent much money on creating alternatives to imprisonment, but that is not the whole answer—to take that view would be crude.

The debate was good and well informed. I take comfort from the fact that people are willing to work together. Elaine Smith mentioned excellent initiatives, such as the storybook mums scheme at Cornton Vale. I am also enormously encouraged that the willingness to work together is felt not just among members, but among a range of voluntary organisations throughout the country that want to contribute. The Minister for Justice is keen to hear from them. Our faith communities have also made a significant contribution. The report “Women in the Criminal Justice System” by the joint faiths advisory board on criminal justice examined the subject in detail. All that is encouraging.

We need humility and humanity. We need the humility to recognise that we are not getting everything right and to be willing to move forward to operate in a better way. We also need the humanity to recognise that the human tragedies that have been described in the debate demand our attention and something better.

Business Motion

17:00

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-2692, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 20 April 2005

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Further and Higher Education (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 21 April 2005

9.15 am Parliamentary Bureau Motions

followed by Health Committee Debate: Access to Dental Health Services in Scotland

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time—
Education and Young People,
Tourism, Culture and Sport;
Finance and Public Services and
Communities

2.55 pm Stage 3 Proceedings: Gaelic
Language (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 27 April 2005

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 28 April 2005

9.15 am Parliamentary Bureau Motions

followed by Executive Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time—
Environment and Rural
Development;
Health and Community Care

2.55 pm Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business.—[*Ms Margaret Curran.*]

17:00

Mark Ballard (Lothians) (Green): On 24 February, the Scottish Parliament agreed that the Executive should make a full statement on the intended use of identity databases by devolved institutions. In the partnership agreement and elsewhere, the Scottish Executive has made very clear its policy intentions on how ID cards should be used in Scotland.

I oppose today's business motion, because the Minister for Parliamentary Business has not yet made available time for a statement about the databases. This is not the time or the place for a discussion of the principle of ID cards and the databases. At issue is the principle of respecting the will of the Parliament in the timetabling of business. We need to know how the databases will be used by libraries, local authorities and other Scottish Executive departments and agencies. Could information on the databases be shared? Will devolved institutions have access to them? [*Interruption.*]

The Presiding Officer: Order. There is too much noise.

Mark Ballard: The Scottish Executive has made plans for ID cards and databases. The Parliament needs to know what those plans are. The Scottish Greens have raised the issue at First Minister's question time, in written questions, in points of order and at every Parliamentary Bureau meeting since the debate. In our view, it is an important point of principle that the Parliament should get this statement and should get it promptly.

The statement should not wait on a Westminster timetable, as it is not about Westminster. It is about a policy direction from the Scottish Executive on how it intends to deal with identity databases for devolved institutions. I am concerned that we will be told that we must wait on Westminster's timetable—that we must wait for the general election and the Queen's speech. That would make it very unlikely that Parliament could get a statement before the summer recess.

The Parliament took its decision back in February. [*Interruption.*]

The Presiding Officer: Order. There is too much noise.

Mark Ballard: It is unacceptable that the will of the Parliament should be made to wait until the autumn. I urge the Minister for Parliamentary Business to provide time for the statement, so that the agreed motion is respected and, most importantly, so that we may know how the Scottish Executive plans to implement databases in relation to devolved institutions here in Scotland. That is why the Greens will oppose the business motion this evening. We need this statement. Parliament must be respected. Will the minister respect Parliament?

17:03

The Minister for Parliamentary Business (Ms Margaret Curran): Of course I will respect Parliament. I always respect it and will continue to do so.

I pay proper respect to Mark Ballard, who has raised this issue in the Parliamentary Bureau. With relentless energy, he has also raised it with me on many occasions. I ask him to respond appropriately, because he must recognise that I have tried in good faith to address the issues that were raised in the motion to which the Parliament agreed. We aim to ensure that at all times we respond appropriately when the Parliament expresses a view.

I have ensured that constructive discussions have taken place. There have been discussions with ministers, so that members could be properly informed. I have done my utmost to ensure that we respond to the will of Parliament. However, like it or not, the Identity Cards Bill has been withdrawn at United Kingdom level. The Parliament's motion was a response to the work that was being done at that level, so it seems somewhat illogical for the Executive to be required to make a statement on its response to a UK bill that no longer exists. As the vast majority of members of the bureau recognise, that would be inappropriate activity for the Parliament at this time.

The Presiding Officer: The question is, that motion S2M-2692, in the name of Margaret Curran, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Richard (North East Scotland) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Presiding Officer: The result of the division is: For 75, Against 33, Abstentions 1.

Motion agreed to.

That the Parliament agrees the following programme of business—

Wednesday 20 April 2005

2.30 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Stage 3 Proceedings: Further and Higher Education (Scotland) Bill
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 21 April 2005

9.15 am	Parliamentary Bureau Motions
<i>followed by</i>	Health Committee Debate: Access to Dental Health Services in Scotland
11.40 am	General Question Time
12 noon	First Minister's Question Time
2.15 pm	Themed Question Time— Education and Young People, Tourism, Culture and Sport; Finance and Public Services and Communities

2.55 pm Stage 3 Proceedings: Gaelic Language (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 27 April 2005

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 28 April 2005

9.15 am Parliamentary Bureau Motions

followed by Executive Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time—
Environment and Rural
Development;
Health and Community Care

2.55 pm Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business.

Decision Time

17:05

The Presiding Officer (Mr George Reid):

There are five questions to be put as a result of today's business. The first question is, that motion S2M-2619, in the name of Margo MacDonald, on meeting the needs and aspirations of the people of Scotland, be agreed to.

Motion agreed to.

That the Parliament agrees that its members' primary function is to reflect and address the needs and aspirations of people in Scotland.

The Presiding Officer: The second question is, that amendment S2M-2689.1, in the name of Stewart Stevenson, which seeks to amend motion S2M-2689, in the name of Cathy Jamieson, on women offenders, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)

Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)

Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Tosh, Murray (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 36, Against 64, Abstentions 10.

Amendment disagreed to.

The Presiding Officer: The third question is, that amendment S2M-2689.2, in the name of Miss Annabel Goldie, which seeks to amend motion S2M-2689, in the name of Cathy Jamieson, on women offenders, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

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

The Presiding Officer: The result of the division is: For 41, Against 64, Abstentions 5.

Amendment disagreed to.

The Presiding Officer: The fourth question is, that amendment S2M-2689.3, in the name of Colin Fox, which seeks to amend motion S2M-2689, in the name of Cathy Jamieson, on women offenders, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Martin, Campbell (West of Scotland) (Ind)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)

Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 36, Against 74, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The fifth and final question is, that motion S2M-2689, in the name of Cathy Jamieson, on women offenders, be agreed to.

Motion agreed to.

That the Parliament notes the continued increase in the female prison population; recognises that, to reduce this, greater emphasis on rehabilitation within prisons and in community sentences is required to ensure that problems, including drug misuse, are addressed; believes that community sentences can play a significant role for those

women who pose little risk to the public or communities in which they live; acknowledges that family and community support is vital in ensuring that women offenders are able to successfully reintegrate into the community, and recognises that a more integrated system of community and prison-based support services to improve the management of women offenders is required in order to reduce reoffending.

Train Services (Fife)

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-2482, in the name of Scott Barrie, on the quality of Fife's train services. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the importance of the rail network to an efficient public transport system in east central Scotland; notes previous debates in the Parliament that highlighted the poor service offered to Fifers by train operators in respect of reliability and punctuality; regrets that the improvements made to the rail infrastructure in Fife, including longer platforms and increased capacity, are still not meeting the level of demand; notes that the service has failed to improve under the new franchisee; believes that the current level of train cancellation and late running is unacceptable, and further believes that First ScotRail, in particular, must ensure that it improves its performance so that a viable alternative to car usage is available.

17:11

Scott Barrie (Dunfermline West) (Lab): I thank all members who supported the motion in my name, particularly those Fife colleagues who are present this evening and who regularly use the train to travel to and from the Parliament.

In December 1999, a members' business debate co-sponsored by Helen Eadie and Tricia Marwick was held to highlight the poor performance of rail services in Fife. Incidentally, I thank Ms Marwick for her support for my motion and for her interest in and work on the subject. I am sure that all members will understand her absence tonight, given her happy news at becoming a granny a couple of days ago.

In that debate held more than five years ago, members highlighted the chronic deficiencies in Fife's rail system—the severe overcrowding, the dire lack of punctuality and the abysmal record on cancellations. Replying to that debate, the then Minister for Transport and the Environment, Sarah Boyack, said:

"although we are trying to persuade and encourage people out of their cars and on to buses and trains, the Fife rail service is not a good advert ... ScotRail is also a net beneficiary by several million pounds a year from incentive payments that it receives from the shadow strategic rail authority, because historically it has exceeded its punctuality and reliability targets across most of the Scottish network. The situation in Fife is not one that the company will want to allow to continue."—[*Official Report*, 15 December 1999; Vol 3, c 1617-18.]

However, in spite of those statements, the situation in Fife remains poor some five and a half years later.

My motivation in lodging the motion was predicated on the continuing poor performance of

Fife trains and the constant complaints by users of those services since that debate. Letters to ministers, questions in the chamber, meetings with representatives of train operators past and present and letters of complaint have all resulted in the promise of a better service, but until recently there was little sign of that occurring.

I am grateful for Nicol Stephen's letter of 17 March—a copy has been placed in the Scottish Parliament information centre—in response to my written question S2W-13912. The response showed that, until the beginning of January this year, the east coast suburban group of services within the ScotRail franchise, which includes all of Fife's services, met its punctuality and reliability targets only on seven of the past 60 four-week accounting periods. The last one of those was away back in October 2000. That has cost the franchise holders £7.5 million in financial penalties. According to the figures that I saw at Waverley station this morning, those damning statistics are still with us. In the four weeks before the end of March, punctuality was only 79 per cent, with a yearly average of less than 75 per cent, and reliability was at a 98.9 per cent yearly average—the worst of the seven discrete service groupings in the ScotRail franchise.

With that level of performance, it is no wonder that the queues on the Forth road bridge are getting longer and starting earlier. At the heart of tonight's debate is the lack of an adequate public transport system, rail in particular. Currently, some 25,000 people travel out of Fife every day to work, of whom 11,500 head to Edinburgh city centre. Those commuters have only three real options: car, bus or train. Developments such as the Ferrytoll park and ride have made bus travel much more attractive and the expansion of that facility by the addition of a multistorey car park is to be welcomed. However, similar developments at our railway stations are overdue. Car parks at Dunfermline, Inverkeithing and Kirkcaldy stations are inadequate; all of them are full before the morning commuter rush is over. Even if we were to get the improvements in services that we are looking for, the knowledge that a car park space is unavailable is a major contributory factor in the decision that many commuters make to stick with their cars instead of attempting to take the train.

We should acknowledge the improvements that have been made to train services in Fife. However, those improvements have been piecemeal and, in some instances, have come later than promised. All the station platforms on the Fife circle have been lengthened and new rolling stock has found its way to Fife, but—and it is a big but—our services continue to face considerable problems. As I indicated, punctuality and reliability of service at peak times are issues of particular concern.

In one five-day period in February, the 07:11 train from Dunfermline Town was cancelled on three occasions. On 2 March, I found that the 06:55 and 07:11 trains had been cancelled. The next train, which was effectively the first train that day from Dunfermline, was nearly 10 minutes late. On my return journey that night, the 18:25 out of Waverley was some 25 minutes late. It was particularly galling that First ScotRail had issued a nice glossy brochure that day, in which it told travellers how services in Scotland were improving. Unfortunately, that view was not shared by my fellow travellers on the Fife circle that day.

I appreciate that 2 March was a particularly bad day. However, as regular Fife circle travellers know, peak-hour trains are late more often than not, particularly in the morning. Most regular commuters know that, in order to ensure that they arrive on time, they will have to take a train before their timetabled one.

A lot of the difficulties are caused by a lack of capacity at Waverley. The station redevelopment is crucial to ensuring that the current timetable is manageable. I applaud the fact that the Executive is committed to and is funding the initiative, which should be complete by 2007. I hope that the minister will confirm today that the project is on track—if he will forgive the pun.

All of us know that a reliable and efficient rail system is vital for volume commuting. Although other projects, such as a ferry service across the Forth, should be explored and supported, the only currently viable way of reducing road traffic on the existing Forth road bridge is to improve rail services. People have to travel in and out of Edinburgh and to and from Fife. For that to happen, it is essential that our rail services are reliable and efficient and that they offer Fifers the public transport system that we need and deserve.

17:18

Bruce Crawford (Mid Scotland and Fife) (SNP): As a regular user of the Fife circle line, I welcome the opportunity to debate Scott Barrie's motion. I am grateful to him for giving the chamber the chance to debate the issue today.

I agree with much of what Scott Barrie said. Like him, I recognise that rail services for Fifers are not what they should be and that they certainly require significant improvement. However, I hope that he will forgive me for saying that the motion is somewhat simplistic. For him to have heaped all the problems and blame on to First ScotRail is simplistic, given the complex nature of the arrangements for rail services in Scotland.

I agree that rail services will improve when powers are transferred to Scottish ministers on 1 April 2006. However, the complex arrangements

for investing in and running the railways that Fifers use at the moment involve Network Rail, the Scottish Executive, the Strategic Rail Authority and even Fife Council. It can be argued that Network Rail is as much to blame for the unreliability and lack of punctuality of rail services as First ScotRail is and that the SRA is as much to blame for the lack of investment in longer platforms as the franchisee is.

As First ScotRail happens to be the public face of the railway system in Scotland, it has to take much of the heat. However, I have no doubt in my mind that, although the proposed transfer of powers will improve the situation on the rail lines in Scotland, more control will need to be exercised in future over Network Rail, which in turn will need to have a great deal more transparency in its operations.

I know from personal experience and from speaking to other regular travellers that railway users in Fife not only suffer from reliability and punctuality issues, but are affected by the cost issue, which is one of the main contentions raised with me. Some passengers perceive that the Fife line is being used to subsidise other lines in Scotland. As far as Fifers are concerned, they are being hit with a double whammy too far, because not only do they have to pay tolls to cross the bridge, but—according to some of the available figures—they may be subsidising the rest of the line. For instance, on the Edinburgh to Dunfermline line, which is of the order of 19 miles, people are paying 20p per mile to use the service, whereas on the Edinburgh to Bathgate line the cost is 17p and on the Edinburgh to North Berwick line the cost is about 15p. I hope that the minister agrees that it is time that we had price rationalisation in Scotland, so that Fifers do not become the milk cows for the rest of the network.

As far as improvements are concerned, First ScotRail took over running the services only towards the end of last year and it will take a bit of time for it to get to grips with the whole system. There was improvement in the last period on the whole of the east coast line—perhaps not in Fife—but that has slipped back badly because of the storms at the beginning of the year and because the network was closed down by Network Rail for two days. First ScotRail has had to deal with those issues.

Scott Barrie is right to identify the fact that capacity at Waverley is the big issue for Fife. That might not seem to be the case for people getting on the train at Inverkeithing, but it is the big issue that has to be sorted out to deal with the problems in the long term. However, we need to jump forward in vision terms. Scott Barrie mentioned car parking. The situation is a nightmare for the people who live in Inverkeithing. Perhaps it is time

to consider a new station to the north of Inverkeithing with dedicated parking facilities to take the heat off Inverkeithing and to improve car parking in the area. There is no reason why we cannot in the longer term have a bus-rail interchange with designated car parking facilities in the Halbeath area. That could take some of the pressure off the Forth road bridge.

I recognise that you have given me extra time, Presiding Officer, for which I am grateful.

17:23

Marilyn Livingstone (Kirkcaldy) (Lab): I congratulate Scott Barrie on securing this important debate for Fife. As he mentioned, Helen Eadie and Tricia Marwick previously co-sponsored a debate on the matter. All my fellow MSPs from across the parties fought for an improved service before that debate and have done so since.

There is no doubt that we need an effective, efficient and accessible public transport service and there is no doubt that rail will play a big part in that. Such a service is crucial for the economic, social and environmental well-being of my constituency—and the constituencies of my colleagues who are here this evening—and it depends on a reliable, timeous, accessible and safe rail service. Like Scott Barrie, Bruce Crawford, Christine May, Helen Eadie and others, I travel on the Fife line, so I have first-hand experience of the issues that face the people whom I represent.

Like Scott Barrie, I welcome the improvements that have been made to the line, including the lengthening of platforms and the new rolling stock. I also welcome the extension of the park-and-ride facility at Inverkeithing. Crucially, however, the facility's impact on central and east Fife will be reduced because of people's problems in getting to the park and ride in the first place as a result of traffic congestion at the bridgehead. We must have a service that people can use in confidence if we are to see a reduction in car usage. We all want and are striving for environmental improvements for our own areas, for Scotland and the world. We all want such improvements and we need to reduce car usage—the issue is as simple as that.

As I said, I am pleased with the improvements that there have been and I support the development of Waverley station. I will not rehearse what my colleagues have said, except to agree that the development needs to go ahead as soon as possible if there is to be sufficient capacity. I urge the minister to support that development. Bruce Crawford and Scott Barrie put the case well and gave the statistics, which, again, I will not rehearse.

In the short time that is available to me, I want to bring the issue of parking to the attention of members. There is a parking issue not only in Kirkcaldy, but in Burntisland and in Kinghorn. People come from all over the constituency to car parks in those places.

I also want to deal with overcrowding at peak times and health and safety matters. I was on a train around three weeks ago, when the rolling stock had been reduced and an announcement told us not to put baggage in the doorways or anything in the corridors. However, by the time that we reached the Gyle, there was no room for anything—there was standing room only and people were crushed in like sardines, to use a phrase that I used in my previous speech on the matter. It seems irrelevant to say that people cannot put luggage in spaces when they can be packed in like sardines. I sometimes worry about safety implications.

Scott Barrie mentioned reliability. People will not use trains if they are not reliable.

Let me make a bid for access for people with impairments. I am a member of the Equal Opportunities Committee and am sure that all members would agree that access needs to be improved across our public services. In addition, there should be more rail halts, particularly in the east of my constituency. That would be helpful.

There are too many issues for me to discuss, but I agree with Bruce Crawford that cost is a major deterrent for people on the Fife line. That issue needs to be addressed. I can also give many instances of overcrowding and of rolling stock being reduced—five-carriage trains are often reduced to two-carriage trains. Fife needs a reliable and efficient rail service—that is a central issue if we are to see the improvements that we want in Fife's economy and environment.

17:27

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): I, too, congratulate Scott Barrie on securing the debate. It is important that as many people as possible are made aware that the east coast service is the worst performing of First ScotRail's seven divisions, and that the Fife services attract most complaints of all. Equally, I also accept much of what Bruce Crawford said—the issue should not be all about laying the blame on First ScotRail, some of whose representatives I see in the gallery.

In one of my first speeches in the chamber, I welcomed an invitation that Iain Smith extended to the Minister for Transport—Nicol Stephen—to come and experience for himself the less-than-exquisite torture that is a peak-hour commuter journey between the kingdom of Fife and

Edinburgh. I gather that the minister has not yet made time in his busy diary to make that journey, but I look forward to his eventual comments.

I accept that there has been improvement since First ScotRail took on the contract and that there have been longer trains at peak times. I also welcome the recent meetings that I have had with the company's management and the promise of eventual local meetings. However, the improvement typically means that when I pile aboard the 6.10 evening train for Dyce via Leuchars Junction, I usually have to wait only until Kirkcaldy before I get a seat. In the old days, I had to wait until Leuchars.

Once a person gets a seat, the configuration on most First ScotRail trains is such that if their frame is less than sylph-like or their height is slightly greater than that of Ronnie Corbett, they risk deep vein thrombosis as a result of the contortions that they must go through to keep their legs out of the passageway. Alternatively, they can get their face slapped by the lady next to them who thinks that they are trying to play kneesy. The journey between Waverley and Leuchars lasts only for about an hour and 10 minutes, so it can be argued that the discomfort is finite; however, sadly, the times in the timetable are rarely met.

Leaving aside the usual hazards of slow-moving trains in front and leaves on the line, there have been interesting delays in recent weeks. Only the other day, a chap slipped and broke his leg as a train reached Markinch. The station was unmanned, so the resourceful conductor had to tend to the injured man on the platform after having phoned for an ambulance. A wait of around 40 minutes ensued. I am not suggesting that injured or sick train passengers should not be tended; indeed, I commend conductors generally for doing an excellent job in trying conditions. However, the impression is that there is a skeleton staff who perform above and beyond the call of duty and who have often to try to sell tickets as well as carry out other tasks because stations are unmanned either as a matter of policy or because of the non-availability of staff.

Recently, the minister told the relevant committee that the Executive would provide £115 million for the new Borders railway. This is not the time for me, as a member of the Waverley Railway (Scotland) Bill Committee, to give my views about the economic viability or otherwise of the proposed line, but in the press and elsewhere real fears have been expressed about the number of passengers that the line is likely to attract. I ask members to compare that with the packed services that regularly travel up and down the main east coast line, which must be one of the most lucrative routes in the country. However—as we have heard—more and more passengers are

joining the growing queues of motorists because they are fed up with the discomfort and delays. It is estimated that 60,000 car journeys a day are made across the Forth road bridge. This summer, major repairs will again cause huge delays and long-suffering commuters will have to make a judgment about which source of discomfort and delay is worse: the road journey or the rail journey.

I have two more brief points to make about rail services in Fife. If the Executive believes that £115 million is value for money for a rail link to the Borders, what about spending a fraction of that sum to restore the old rail link from Thornton Junction to Levenmouth and the east neuk of Fife? Such a line would serve about 50,000 people and would do much to take the weight off the narrow roads in that area.

My final plea is for consideration of a 21st century rail link for the only university town in the UK that does not have a railway. I refer, of course, to St Andrews. Currently, St Andrews passengers are dumped at Leuchars, from where there are few interconnecting buses. I am not suggesting full restoration of the previous rail service between Leuchars and St Andrews, but what about an electric monorail? The journey is only 3.5 miles, compared to the Waverley line's 35 miles. On the continent and in airports throughout the world, unmanned monorails are part of the normal transport infrastructure. Why should we not have one to the seat of Scotland's oldest university, the home of golf, one of the nation's hottest tourist spots and a world heritage site apparent? That could be achieved at a fraction of the cost of the Waverley line and could vastly enhance Fife's local transport infrastructure, which is what the debate is about.

17:32

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): I thank Scott Barrie for securing the debate. He provided excellent facts and figures to support his motion. I will boil it down to individual experiences, which is really what the matter comes down to.

Earlier today, I was expecting a visitor from Kirkcaldy who was coming to the Scottish Parliament. He phoned to say that the train had been held up because of a loose rail on the line, and his one-hour journey became a two-and-a-half-hour marathon. My parliamentary assistant, who lives close to the station in Cupar, started using the train service to come over to Edinburgh, but after two months of using a service in which delays are endemic, she has reverted to car use. She was also discouraged from rail travel by travel conditions that would not be allowed for movement of livestock—I speak from personal experience.

My colleague Margaret Smith reports to me that she knows similarly exasperated rail users on the south side of the Forth. Not only do those who wait for trains in Dalmeny often find that the trains are full to capacity at rush hour, but they also experience trains vanishing unannounced from the timetable.

When the trains run on time, there is a certain smug satisfaction for those of us who are on the train as we cross the Forth rail bridge and look over to the traffic queues on the road bridge. If we can get the trains to run on time and improve their carrying capacity, there may be no need for passengers to look over at the road bridge to check the queues—the queues will not be there. Many people who cross the Forth road bridge into Edinburgh use cars not out of preference, but because there is only a second-rate rail alternative.

The Rail Passengers Committee Scotland recently welcomed the introduction of modern trains and the longer platforms that are now in use in some stations, but its survey also pointed to poor punctuality and unreliability, which Scott Barrie and others have mentioned and which are major negative factors. It is galling to me that although the Scottish Executive has invested more money in ScotRail, most of the benefits of that investment have not come through. An example of that is that, although the long-awaited improvement of Markinch station has featured on Fife Council's capital plan for more than two years, there is still little sign of movement. My one worry is that the present problems with punctuality and reliability will be made worse by the hoped-for future station openings at Wormit, Newburgh and Bridge of Earn and the reopening of the Leven link.

I thank Ted Brocklebank for supporting a St Andrews rail link. He will know that my Fife Council colleague Jane Ann Liston has fought that campaign for many a year and may fight it for many a year yet.

This might not be well known, but moves are being made to bring back to Fife the last two steam engines that are registered to run on the rail network. Perhaps those early 20th century engines should be brought into service to help to solve the problems of the 21st century.

17:35

Mr Mark Ruskell (Mid Scotland and Fife) (Green): I thank Scott Barrie for introducing the topic for debate. Many MSPs are rail users; I am one because I commute from Dunblane. Many of the issues that people throughout Fife face are faced by people in Stirling, Perth and throughout Mid Scotland and Fife. Those problems are poor

punctuality, inadequate car parking at stations, lack of consistent information when services are disrupted and delays such as we have experienced during upgrading of station infrastructure.

I will focus on the key issue of station infrastructure. If we are serious about achieving a modal shift and about getting on to rail services the people who at the moment have little alternative but to drive to work and in their leisure time, we need a dramatic improvement in our rail infrastructure and we need new stations. Some of the stations that Scotland needs are in Fife in towns such as Methil and Leven, which have low car ownership and from where high numbers of people commute to Dundee and Edinburgh.

I commend much of what is in Fife Council's draft 20-year structure plan, which examines the need gradually to bring on board new stations at Wormit and Newburgh, and the potential for a Kirkcaldy east station. It even considers the potential to reopen to passenger traffic the line from Kincardine to Dunfermline.

In order to get investment and to reopen stations, hard choices will have to be made at Executive level. The Executive is about to spend nearly £1 billion on the M74. I said "about to spend", but it is clear that the Executive has already been spending quite a lot of money in buying up land along the route of the motorway. If the Executive also spends £1 billion on a second Forth road bridge, that will taken even more money away from the vital station infrastructure that we need in Fife.

I turn to a key Liberal Democrat commitment: the St Andrews rail route. There is cross-party consensus that we need the St Andrews rail route to be reopened some time in the next five or 10 years. That would be great, but where will the money come from? The most recent estimate of the cost of the route from Leuchars to St Andrews was that it would be about £36 million, which is the equivalent of about 270m of the M74. Where will the money come from? All politicians in Fife must choose whether we support motorways, such as the M74, and a second Forth road bridge—which would be a vast waste of money that would only increase congestion—or whether we support an inflated proposal for an Edinburgh airport link, which is not needed.

Scott Barrie: Will the member take an intervention?

Mr Ruskell: No—I am in my last minute. The Edinburgh airport link is not needed to get direct trains from Fife to Glasgow, given that a loop runs from the Forth rail bridge to Linlithgow. Our supporting those projects would take money away from station reopenings at Wormit, Leven, Methil,

Newburgh and St Andrews. We cannot have both. The minister has a difficult job and limited money. It is time to choose.

We need to focus on rail resources. We have a rail bridge and the Executive has invested in the Stirling-Alloa-Kincardine route, which will take coal trains off the bridge. The minister knows that if the Executive invested in the signalling infrastructure on the historic Forth rail bridge, even more passenger trains could cross it. I ask the minister—as I have asked many times over the past two years—what progress he is making on ensuring that there will be an upgrade of signalling on the Forth rail bridge to ensure greater capacity.

We all need infrastructure that provides viable alternatives to car use. All of us—including myself; I, too, drive a car—need that infrastructure, but we cannot sustain investment in such infrastructure if we persist with white-elephant projects such as the M74 extension and the potentially ridiculous second Forth road bridge.

17:40

Alasdair Morgan (South of Scotland) (SNP): I congratulate Scott Barrie on securing tonight's debate. I confess that I sometimes meet him either on the train or leaving it. In recent months, I have seen him on occasion being changed from a handsome young back bencher to a gibbering wreck as a result of train performances.

However, yesterday's experience was different. The train that Scott Barrie and I catch arrived not only without being late by the five minutes that are counted as being on time for the purposes of the figures but bang on time, in the plain English sense of that phrase. The return journey yesterday evening was also only one minute late. I thought, "Goodness. Has all that been achieved just by one motion in the Scottish Parliament?" However, reality returned this morning, when my train was one hour and five minutes late.

I have another confession to make: not only am I an ex-employee of British Rail, but I was a season ticket holder on the Fife line for about 10 years. Unless I am suffering from nostalgia for the good old days, it seems to me that the punctuality of the service is no better and probably a bit worse than it was when I used it every day during the 1980s. For short journeys such as most of those that are undertaken on the Fife services, punctuality is the most important thing for customers.

Today's delay, which also affected Andrew Arbuckle's visitor, was due to a broken rail. That was not the fault of First ScotRail, which can do nothing about that kind of problem. However, like most passengers, I do not really care who is to blame when my train ends up being late. Although the measurement of minutes late due to operator

might be a good internal tool by which First ScotRail can motivate its staff to ramp up punctuality, it is not a good marketing tool for explaining to travellers why their train is late.

Equally, there is not much point in us just moaning if we fail to recognise the nature of the problem. One issue is the popularity of the product. Over the past 20 years, train usage has vastly increased, at least in Fife. The second car park at Inverkeithing was only being built when I was a season ticket holder. Today, anyone who arrives there after about 10 to 8 will find it difficult to park. I agree with the Rail Passengers Committee Scotland that we need more car parking.

It is clear that we also need more services and trains, although we have already had increases in services and bigger trains. One of the better results of privatisation was that the train operating companies introduced much-needed better rolling stock, which was never allowed to British Rail when it was under the dead hand of the Treasury under both Conservative and Labour Governments.

I want to highlight the need for infrastructure investments. We now have a very busy and unforgiving railway between Edinburgh and Fife. If one train runs late during the morning or evening peak, the whole timetable tends to be shot. Without serious investment, the bottlenecks at Inverkeithing, at the Forth bridge and in Edinburgh will not go away. My worry is that the promised and planned capacity improvements at Waverley will be used to try to squeeze in more trains rather than to allow the existing services to have a better chance of running on time. As Mark Ruskell mentioned, the Fife services will not be improved without improvements to the signalling to increase the capacity between Princes Street Gardens and Inverkeithing.

Finally, I want to pick up on the fact that much of the debate about railways contains an inherent contradiction, which has been echoed in tonight's debate. We have heard desires for better services, more staff on the platforms, new lines, new stations and—hey presto—lower fares as well. Somebody needs to get real. If we want to achieve all those very desirable objectives, we need to realise that someone has to pay for them.

17:44

Christine May (Central Fife) (Lab): I thank both Scott Barrie for lodging the motion and all the speakers so far, who have made some very good points.

Like many others who travel in from Fife, I use the trains. Rail services are an essential tool for a growing economy. They are also important for

sustainability and environmental considerations, as Mark Ruskell pointed out. That modal shift—the moving of travellers from cars to trains and buses—has been a goal in Fife for as long as I have been involved in politics, which is about 17 years. The development of the new stations at Dalgety Bay and Dunfermline Queen Margaret was made possible by a concerted effort by public agencies and the train operators to make it easy for commuters to use the trains—they were actively encouraged to do so. When the Treasury would not give the rail companies money for rolling stock, it gave Fife Council capital consent to buy trains. That is how we did it.

I hope that we will be able to use that model to prove to the minister, in time, that we have a positive business case for reopening the station at Leven. We will put in place the improvements at Markinch and Kirkcaldy so that we can encourage that growth of passenger traffic on trains. Once we have stabilised that growth, we will have evidence of a core market that we can show the minister. At that point, I will be knocking on the door of the minister—or his successor, if he is not still there—to say, “How about it now?” I am pleased that improvements at Markinch are in the Fife structure plan and the Levenmouth regeneration plan, but I am becoming frustrated at the delay in getting them off the ground. I am extremely frustrated by the fact that the council and Network Rail have been unable to reach agreement. Again, I will be knocking on the minister’s door—rather sooner in this regard—to discuss that matter with him.

As others have said, continuing and increasing use of trains in Fife is dependent on the existence of a reliable service. I am lucky; I get my train from a mainline station and I try to ensure that I always get an intercity train, because their reliability is better and—with respect to First ScotRail—many of them are operated by operators other than First ScotRail. The First ScotRail trains that stop at every station are not reliable enough. I am pleased that representatives of First ScotRail are in the public gallery tonight and I hope that they will listen to what has been said and recognise the concern that politicians in Fife feel about the inability of our constituents to do what they want to do for the environment, their own travelling comfort and the good of the Scottish economy, which is to reduce congestion on the roads by using the railways.

I make a plea to the minister, the train operators and everyone else to increase the amount of effort that we are making to improve disabled access. It is unfortunate that the way in which the companies are now structured means that responsibility for that is shared less widely than it might have been at one stage. It appears to me that, because it is the responsibility of only one body, nothing much is happening. I have disabled constituents who

have written to me and to the rail operators because they are being denied the opportunity to use public transport. One constituent in particular must use either public transport or a taxi if they are to travel at all.

I call for more effort to be made in relation to disability issues and I call on First ScotRail to make more effort in relation to reliability. All of us need to get a sensible dialogue going about the proper balance between investment in roads—which, I point out to Mr Ruskell and others, is necessary—and investment in public transport infrastructure.

17:48

The Minister for Transport (Nicol Stephen): I, too, congratulate Scott Barrie on securing the debate. I indicate to Ted Brocklebank that I am taking up Iain Smith’s invitation to travel during the peak period on the services that he mentioned. I look forward to Ted Brocklebank showing me examples of monorail projects that were delivered by the Conservatives during their 18 years in power. It is interesting to see his conversion to investment in public transport and I am pleased that the Executive has that investment as its priority.

Nobody can doubt the importance of the services that we are discussing, not only to the members who are present in the chamber this evening, but to communities in Fife. The services to and from Fife are major commuter routes and the demand for those services is strong. It is vital to keep those services attractive to the people of Fife to help our policy of getting people out of their cars and on to public transport.

Until recently, the trains running to Fife were principally type 150, carrying fewer than 200 passengers, and many of them dated from the 1980s. We were determined that there should be a better service on those and similar routes, which is why the Executive started its major project to buy 29 new trains to meet the growing expectations of passengers. Trains from the new class 170 fleet, carrying more than 270 people, now operate on the Fife circle route. On an average peak service, the capacity offered has risen by approximately 30 per cent. To make space for those newer, longer trains, the Executive carried out platform extension work on the Fife circle at North Queensferry, Dalgety Bay, Aberdour, Kinghorn, Glenrothes, Cardenden, Lochgelly, Cowdenbeath, Dunfermline Queen Margaret and Rosyth.

There is clear evidence that the Executive’s policy of investing in our railways is delivering results. In the year to March 2005, the number of journeys made by rail increased by 11.5 per cent—the comparable figure for Fife services is 18

per cent. That represents an additional 431,000 journeys.

That proves the potential for rail in Scotland; indeed, everyone here tonight recognises that potential. As we offer frequent, high-capacity trains and better services, demand can grow dramatically. In turn, that is creating new pressures on rail services and on the availability of parking at rail stations. Our new challenge is to tackle those problems and to ensure that there are the sorts of improvements for which members are calling.

During the past year, levels of performance in Fife have given real cause for concern—the problem is not new. The passengers charter figures capture the current experience of passengers. The latest figures available for the group of services that includes the Fife circle services show that only 79 per cent of trains arrived within 5 minutes of their timetabled arrival time. That is clearly unacceptable when the target is 90 per cent. The figure for reliability—a measure of how many trains do not run because they have broken down, for example—is a good deal better, with performance at slightly over the 99 per cent target.

The three major causes of continuing poor performance relate, first, to First ScotRail delays and, secondly, to the level of congestion that is building up on the track. To a certain extent railways are like roads, in that when they are more heavily used and there are more vehicles on them, there is the risk that there will be congestion and trains will hold one another up. Finally, the level of reliability relates to the track and systems owned by Network Rail. That level is significantly poorer than we would wish.

Under the rail franchise, First ScotRail is required to deliver better performance year on year. The SRA and the Executive are working hard to ensure that First ScotRail remains on track to meet and exceed its targets. So far, despite the exceptionally severe weather that we have experienced, the early signs are encouraging. First ScotRail has shown month on month improvement since the franchise commenced and there has been better performance this year compared with the comparable period last year.

However, we recognise that significant problems remain. Where routes are giving the Executive particular cause for concern, First ScotRail must provide a detailed and measurable plan to allow us to focus on those areas for improvement. A plan for the Fife circle has been requested by the Executive and is due to be with us shortly for our consideration. We realise the importance of getting that right and are determined to see action.

Across the east of Scotland, growth in the amount of rail traffic—including freight—has put

the operation of the network under considerable strain. Discussions are continuing between freight and passenger train operators and Network Rail to try to ensure the most efficient use of the tracks. We at the Scottish Executive are doing our bit, too. For example, the reopening of the Stirling-Alloa-Kinross line will provide a more efficient route for coal services to Longannet and will reduce congestion by removing coal trains from the Forth rail bridge. That will provide scope for developing passenger services to Fife and for improving the robustness and reliability of the timetable.

From the performance of the network over the past year, it is clear that issues have arisen for Network Rail in ensuring that it gets the most out of its assets. The periods of severe weather at the turn of the year, and their impact, highlighted the major problems that still face us.

Given that the causes of all the different sources of delay are not down to any single party or any one organisation, the solution to performance issues depends on a partnership approach. I recently met representatives of both Network Rail and First ScotRail to hear at first hand about their new joint plans for performance improvement over the coming year. It might seem self-evident, and common sense, that such a partnership approach should be taken, but the new approach started only this month—April 2005. I have made my expectations very clear to those organisations. Their principal focus, after safety, must be on delivering continued improvements in performance reliability. That applies to the Fife services in particular, because of their central importance.

Clearly, the potential for growth in rail across Scotland is strong. It is up to us all—the Executive, with our new powers under the Railways Act 2005, the train operating companies and Network Rail—to rise to the challenge and deliver a better quality of services with greater punctuality and reliability.

Meeting closed at 17:57.

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