

MEETING OF THE PARLIAMENT

Thursday 3 November 2005

Session 2

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Scottish Parliament

Thursday 3 November 2005

[THE PRESIDING OFFICER *opened the meeting at 09:15*]

Children with Special Needs

The Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S2M-3490, in the name of Lord James Douglas-Hamilton, on children with special needs.

09:15

Lord James Douglas-Hamilton (Lothians) (Con): A debate such as today's should be approached with considerable humility, because we are dealing with some of the most disadvantaged children in Scotland. The matter should be considered sympathetically.

Special schools have made an invaluable contribution to the social and academic development of many children with the most complex additional support needs. It follows that the Executive should continue to resource adequately schools such as the Craighalbert Centre in Cumbernauld for children with motor impairments, which combines conductive education with the Scottish curriculum; Daldorch House School in Ayrshire, which caters for children with autistic spectrum disorder; and the Royal Blind School in Edinburgh, which has a purpose-built educational and residential facility for children and young adults up to the age of 19 with multiple disabilities in addition to their visual impairments. All those schools perform an invaluable role and bring benefit, happiness and fulfilment to their pupils.

In a recent written answer to me, the Minister for Education and Young People said that 33 special schools have closed since 1997. Others have opened, but a net loss of 15 has occurred. Many of those closures were extremely controversial. There are many other outstanding special schools throughout Scotland, including Carronhill School in Stonehaven. Consultation continues on proposals to close that school and reallocate provision to a unit that is attached to a mainstream school.

Camphill community at Newton Dee on the outskirts of Aberdeen is a unique community that caters for all forms of learning disability. The school at Camphill is under threat from the proposed construction of the western peripheral route. My colleague David Davidson held a members' business debate last year in which he argued for flexibility in the route of the proposed bypass.

St Andrew's School in Inverurie is yet another excellent special school. Parents reacted strongly against proposals to close that school and move additional support needs provision to support bases that are attached to mainstream schools. My colleagues have actively supported the campaign that parents have successfully fought for new-build, stand-alone accommodation for the special school.

No less a person than Jack Barnett, who is the Educational Institute of Scotland's president, said:

"To suppose that all children should be included within a system that is not designed to meet their needs is inviting failure. And we are of the view that alternative provision in a special school or special unit setting on either a full time or part time basis may be more appropriate than mainstream education for some pupils."

A real danger is that the Executive's policy of a presumption towards mainstream education, as set out in section 15 of the Standards in Scotland's Schools etc Act 2000, will mean that some children with more complex additional support needs will not have the same level of resources allocated to them to allow their developmental and learning needs to be met. Simply put, not all children will receive as good a deal in a mainstream setting. That is why a large element of parental choice is highly desirable and, in some cases, essential.

As Lorraine Dilworth of Independent Special Education Advice Scotland said:

"there must be choice in provision for all children if they are to reach their full potential, whether this be in a mainstream school, a base attached to a mainstream school or a stand alone special school. This choice is a statutory right which should be enjoyed by parents under the 1980 Education Act. Each child must be treated as an individual and must be supported according to his or her needs, not according to the resources available."

Mr John Swinney (North Tayside) (SNP): I am concerned that the argument that Lord James Douglas-Hamilton advances may allow the Government to move away from the commitment that it gave to Parliament during the passage of what became the Education (Additional Support for Learning) (Scotland) Act 2004 that whatever resources an individual child required had to be delivered under that act's system. His argument suggests that the Government could get away from the most appropriate situation for young people in a mainstream school by suggesting that alternative provision was better. The Government could therefore wriggle away from the commitments that it gave to Parliament during the passage of the act.

Lord James Douglas-Hamilton: I agree with John Swinney that sufficient resources must be available. I will give just one example. If a child with hearing impairment is sent to mainstream education but no teacher can sign and the child

cannot hear, social inclusion will not mean the same as it does for the other children. Each case must be considered sensitively on its merits.

One of the best speeches that I have heard in the Parliament was made by Karen Gillon, who argued that a range of provision is required to meet each child's needs appropriately. She stressed that children with autistic spectrum disorder could be taught in a range of settings, which could be a specialist unit, a mainstream school with appropriate support or a residential establishment. She said:

"The move to mainstream has faced many challenges ... We need to do more to ensure that resources are available at the front line."—[*Official Report*, 6 September 2005; c 18866.]

That echoes what John Swinney said.

That is why I believe that no presumption should be made in favour of or against mainstreaming. Parents should be able to make a genuine informed choice between mainstream schools and special school provision, so that they can decide on the educational provision that best suits the child's needs. To achieve that, a moratorium on the closure of special schools should be put in place until the assumptions behind the mainstreaming policy are reviewed.

We lodged the motion on behalf of some of the most disadvantaged children in Scotland and we hope that the minister will approach the matter sympathetically, because it deserves nothing less.

I move,

That the Parliament recognises that many children with additional support needs draw educational and social benefit from being educated in a mainstream setting; acknowledges, however, that in order for such children to flourish, appropriate resources and support must be available; further believes that the educational and social development of some children with multiple and complex needs can best be promoted through the concentrated support provided in special schools; notes with concern that 33 special schools have been closed since 1997; believes that there should be no presumption, statutory or otherwise, in favour of or against mainstreaming and that parents should be able to make a genuine informed choice between mainstream schools and special school provision, so that they can decide on the educational provision that is best suited to the needs of their child, and calls on the Scottish Executive to put in place a moratorium on the closure of special schools until the series of assumptions behind the mainstreaming policy is reviewed.

09:22

The Deputy Minister for Education and Young People (Robert Brown): I thank Lord James Douglas-Hamilton for lodging the motion. Next Monday, I will cut the ribbon at the opening of the new Braidburn special school building on the Firrhill High School campus in Edinburgh, which replaces two special schools that are merging.

That might equally well have been one of the 57 other new publicly funded special schools and stand-alone units that have opened since 1997. Some are on their own sites and some are self-contained units that are attached to mainstream schools.

As we said in answer to a parliamentary question in June, since 1997, 29 special schools have closed. That makes a net addition of 28 new special schools or stand-alone units. I have difficulty with Lord James Douglas-Hamilton's proposition that special schools and provision in mainstream schools are in opposition. Both aspects are needed in our system and both are being provided.

I promised to mention the super teachers and children in Milton School in Glasgow, which I visited earlier this week. That is one of many special schools that do a splendid job for their young people.

About 7,500 young people are educated in special schools. From 1998 to 2004, the proportion of children who are educated in special schools dropped by 0.07 per cent, which is hardly an overwhelming figure. The greater part of the change took place before the mainstreaming duty in the Standards in Scotland's Schools etc Act 2000 came into force on 1 August 2003. The Executive will review that mainstreaming duty in due course, in line with the undertaking that it gave.

The figures are not, in themselves, all that important. Like special schools, mainstream schools are opening and closing all over the place in response to declining school rolls, renewal of the school estate, the changing geographical distribution of the population and other matters. To put it politely to the Conservatives, it is a little simplistic—or, to put it more accurately, it is a total distortion of logic, common sense and educational philosophy—to suggest that some trend in special school provision justifies the moratorium on closures for which the Conservative motion calls.

I will make the Scottish Executive's philosophy very clear. First, the fundamental duty under the 2000 act is that on local authorities

"to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential."

I hope that all members share that aspiration, which, rather than the mainstreaming presumption, it is our fundamental duty to achieve in respect of the education of all our children and young people. The aspiration is contained at the beginning of that act—in section 2—and there is an associated duty in section 3 to improve the quality of, and raise the standard of, education.

Secondly, we are committed to a better deal for children with additional support needs. We are totally committed to doing whatever is necessary to ensure that all children with additional support needs receive the help that they need when and where they need it. The Executive is not, as has been suggested, obsessed with pushing every child into mainstream education. On the contrary, the first concern in considering the best placement for a child should be the environment that is best suited to meeting that child's individual needs. The goal is to fit the provision to the child and not to fit the child to the provision.

Mr Swinney: On the commitment to additional support provision for children with special needs, particularly in a mainstream setting, is the minister absolutely confident that the Government will be able to deliver effectively the provisions of the Education (Additional Support for Learning) (Scotland) Act 2004 and that every local authority in Scotland will be able to deliver its part of the bargain?

Robert Brown: I was about to say that the provision that is made must be properly resourced and supported, which is why we are investing £95 million this year alone in initiatives that are aimed at addressing additional support needs.

It has always been made clear in legislation, guidance, debates and discussions that the mainstreaming presumption is simply a presumption—it is not an inflexible rule. The right balance must be struck between children's rights to be educated in a mainstream environment, which can bring the educational and social benefits that Lord James Douglas-Hamilton acknowledged, and the need to respond sensitively in the cases of children who require a form of specialist provision. I am sure that Lord James Douglas-Hamilton will acknowledge that the provisions of paragraph 2(1) of schedule 2 to the Education (Additional Support for Learning) (Scotland) Act 2004—he and I helped the bill to pass through the Parliament last year—also provide for parental choice of school for children with additional support needs.

Lord James Douglas-Hamilton rose—

Robert Brown: I am sorry; I cannot take an intervention because I have only a short time to speak.

Paragraph 2(1) of schedule 2 to the 2004 act states:

"Where the parent of a child having additional support needs makes a request to an education authority to place the child in the school specified in the request, being a school under their management, it is the duty of the authority, subject to paragraph 3, to place the child accordingly."

Indeed, it is even the authority's duty to place the

child in a private special school and to pay the fees, subject to qualifications.

I finish by giving flavour to what I have said and considering the situation of children with learning difficulties, children who are wheelchair bound or children with autistic spectrum disorder. Such children could be members' children or my children. It is certainly true that the severity of the condition of some of those children, their previous experiences in school or other considerations may make it appropriate for them to have the support of specialist provision at a special school or unit, but surely it is better, other things being equal, if they can go to their local school at the centre of their local community with their friends in the street.

I move amendment S2M-3490.3, to leave out from "acknowledges" to end and insert:

"and that, prior to the enactment of the Standards in Scotland's Schools etc. Act 2000, many children were denied access to such benefits; acknowledges that meeting the needs of the individual child is of paramount importance and that a range of mainstream, specialist and mixed provision will always be necessary; notes that there has been a net increase of 28 special schools and units since 1997, which demonstrates the continuing commitment of local authorities and the Scottish Executive to specialist provision where appropriate, and believes that, following the Parliament's recent approval, the Education (Additional Support for Learning) (Scotland) Act 2004 will, when it comes into force on 14 November 2005, strengthen the rights of children and their parents to ensure that their additional support needs are met fully, whatever the school setting."

09:28

Mr Adam Ingram (South of Scotland) (SNP): Members of the Scottish National Party have sympathy with many criticisms about how inclusion has been pursued in the Scottish education system since the introduction of the presumption of mainstreaming, but we emphatically do not accept that the statutory presumption of mainstreaming should be abolished. As Children in Scotland pointed out in its briefing for the debate, that would be a retrograde step that would be at odds with an international consensus that inclusive mainstream schools are

"the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all."

Those words are part of the Salamanca statement.

It is important to recognise that a presumption of mainstreaming does not mean, and should never mean, that specialist provision in special schools should not be available to meet the needs of children for whom mainstream schools cannot provide. Without such a presumption, there is always a danger of our going back to the bad old days in which disabled pupils were often

deliberately segregated into so-called special schools. Such schools might have been special in name, but they were not necessarily special in nature.

Figures that have been provided by the Disability Rights Commission indicate that disabled people have not been well served in our education system. Even nowadays, 24 per cent of disabled people between the ages of 16 and 24 have no educational qualifications. That percentage is nearly double the percentage for non-disabled people in the same age range. We know that a lifetime of exclusion and few—if any—opportunities beckon for people without such qualifications.

That said, a lot of evidence suggests that placement in mainstream classrooms is not meeting the learning needs of every child with additional support needs—far from it. The Audit Scotland report on the subject indicated as much. There is no doubt that disabled children can be effectively excluded and ill served in mainstream settings when adequate support and resources are not made available. A child is included only when they learn in an environment that they feel they belong in and which is geared to their needs.

In her most recent contribution to the debate, Baroness Warnock highlighted the fact that, given the great differences in the range and severity of disabilities, a one-size-fits-all approach will not work. I do not agree with all her conclusions, but she made a reasonable point when she suggested that most children with special educational needs require skilled specialist teachers. Dyslexic children, for example, can make remarkable progress with a few hours of specialist teaching. Depending on classroom assistants alone to keep children up to pace with the work of a mainstream class is not good enough.

In an amendment that was not selected for debate, Rosemary Byrne highlighted the need to cut class sizes and to employ additional trained and qualified staff to meet additional support needs. I agree with her. More use should also be made of specialist units in mainstream schools to give children with additional support needs the extra time that they require to understand things in order to cope better in their mainstream class in the long run.

Robert Brown: Does Adam Ingram agree that that is exactly what the Education (Additional Support for Learning) (Scotland) Act 2004 tries to do? Resources and extra teachers are being made available. What exactly does the SNP suggest should be done over and above what the Executive is doing to progress matters at the moment?

Mr Ingram: I am sorry to say that what the minister says is happening is not coming across

on the ground. A great deal of feedback from parents suggests that local authorities are not applying the resources that Robert Brown says are there, and the local authorities say that resources are not available. That is the nub of the problem.

Inclusion should mean that every child receives the required attention that they need to access the curriculum. Joint placements are another mechanism to achieve the same objective. Currently, in too many schools, far too much onus is being placed on ordinary classroom teachers to fulfil the inclusion agenda. The worst of all worlds is being created, with teacher morale and pupil motivation being reduced.

Those who support the motion are right to highlight the deficiencies in how the Executive's inclusion policy is operating, but their prescription is to throw the baby out with the bath water. We should concentrate on implementing the policy properly by applying appropriate resources, but the Administration has failed to do that.

I move amendment S2M-3490.2, to leave out from "recognises" to end and insert:

"supports the fundamental principle of inclusion that was introduced into our education system with the presumption of mainstreaming; recognises the widespread concerns that the resources made available to implement the policy have been inadequate, and calls, therefore, for a review of the operation of the policy to establish what additional means are required to ensure that every pupil with additional support needs has the opportunity to fulfil his or her potential, either within the mainstream setting or in a special school depending on their individual circumstances."

The Presiding Officer: I call Dr Elaine Murray.

09:33

Dr Elaine Murray (Dumfries) (Lab): How long do I have, Presiding Officer? Do I have four minutes?

The Presiding Officer: Yes. I am sorry, but the time for the debate is tight.

Dr Murray: Okay.

I agree whole-heartedly with what the Deputy Minister for Education and Young People said. Nobody denies that some children with special needs will thrive better in a special school, while others will benefit from inclusive education, provided that adequate and suitable resources are in place to offer the necessary support.

It is a little hypocritical to make the comments that have been made about the Education (Additional Support for Learning) (Scotland) Act 2004, which is not yet fully in force. The whole principle of the act and the associated investment to underpin its measures is to ensure that adequate and suitable resources are in place to

support young people and children with special needs who go to mainstream schools. There is a fundamental difference between a child being thrown into a mainstream classroom for the entire school day and not being able to cope and a child being placed in a mainstream school that has suitable support bases and caters for the needs of children with significant difficulties. Many fears that parents have arise from situations in which children have not been adequately supported. Councils that are considering mainstreaming need to reassure parents of their determination to provide proper facilities, and the key to doing that is genuine and participative consultation with parents.

Exclusion is not necessary or beneficial for the majority of children and young people with additional support needs. They live in their community when they are not at school and after having left school, and they are entitled to be educated in their community.

When I was on South Ayrshire Council, I was involved in the provision of mainstream facilities for children who were previously boxed into three different categories of special needs and on whom the door was closed. At first, the parents of those children were concerned about mainstreaming; they were worried about what would happen to their children. However, we undertook a long and detailed consultation in which we listened to the children about their fears and, over the piece, the parents came on board with the council and saw the situation as better. In fact, one parent said, "I'm really pleased because my son will have the same uniform as the rest of the kids and he won't be marked out as attending the daft school." Later, I had the honour of being asked to give out prizes at an awards ceremony, and I was proud to see children with special needs wearing the same school uniform as the other children in their community, receiving their awards on the same basis as everybody else.

I am proud of mainstreaming and proud of the fact that we have an inclusive policy. That does not mean that other children who cannot benefit under those circumstances should be forced into it; however, the principle of mainstreaming should be established. As Children in Scotland pointed out, the removal of the presumption of mainstreaming that the Conservative party proposes would contravene article 2 of the United Nations Convention on the Rights of the Child. We must not confuse the presumption of mainstreaming with not providing alternatives when mainstreaming is not suitable for certain children.

Mrs Margaret Ewing (Moray) (SNP): Will the member give way?

Dr Murray: I am sorry, but I have only a minute left.

I was a bit surprised by Lord James Douglas-Hamilton's figures. Children in Scotland says that, although 33 special needs schools have closed since 1997, many others have opened. The Conservatives' proposal for a moratorium on closures would mean that unsuitable special schools would have to remain open and we would not be able to develop more suitable special schools, such as that which the Deputy Minister for Education and Young People will open in the near future. There are now 34 special schools in Scotland, compared with 33 in 1997, according to the figures from Children in Scotland.

Lord James Douglas-Hamilton *rose—*

Dr Murray: Sorry, but I have only 10 seconds left.

We must recognise that additional support needs are often related to disadvantage and deprivation, although they may also have a genetic component. Therefore, tackling the needs of young people with special support needs often means tackling the needs of those communities, and we will not do that by removing those young people from their communities.

09:38

Ms Rosemary Byrne (South of Scotland) (SSP): I welcome the debate, which is a time to scrutinise how inclusion is working in mainstream schools. I would oppose vehemently the removal of the statutory presumption of mainstreaming, in spite of the fact that many children are being let down by the system and the fact that, in many areas, parents feel that they are left without choice. I acknowledge, however, that the minister has made it clear—as does the legislation—that parental choice is a key part of this.

Section 15 of the Standards in Scotland's Schools etc Act 2000 introduced a presumption of mainstreaming for children and young people with special educational needs. That means that, where possible, they should be educated in mainstream schools. The act also states:

"it shall be the duty of the authority to secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential."

Removal of the statutory presumption of mainstreaming would contravene article 2 of the UN Convention on the Rights of the Child, which gives children the right not to be discriminated against. It would also be at odds with the conclusions of the influential conference on special educational needs education that took place in Salamanca in 1994, to which Adam Ingram referred. The conference agreed that inclusive mainstream education in schools is the most effective means of combating discriminatory attitudes.

However, if we do not resource our schools adequately and if it takes far too long to make adaptations—in some cases, a child can leave school before the home economics department has managed to get the adaptations made—we will have a real problem. That happens—there is a reality here about children not accessing the whole school building and not accessing the curriculum because of the length of time that it takes for adaptations to be made. We should be looking at the good practice that exists, and that is why I agree that a review is very much required. All pupils must be able to access the curriculum; if they cannot, we are failing.

If all school staff are not adequately trained, again we have failed. It is not good enough for a local authority to withdraw classroom assistants at the end of a term because it does not want to give them a full-time contract and would rather put strangers into a class of children who have got to know their SEN assistants. That needs to be looked at. It is all very well for the minister to say that that is a local authority issue; it is an issue about the inclusion of young people in education, and that is why we require a review.

It is vital that the review of how mainstreaming is working is undertaken. We know that teachers are struggling. A recent National Autistic Society survey showed problems with diagnosis and insufficient resources. The survey also showed that 33 per cent of schools felt that inclusion was not working and that 10 per cent felt that it worked only where adequate support and resources were available. Only 30 per cent of classroom assistants who are working in schools with pupils with autistic spectrum disorder have received training in autism.

If we are to make inclusion work for all, we require choice and smaller class sizes. Classes should contain no more than 20 children, and composite classes should contain no more than 15 children. We need well-trained specialist teachers and classroom assistants, as well as specialist training for classroom practitioners and senior managers. It is all very well to open up units in mainstream schools, but if the head teachers and senior management teams do not understand the special needs that are being dealt with, things go wrong. I have seen that and I am prepared to talk to the minister about those issues.

We need an integrated community school setting that is well resourced and adapted to meet the needs of all. Lord James Douglas-Hamilton's example of a hearing-impaired pupil rang a bell with me. I am sympathetic to such situations. My casework is loaded with young people who are being taught at home because they are on the autistic spectrum and the education provision in their area is inadequate. Let us have the review and let us look into this, but let us make it work.

09:42

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): It is a privilege to take part in a debate about children and young people with additional support needs. However, I am disappointed by the spin that the Conservatives have put on the subject by highlighting school closures. Their motion and approach seem to undermine the principle of inclusion. I have an interest in the subject as someone who believes strongly in an inclusive education system and as the aunt of a young boy who has significant physical and communication difficulties.

When the principles of inclusion were introduced in Scotland, some parents were concerned. Some people chose to engage in scaremongering, telling us that it was the end of the special schools and that all children would be required to be educated in mainstream schools. We knew then that that would not be the case and we know that, in the future, there will always be a need for schools that specialise in dealing with children with complex support needs. In my constituency, there are special schools such as the Craighalbert Centre, Glencryan School and Redburn School, as well as special units attached to high schools and primary schools, all of which deal with children with special support needs. We also have many children who are now integrated into the mainstream education system with help and support.

The helpful briefing that was provided by Children in Scotland points out that there were 34 special schools in 2004, compared with 33 in 1997. However, the debate should not be about numbers; it should be about giving children and young people the opportunity to reach their full potential regardless of their needs. It should be about allowing children to reach as far as they possibly can along the academic spectrum. For all children, being at school is about more than education; it is about being involved and accepted as part of a community. Inclusion and socialisation play an important part in someone's decision to have their child educated in their local mainstream school. An inclusive approach to education allows the child with support needs to be with their peers, to make friends and to socialise with other children out of school. Every child has different needs, but the benefits of educating children together are there to be seen.

We are now teaching inclusion from an early age: we are showing children and young people that, although all of us are made in a similar mould, there are differences that must be accepted as part of normal life. Through educating our children together, we are changing people's views about disability. We should all take a lesson from the way in which our children have accepted and embraced that change. All across the country

there are children who are disadvantaged, but the fact that a child has a disability does not mean that they are disadvantaged or that they should be treated as if that was the case. A child with a disability has an equal right to be educated along with their peers.

I am sure that the minister knows that everything is not perfect; he knows that we have a long way to go if we are to meet all the challenges.

In many ways, children with additional support needs who are now being educated in mainstream schools are at the forefront of the changes that the Executive is making. We need to look carefully at the progress that is being made and, where necessary, to adapt our practices to meet the challenges. From the outset, we need to look at teacher training to see how much time is allocated in the coursework to teaching children with support needs. We also need to ask whether we are putting enough skilled additional support into schools to provide real inclusion.

I welcome the minister's review. Rome was not built in a day. As I said, the young people who are presently being educated in an inclusive way are at the forefront of the changes that the Executive is making. We have to support them and learn from their experience. Elaine Murray mentioned that just to have the same uniform as everybody else made a difference to a child with special needs. The day that my nephew Connor Meecham started school, he was the happiest boy in the school, because he was wearing the same uniform as his friends. Please, minister, resource the special needs facilities in mainstream schools.

09:47

Mr Brian Monteith (Mid Scotland and Fife)
(Con): I apologise for missing the opening speech. I did not appraise myself of the security arrangements that were put in place this morning.

I speak not only as a member of the Conservative group but as a member who served on the then Education, Culture and Sport Committee, which scrutinised the Standards in Scotland's Schools etc Bill. I note that Mary Mulligan, who was convener of the committee at the time, is also in the chamber.

As a member of that committee, I have some important admissions to make. They stem from my recollection that the Standards in Scotland's Schools etc Bill was the first bill that came before the Education, Culture and Sport Committee. I admit that we could have handled it better—not so much because we did not treat it with seriousness but because it was the first bill that we scrutinised.

To a degree, we were open to persuasion by lobbying from outside groups, which meant that

we were willing to accept in good faith some of the evidence without questioning it hard enough. It was not that the evidence was necessarily wrong, but that we did not explore the issues sufficiently, or press our questioning further with witnesses. *[Interruption.]* Mary Mulligan may have a different view, but that is fair enough.

Robert Brown: Will the member take an intervention?

Mr Monteith: Certainly, but first let me make my point.

When I look back at the papers, I can see that committee members, across the parties, had a number of doubts and concerns. I do not want to make a party-political point, but to explain that because the Standards in Scotland's Schools etc Bill was the first bill that we approached, we did not press questions and get right down to the detail.

For example, Kenneth Macintosh had concerns. His record in taking up the case of special educational needs is honourable. At committee, he asked whether

"the parents could keep the child in mainstream education despite the fact that that might not be in the child's best interests".

Shona Robison too voiced her concern that

"unless the child is properly resourced—and that might mean their having someone with them at all times—the child might fail in mainstream education."—*[Official Report, Education, Culture and Sport Committee, 1 March 2000; c 678.]*

Many members were concerned, as, indeed, was I. I raised the issue of the costs that would be required to make the policy work only to get a very woolly answer, which has been commented on since that time by Audit Scotland.

The committee took it in good faith that the costs would be met and that some of the concerns that we had raised would be addressed. The evidence now suggests that we should have pressed harder and got firm commitments from the Executive at the time.

Robert Brown: I wonder whether Mr Monteith has departed from the statement that he made during the stage 3 debate on the bill that

"the opt-outs in the bill are too wide-ranging"

and that

"We should be moving away from the idea that considerable cost should have a bearing on decisions about mainstream placement."—*[Official Report, 7 June 2000; c 42.]*

Those are interesting comments.

Mr Monteith: The minister confuses two arguments—*[Interruption.]* Labour and Liberal

party members may laugh, but their laughter is as empty as the policies that they promote.

The point that I am making is clear: the criterion for the decision to place a child should not be cost. Nowhere have I argued that a school placement should be determined by a council saying, "We cannot afford to send the child to that school because we don't have the money." The minister knows that at that point in the stage 3 debate the context of my remarks was that of sending children to the independent schools that were maintained by Executive funding. I raised the issue because, outside of the bill provisions, the Executive was seeking to make those schools fully independent of grant support. That would have forced more parents to pay more to send their children to those schools, thereby making those schools more exclusive. It would have meant that many children would have ended up in state schools on the presumption of mainstreaming and that would have been entirely inappropriate for them. The understanding that schools such as Craighalbert ensure that children can be included in mainstream education is a proper one—we need a variety of choice.

The SNP as a party has also expressed concerns. I am aware of the motion that Fiona Hyslop lodged with the support of Adam Ingram at the SNP conference in September this year. It was a pity that that motion was not supported. The issue is of concern to all parties; it must be addressed.

09:52

Mr John Swinney (North Tayside) (SNP): I welcome the opportunity that the Conservative party has provided for members to discuss this important issue.

When Sam Galbraith introduced the Standards in Scotland's Schools etc Bill, he made the remarkable statement that the bill was the first piece of legislation on education that was child-centred and which put the child at the centre of educational provision.

At the time, the remark struck as me as somewhat bizarre, but what it now says to me is that the important starting point for the debate is that the child should be at the absolute core of the provision of education in our society. The statement that I am about to make may sound like a terribly expensive one, but I suggest that every child must be able to access the educational support that is appropriate for that child. In establishing that principle, we must look to how we can apply it to the circumstances of every single child in our society.

That principle places a responsibility on the Government, the Parliament and our local

authorities in particular to ensure that educational provision is sufficiently wide, varied and appropriate to meet the individual needs of every child in our society. That is not to say that every school has to tailor its provision to the needs of every child, but that every child, on entering whichever school they are to go to, is properly supported and assisted.

There is a fantastic school for children with special needs in my constituency. I am referring to the New School in Butterstone, which has been the subject of debate in the Parliament. I welcome the work that the school does and the support that it provides in terms of opening horizons for young people. Having looked closely at the issue, however, I remain absolutely committed to the important principle of the presumption of mainstreaming in the education system. Mainstream education offers the best opportunity of ensuring that the maximum number of children in our society who have special needs can be supported, encouraged and motivated in their schooling.

None of that means that children who require to go to special needs schools should not go there, or that that provision should not be put in place. It simply means that when we as a society say that it is appropriate for a child to go into a mainstream educational setting, we must be absolutely certain that the educational opportunities that the child needs will be delivered in that situation.

The reason why I intervened on the minister and was so pleased by the comments that my colleague Adam Ingram made about the implementation of the Education (Additional Support for Learning) (Scotland) Act 2004, to which Elaine Murray seemed to take exception, is that I am getting increasingly alarmed by what I hear when I talk to parents about what is in place on the ground in mainstream schools to support young people. That is not a partisan remark; it is simply a reflection of what my constituency case load is telling me.

The minister cannot just say that £95 million-worth of resources are being put in to address the issue. Of course I welcome that, but there are questions about training and attitude. I know that some head teachers are almost ignorant of the particular techniques that are required to support children who have special needs in a mainstream situation. I will put a tremendous amount of energy into holding the Government to account on the commitments that it made in the Education (Additional Support for Learning) (Scotland) Act 2004 to ensure that there would be appropriate provision to meet the needs of every child and that the necessary support would be provided because those commitments are vital to young people with special needs. The Government must be able to

deliver on that on the ground. I am deeply concerned that such provision is not in place for the implementation of the act.

Lord James Douglas-Hamilton *rose*—

Mr Swinney: I see that Lord James Douglas-Hamilton wishes to intervene; unfortunately I will not be able to give way.

I close with a simple remark. One of the reasons why I am such a strong supporter of the presumption in favour of mainstreaming is that I have seen the tremendous benefits that can accrue to young people with special educational needs—especially young people with autism—when they go into mainstream schools, in spite of the many challenges that they face. The principal challenge is not their academic ability, but their ability to interact socially. Mainstream schooling has an extremely beneficial effect on expanding the horizons of those young people and leads to the blossoming of their character. We must defend the important principle of mainstreaming.

09:57

Euan Robson (Roxburgh and Berwickshire) (LD): I am grateful for the opportunity to make a brief contribution to the debate. Like many members, I somewhat regret the terms of the Conservative motion, much of which is misplaced and ill judged.

When I was the Deputy Minister for Education and Young People, I lost count of the number of times that Peter Peacock and I made plain that education policy in Scotland is child centred, which is precisely the point that John Swinney made. Indeed, Robert Brown read out the appropriate part of the Standards in Scotland's Schools etc Act 2000 that makes that manifest. What is in the best interests of the individual child must prevail—incidentally, that is very much the culture in Scotland's courts, too. Section 15 of the 2000 act is applied in that context. There is a presumption in favour of mainstreaming, when that is in the child's best interests and when the interests of all the other children in the mainstream setting into which that child goes are not compromised.

I believe that a measured and welcome change has been taking place in that some children are now in mainstream settings permanently or for part of their school day—that is important—who might otherwise not have had that opportunity and everything that it brings with it. The figures show that and confirm that, contrary to the impression that has been created in some quarters, there has been no mass closure of special schools. In my view, special schools will remain for many years to come, as it is clear that the best interests of a significant number of children are served by the dedication of the staff in those schools.

Lord James Douglas-Hamilton: Just for the record, does the member agree that the information that there has been a net loss of 15 special schools since 1997 is contained in a parliamentary answer that was given by Mr Peter Peacock, which was dated 13 September 2005? The information is not our information; it is the information of the senior minister for education and it is there on the record.

Euan Robson: The figure depends on the period that is chosen. For example, in 1996 there were 158 special schools, but as of 2000 there were 190 special schools.

The point that I am trying to get across is that it is necessary for a child to be in a special school setting when that is in the best interests of the child. As Robert Brown mentioned, to ensure that the policies are being properly implemented, the Scottish centre for research in education will conduct a review of mainstreaming at the end of this year. That is welcome because there is no doubt that there are lessons to be learned and that the work to ensure that mainstreaming takes place will be at different stages of development in different places—obstacles will exist in some places that do not exist in others. I hope that the review will bring out where we need to do more.

I have a brief point to make on the Education (Additional Support for Learning) (Scotland) Act 2004, to which the same argument applies. It will take time for that act to become well understood. An immense amount of preparatory work has been undertaken and I pay tribute to the Education Department for the scale of the consultation that it conducted and the amount of effort that it has put into the implementation phase. Local authorities have been provided with significant resources to ensure that the transition to the new regime that takes place in a few days' time, on 14 November, will be smooth and successful.

Mrs Ewing: Will the review to which the member has referred place an emphasis on the diagnosis of special needs? One of the difficulties that many teachers face is the lack of accurate diagnosis. We cannot simply tie labels saying "autism" or "epilepsy" round young people's necks; we need to ensure that there is delivery of specific packages for individual pupils. The diagnosis of special needs takes time and resources, and requires a lot of hard work.

Euan Robson: I am sure that the Executive will do as Mrs Ewing says and consider the analysis of needs. Autism, for example, is a spectrum disorder. One individual who has autism will be on a different part of the spectrum from another such individual. The point that Mrs Ewing makes is important and I have every confidence that the Scottish centre for research in education will take it on board; the minister has heard it.

In conclusion, I regret the terms of the motion. I suggest to the Conservative party—which, as I recall, voted against the 2004 act—that, in future, it should base its policies on analysis rather than on anecdote, which I fear that it is doing at the moment.

10:03

Mr David Davidson (North East Scotland) (Con): I am amazed at some of the comments that have been made in this morning's debate. Any parent who has a special needs child must be worried sick.

The coalition partners throw out statistics, but only eventually do they get round to the fact that children are different. Each child has a different set of needs. Margaret Ewing was right to say that those needs must be assessed. That is a continuing process. A single diagnosis at a particular stage of a child's life is not sufficient ground for deciding to slot the child into a mainstream situation in which they will get a wee bit of support.

I invite the minister to do what I invited his predecessor to do—to come up to Aberdeenshire to listen to the desperate parents who are told one thing by the education authority, but who hear different things from the ministers. Those parents do not want a special needs school on every street corner; they know that that is impossible. St Andrew's School in Inverurie runs a fantastic operation. Parents in south Aberdeenshire—with the help of the local authority—make the effort to send their children there because it is the right place for them.

Carronhill School in Stonehaven teaches teachers and trains them to work in the bases, so it is a key resource. There are bases in many schools for those children who can cope with an element of mainstreaming. I spent a day in Laurencekirk School, which has such a base. A young chap came and went at different times of the day and was constantly escorted by an assistant who knew what his needs were. The whole process was centred on him. That is what parents are looking for. In time, he will, we hope, get into mainstream education.

We have got to stop the nonsense of, "We've got a piece of legislation, we've allocated a sum of money and that's it. Tick. What are we going to do now? Let's move on to farming." The minister is saying that mainstreaming must be the norm "unless". I can tell him about a number of cases in which mainstreaming has not worked. At Camphill it is not just children who are affected by the forthcoming western peripheral route. I have worked with the engineers to see whether there can be mitigation to save the Rudolf Steiner

school at Camphill, and it cannot be done. Those are major issues, and people are becoming angry that the needs of this whole range of young people—and older people—are not being dealt with.

Robert Brown: I am getting quite angry with Mr Davidson's comments, some of which make exactly the same point about mainstreaming that others have made. Beyond that, however, I wonder whether he has actually read the Education (Additional Support for Learning) (Scotland) Act 2004, and whether he knows about the information strategy, the training arrangements, the money that is being put in, the organisation, the implementation offices at local level and the preparations to make a success of an act that has, after all, not yet come into force.

Mr Davidson: Aberdeenshire Council says that it does not have the resources to rebuild the schools and that it is doing its best to get people into mainstreaming. That education authority is saying, "We haven't got the money." Parent consultation? We did all that at Carronhill and we are back where we started, with a school success story in which the local academy brings in teaching staff so that children get the chance for education in appropriate surroundings. It all comes down to the individual; putting the child at the centre is right, but we must also consider the needs of parents and be pragmatic about resources. Quite frankly, what I have heard today is not guidance but business as usual. "There will be no change but we will have another consultation." That is not good enough.

10:07

Mrs Mary Mulligan (Linlithgow) (Lab): I was puzzled about why the Tories are so hung up about the issue so I listened to the debate, but I am not sure whether David Davidson has been listening to the same debate. The education of children with special needs is important for us all, but I wonder whether the Tories are hiding behind the issue because they have nothing else to say on education.

Brian Monteith and others have referred to the early days of the Parliament. One of the first pieces of legislation that the Parliament passed was the Standards in Scotland's Schools etc Act 2000. During the evidence sessions for the bill, we heard many views of how unsatisfactory the education system was for children and young people with special needs. To suggest that the committee did not press sufficiently for change at that time does not correlate with my memory of what happened. I would challenge anyone here to imagine the likes of Karen Gillon, Nicola Sturgeon and even Brian Monteith not pursuing an issue to its nth degree. However, there was a great deal of

pressure to follow the example of other countries—such as Italy—and close all special schools. Many committee members visited special schools throughout Scotland and we saw for ourselves the excellent education that they provide. I managed to visit all seven national schools.

Mr Monteith: I hear what the former convener of the Education, Culture and Sport Committee says, but she is confusing the committee dealing with the legislation with the subsequent committee report on special schools, which was produced separately. The committee's mood changed after that investigation.

Mrs Mulligan: It did not change; we always recognised the need for the comprehensive system that has allowed for special schools and mainstreaming.

As I said, I visited the seven national schools. I am pleased that Donaldson's College will soon be moving to Linlithgow in my constituency. The committee resisted the pressure to close all special schools, but we introduced the presumption of mainstreaming, which was further fleshed out in last year's Education (Additional support for Learning) (Scotland) Act 2004. The Standards in Scotland's Schools etc Act 2000 was a way forward that provided choice for children and their families. It put the child at the centre of provision, and allowed the appropriate choice for each individual child. Progress has been made in medical care and in adaptations for those with physical disabilities and there is no reason why the majority of children with special needs should not be educated in our local schools. It would be a retrograde step to remove the presumption of mainstreaming.

I wonder why the motion is before us, when it starts out by acknowledging the educational and social benefits of mainstreaming. The motion seeks appropriate resources and support for mainstreaming and I support that. Maybe the Tories thought that we would follow their example, when they introduced care in the community and tried to do it on the cheap. However, that is not the case. The Executive has set aside additional moneys. The motion suggests—as many have said—that 33 special schools have closed. If those schools were not fit for purpose, that was the right thing to do. Rather than dwelling in the past we must provide schools that respond to the needs of the children in our communities now. The Conservatives are grasping at straws. What the Parliament is doing is the correct way to move forward. The fact that the Conservatives are whipping up concern among families of children with special needs is particularly despicable.

10:11

Mrs Margaret Ewing (Moray) (SNP): I welcome the debate. It is important that the issue of special needs is always before the Parliament. We must not lose track of it and think that because we have passed legislation everything will be fine. We all know from constituency casework and from the information that we have received from many of the voluntary organisations that work hard on behalf of the families of children with special needs that that is not the situation. Mainstreaming is a desirable objective.

We all wish to avoid segregation, but what has not really been touched upon here is that the children in mainstream schools who do not have special needs learn a great deal about their colleagues. I hope that that will help to build a more tolerant society and bring back community spirit. I also hope that that will avoid what sometimes happens, which is the bullying of children with special needs, who feel excluded from what is happening in the school. It is important that we recognise that all children benefit from having children with special needs in the mainstream schools of Scotland. It is important to bring back the concept of family and community support that Elaine Murray touched on. We must always remember that many people are less fortunate than ourselves and that we should be doing everything possible for them. However, that is not always resolved by legislation.

In my intervention on Euan Robson I spoke about diagnosis, and the preparation and delivery of individual learning packages for children with special needs. To that I wish to add parental involvement, about which parents are greatly concerned. We probably all heard the interviews this morning on "Good Morning Scotland" with parents who are deeply involved in building up support for children with special needs. We must ensure that parents are involved in every decision that is taken. Professional guidance and support must be given to everyone. That brings me back to training and resourcing, which was mentioned by Rosemary Byrne. Like me, she has a background in special needs education. Training is vital. Forty per cent of schools with pupils with ASD have no teachers with autism-specific training. The situation improves slightly in special schools, but even there only 50 per cent of teachers have specific training in autism. That is one example of the problems. There are others that I could go into, many of which I have learned about in my years in politics, such as the training of teachers and the time that is needed to enable teachers to sit with a child, their parents and the professionals to try to ensure direction in what happens to that youngster in our schools.

We have concentrated on special schools today. I have never doubted that there is a need for them, and I hope that they will be supported. However, the presumption should be in favour of mainstreaming.

We should think more about the transition from school to work for youngsters with special needs. We had the pleasure of having a young autistic gentleman work with us in our parliamentary office in Moray for three months. It was interesting to see that young man's confidence grow through working in a busy office and having to talk to people. At the moment he comes in every so often, which is excellent. We can do a lot to help with that transition. However, let us not just leave it to the local authorities; let us as parliamentarians look at our role and at how we can ensure that the transition happens.

10:16

Iain Smith (North East Fife) (LD): I am disappointed with the Conservative motion, which completely misses the point about children's special educational and additional support needs. The Conservatives think that the presumption of mainstreaming is the key principle underlining Executive policy and policy in Scotland, when clearly it is not. The fundamental principle is the needs of the individual child. That is made clear in the Education (Additional Support for Learning) (Scotland) Act 2004, which requires education authorities to make adequate and efficient provision for each child or young person with additional support needs for whose education they are responsible. That—not mainstreaming—is the underlying principle of Scotland's education system and of the policies that are being pursued by the Liberal Democrat-Labour Executive.

However, I support the presumption in favour of mainstreaming, because it means that people should be treated as equals and that they should, wherever possible, play a full part in the society in which they live. It also puts a requirement on education authorities to do everything that they can to try to meet the needs of individual children within a mainstream setting. However, in some cases, that will not be possible. Nobody believes that it is possible to make adequate provision to meet the needs of every single child in a mainstream setting. Therefore, there will be a continuing need for special schools and special units attached to schools. That is a fundamental point.

The Conservatives have completely missed the key point in this tawdry debate that there are now more special schools and stand-alone special units than when they were in government. Since 1997, 57 special schools and special units have opened and only 33 have closed. I do not agree

with the definition of some of those establishments as special schools—Scott Barrie may pick up on that point later.

Lord James Douglas-Hamilton: Does the member accept that Peter Peacock's written parliamentary answer on 13 September 2005 is clear and unequivocal, in that there has been a net loss of 15 schools? In that answer he lists year by year the number of special schools opened and the number closed, and there has been a net loss of 15 of those schools.

Iain Smith: The Conservatives miss the point that stand-alone special units, which are not defined as special schools, have been opened. Most closures actually happened in 1995, when 11 schools were closed. I do not think that the Liberal Democrat-Labour Executive was in control in 1995. Many of the schools that were closed were not fit for purpose and did not serve the children whom they were meant to serve.

I had the privilege last year, as a member of committee D of the British-Irish Inter-Parliamentary Body, to take part in an examination of autism. The committee examined different types of provision throughout the British isles—in Ireland, Northern Ireland and England—and found that there is a continuing need for special schools. However, there is also a need to examine training. In its briefing for today's debate, the National Autistic Society makes it clear that only 50 per cent of teachers in special schools—never mind teachers in mainstream schools—have training on autism. We need to examine training facilities. The problem exists throughout the British isles, not just in Scotland. There is also a shortage of speech and language therapists throughout the British isles, which must be addressed.

I was particularly disappointed by David Davidson's tawdry little speech, which did not merit a place in this important debate on the requirements of children with special needs. I make no further comment.

I commend the Executive amendment to the chamber.

10:20

Scott Barrie (Dunfermline West) (Lab): I am glad to be closing the debate for the Labour Party, not only because it gives me an opportunity to talk about special schools in my constituency, but because it allows me to take on some of the points that have been made.

The Conservative motion refers to the closure of 33 special schools. We now hear that other schools have been opened, which the motion does not mention. I am pleased that some of those schools—particularly Ovenstone School, Linwood

Hall School and Melville House School in my local authority area of Fife—have been closed. My only regret is that it took until the late 1990s before they were closed. They were not fit for purpose and they did not do what they should have done. More important, they did not even qualify for the term “special school” as understood by most members who use the term in this debate, because they were former list D and list G schools and schools for children with educational, social and behavioural difficulties. They were not the schools that most of us have been talking about—schools for supporting children with additional learning needs. When we have such debates, we must be careful about what we are talking about.

The Tories have either misunderstood or deliberately misrepresented the inclusion agenda. Apart from the Conservatives, there is unanimous support in the chamber for the inclusion agenda, but not for inclusion exclusively. We accept that some young people require to be educated in special schools and we should celebrate and support those schools. If someone can attend a mainstream school with additional support, they should be in that mainstream school. However, if they cannot attend a mainstream school because that is best for the young person, they should be at the appropriate special school, which should be adequately resourced.

Only this month, Robert Henryson School in my constituency received an outstanding report from Her Majesty's Inspectorate of Education. Every single category was listed as very good, except accommodation and facilities, which was judged to be good. The one category that is probably outwith the remit of the staff in the school is the only category that did not get a rating of very good. I am pleased to be visiting that school tomorrow morning to congratulate the head teacher and her staff on the invaluable work that they have done. Such work goes on throughout Scotland in lots of different settings, because our special schools are delivering for young people. If the motion before us recognised that fact, we would have been a lot happier and would have had a much better debate.

Apart from the Conservative members who have spoken, all the speakers have talked about the needs of young people and some of the difficulties that we have yet to overcome. That is where we should be going; we should not reinvent an argument from the past about whether every single young person will have to go to a mainstream school. That never was the policy and is not the policy now, and it is untrue to represent the position otherwise.

I am deeply disappointed that Lord James Douglas-Hamilton allowed a factually incorrect motion to go forward in his name. I would not have

expected that of him, knowing what he is usually like. He admitted in his opening speech that the debate is not about 33 school closures. Tying up special educational needs with a debate on school closures does no credit to those who brought forward the debate or to those who try to justify the motion.

10:24

Fiona Hyslop (Lothians) (SNP): I offer my apologies to Lord James for missing his speech, but I had transport problems coming into Edinburgh this morning.

It is important that we debate special needs education. I thank the Tories for bringing the motion to the chamber. Unfortunately, like many members across the chamber, I regret the terms of the motion. We see that the Tories want to look backwards, whereas the rest of the chamber recognises the progress that has been made. We accept that great progress has been made and we want to take stock, consider the reality and the experience and then consider where we go from here.

An element of debate has arisen about whether there is a mismatch between experience and intention. The intentions behind the Standards in Scotland's Schools etc Act 2000 and the Education (Additional Support for Learning) (Scotland) Act 2004 are correct. I do not dispute the deputy minister's motivation, but he should reflect on the fact that a whole section was added to the 2004 act at the request of the Education Committee to ensure the child-centred approach that John Swinney and others have talked about. The committee recognised that a child does not need to have a co-ordinated support plan to be justifiably in receipt of additional support for learning and that that should be in statute.

We must consider the reality. Time and again, I have come across desperately anxious parents and teachers who support mainstreaming and want it to work but who do not have support on the ground. They worry that they are letting down children. Margaret Ewing and Rosemary Byrne, among others, mentioned teacher training, which lasts for only a short period. The recent report on initial teacher training shows that one anxiety of young teachers is about their lack of experience of, or training on, additional support needs. Those perceptions are carried into schools, where we hear unfortunate comments such as, “I didn't realise I would have to deal with children like these.” That is by no means the situation throughout Scotland, but it happens. Unless we face up to the challenges, we will not make progress.

We must reflect on the May 2003 HMIE report “Moving to mainstream: The inclusion of pupils

with special educational needs in mainstream schools", in which senior educational managers in each of the local authorities state that they expect a 39 per cent reduction in special school rolls. That does not fit with what we have been told about the provision so far. We must recognise that the issue is not necessarily about special schools that have closed; some special schools are under threat. For example, Richard Lochhead has lodged a motion about the Raeden centre. I agree with Scott Barrie that we should not confuse school closures with the special needs mainstreaming agenda, but I ask the minister to reflect on the fact that some areas, particularly Aberdeenshire, have carried out a whole-authority analysis of the school estate with the special schools thrown in. We must ensure that the future of special schools is treated in an analysis that is separate from the school estate management process.

The Netherlands introduced mainstreaming legislation in the 1990s—the policy was called going to school together. However, a programme called going to school together: the next phase was also introduced, which dealt with a variety of issues that we must consider, such as personal budgeting. At the end of the day, the issue is about resources. The deputy minister says that £95 million will be provided but, only last week, when we asked Peter Peacock in the Education Committee about the resources that are going to front-line services for the 2004 act, he could not tell us but said that he would come back to us. We know that the additional support for learning budget of £14 million is for administrative purposes.

There is a consensus among the parties, except the Conservatives, that we need to make progress. The presumption of mainstreaming should be supported, but we need to consider the next phase. The reality and the bottom line are that we must ensure that sufficient resources are put in on the ground. For all the wonderful words about children being at the centre of the process, they will not be at the centre unless sufficient resources are supplied. That is the agenda that we should focus on next.

10:29

Robert Brown: I have listened with considerable interest to the points that have been made. I thank the Conservatives for initiating the debate, but I have a sense that the motion that we are debating does not stand up to the slightest examination: it poses a dilemma that does not exist and which is based on an untrue assertion about a declining number of special schools; and it raises an option that is unnecessary and which suggests a crisis that does not exist.

I pay tribute to John Swinney, who gave a classic definition of what we, with the exception of the Conservatives, all believe in the debate on the inclusion programme and mainstreaming. That was echoed by Euan Robson, who talked about the importance of the child-centred nature of the policies that we are putting in place. However, as Cathie Craigie commented, that is not to say that there are no situations in which the provision for an individual child with additional support needs falls short of what it should be or that children do not fall through the net and fail to have their problems identified. I point out to Margaret Ewing that considerable attention is given to the issues of assessment and identification in the Education (Additional Support for Learning) Scotland Act 2004, which comes into force this month.

The Scottish education system, as reformed by the 2000 and 2004 acts, provides a framework for improvement that is increasingly offering children better opportunities. It provides real and effective choices for parents and children, supports those choices better and empowers, and best meets the needs of, the most important people in the debate: the children and young people who need additional support to learn. The framework also benefits their peers with whom they learn, who gain considerable benefit from the experience, which is another point on which Margaret Ewing and others touched.

In the correspondence that has come across my desk since I became minister, I have not seen a great flood of letters on the matter. Perhaps the letters are going to local authorities or elsewhere, but I have had only one on the subject. Issues are not being raised with ministers.

Mr Swinney: On that point, the minister makes a fair comment about the framework that is in place—I have no issue with it. However, we are writing to local authorities and encountering parents who are frustrated because they have many stresses in their domestic life through supporting their children but, when they deal with the local authority, the stress is 50 times worse. The challenge is how we break that obstacle in the system. I hope that he will give us some comfort that work on that is under way.

Robert Brown: I entirely accept Mr Swinney's point, which was considered and elaborated on in detail during the passage of the 2004 act. That is why it includes measures on mediation, dealing with issues early, the tribunal failsafe and the ethos that is required. I am well aware, from my legal involvement in such cases before my election, just how much some people in such situations batter their heads against brick walls. I have great sympathy with people who are in the situation that John Swinney mentions. However, we must talk about what we are doing through the

parliamentary process, the Executive's influence and the framework that is being put in place under the 2004 act to ensure that the situation continues to improve.

Teachers, parents and children tell me repeatedly that the experience of interrelating with children with disablements helps other children to develop the tolerance, understanding and respect for others that are part of what we desire for young people. We have guaranteed the funding of national special schools and supported local authorities in improving special facilities for young people who need them. It is a big challenge for the teachers and other professionals who make a vital contribution, such as therapists, social workers, carers and psychologists, to put all the measures into practice, which is why investment is going in. That investment is not just the £14 million directly to support the 2004 act that Fiona Hyslop mentioned, but investment in a wider range of initiatives on training and other support, which should, I hope, make a big difference. We now have 400 educational psychologists in Scotland for the first time; a 5 per cent rise in speech and language therapists; an increase in social workers of 35 per cent; and teacher targets. Any suggestion that mainstreaming is cheap or simple is misplaced. We are putting in resources.

I remember the dark days when the Conservatives ran Scotland. That was not a halcyon time when children with special needs were carefully supported, as Scott Barrie made clear in summing up for the Labour Party. On the contrary, it was a time when large numbers of parents battered their heads against brick walls, desperate to get the resources that they needed to support their children's special needs. In the 18 years in which the Conservatives were in power, teacher numbers fell by a staggering 6,000. In the final year of the Conservative Government, £30 million was taken out of education resources in Scotland.

We are nearing the date for implementation of the 2004 act. We have an unparalleled opportunity to ensure that every child in Scotland receives the support that they need to achieve their full potential. The new system will address many of the difficulties that members have mentioned. We must focus on that, not on unproductive arguments about the pros and cons of mainstreaming. The Conservative motion looks not forward, but back and seeks a return to a system that many parents, professionals and children fought to change just a short time ago. We have a great generation of young people whom we need to support to the fullest of our ability—that is what the debate is about.

10:35

Mary Scanlon (Highlands and Islands) (Con):

I will start by disagreeing with Robert Brown: this has been a very productive debate with good contributions from all sides of the chamber.

There is one point that no one has raised. The minister mentioned parents battering their heads against brick walls, but—although I am aware only of the situation in Highland—I can tell him that many children are actually excluded from all schools, be they mainstream or specialist, because of disruptive behaviour. Why are children excluded for being disruptive? Because, as Margaret Ewing said, their parents are trying to get a diagnosis but cannot—

Robert Brown: Will the member take an intervention?

Mary Scanlon: One second please; this is an important point that has not been raised. Parents cannot get the diagnosis, so the children are at home. In some cases they not only exhibit violent behaviour but enter into a life of crime after falling in with other children who have excluded themselves from school.

Serious issues arise. We are not just talking about mainstreaming and about specialist schools; we also have to consider children who are excluded. They are promised six hours of specialised teaching a week but they certainly do not get that. I agree with points that have been made on all sides that the Parliament must continue to look into education for children with special needs.

Scott Barrie made points about the motion in the name of my colleague Lord James Douglas-Hamilton, but I want to remind the chamber of the actual wording. The motion acknowledges that

“many children with additional support needs draw educational and social benefit from being educated in a mainstream setting”.

It also acknowledges that

“appropriate resources and support must be available”

and that the development of

“some children with multiple and complex needs can best be promoted through the concentrated support provided in special schools”.

Scott Barrie: Will the member take an intervention?

Mary Scanlon: No. I am sorry.

I would argue that the motion is a plea to look ahead rather than back. Children with special needs should be placed in the most appropriate setting for their development, be that in mainstream or special schools.

There is another point in Lord James's motion that others, including John Swinney, have raised—

to their credit. Parents must have a say in the process and must be able to make a genuine and informed choice.

Robert Brown: Will the member take an intervention?

Mary Scanlon: No. I am too short of time and have too many points to respond to.

Fiona Hyslop mentioned a 39 per cent reduction in special school rolls. That reduction is a cause for concern. However, as Lord James said, each child must be treated as an individual and supported according to their needs.

Many members, such as Rosemary Byrne and Margaret Ewing, have spoken about their professional life before coming to the Parliament. Before coming here, I lectured in economics in further and higher education for 20 years. Many students fell through the net throughout their whole educational career; they were diagnosed with dyslexia or other conditions only when they reached higher education. We hope that that will not happen in future and that children will be given support in primary and secondary school.

Today's debate takes place in the month of the implementation of the Education (Additional Support for Learning) (Scotland) Act 2004. It is a time of change in our education system. Like Brian Monteith, I remember that many Labour back benchers had serious concerns about the bill. We will have to keep the implementation of the act under constant review.

I was pleased to hear the minister say that both special and mainstream schools are required. We would all agree with that. However, will he go a step further? Will he place a moratorium on the closure of special schools until the assumptions behind the mainstreaming policy are reviewed?

As others have said, at present parents have to battle within the system to get accurate diagnoses—whether for dyslexia, dyspraxia, ASD or any other conditions. Once parents have achieved a diagnosis, they have a further battle to get the support that is appropriate to the child's needs. It is one thing to pass legislation in this Parliament but quite another to look into the practical implementation of measures and the support that is offered by education authorities throughout the country.

As Brian Monteith said, a child's needs should not be determined by cost or resources. He also spoke of the need for a variety of choices.

John Swinney and others said that we should not simply establish the principle of support—with which we all agree—but that we should work on the practical delivery too. That is what people constantly come to see us about. We would be failing in our duty as parliamentarians if we did not

raise the issue of the support that is required by children with special educational needs.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member take an intervention?

Mary Scanlon: All right, given that Mr Rumbles has not spoken in the debate.

Mike Rumbles: I thank the member.

David Davidson spoke earlier about the closure of Carronhill School in Stonehaven in my constituency. There has been a lot of misinformation. We should be talking about important things such as the local council's plans to rebuild Carronhill School and many other schools like it, and the £200 million refurbishment and renewal programme that is under way.

Mary Scanlon: I thank Mr Rumbles for raising that point, but we should be discussing not the bricks and mortar but the actual support that children are given, whether in mainstream or special schools.

I am in my last minute so I will move quickly on to the point that Adam Ingram made about disabled people not being well served in the current system. Just a few hours of specialised teaching for children with dyslexia can bring enormous benefits. I know of children in primary 7 whose parents have to pay privately to get a diagnosis; however, because it is a private diagnosis, it is not accepted by the education authority and the parents and children have to wait and wait.

I commend Rosemary Byrne for her contribution. Because of her background and her commitment to her profession, she always makes sound contributions to these debates. She and others said that reviews of mainstreaming and of problems with diagnosis and insufficient resources are required. A review is also required into the training of classroom assistants. Such training is lacking.

I ask members throughout the chamber to support the motion in the name of my colleague Lord James Douglas-Hamilton.

Manufacturing

The Deputy Presiding Officer (Trish Godman): Our next item of business is a debate on motion S2M-3497, in the name of Murdo Fraser, on the decline of Scottish manufacturing.

10:42

Murdo Fraser (Mid Scotland and Fife) (Con): Scottish manufacturing is in crisis. Since 1997, we have lost nearly 100,000 jobs in the sector. According to the Scottish Council for Development and Industry, exports have fallen below £15 billion in value for the first time in a decade. The Scottish Executive must stop sitting on its hands and start taking action to address the decline in our manufacturing base.

Let us start by separating reality from mythology. It is part of the mythology of Scottish politics that manufacturing declined under the Conservative Government. In fact, the opposite is the case. According to figures produced by the SCDI, the value of manufacturing exports rose year on year from 1979 to 1997. In 1979, at today's prices, the figure was £3.5 billion; in 1997, it was £19 billion. Those are the facts, despite the nonsense that is put about by our political opponents about the decline in our manufacturing base during that period.

Particularly during the 1990s, Scottish manufacturing saw growth at high levels. The value as a percentage of Scottish gross value added rose year on year between 1992 and 1997. The percentage has fallen substantially in each year since. There was a net gain of more than 5,000 manufacturing jobs in Scotland during the last year of the Conservative Government, whereas the most recent figures show a catastrophic loss of nearly 20,000 jobs in a year. Yes, there has been a dramatic decline in manufacturing, but not on the watch of the Conservatives. It has come on the watch of the Executive and it is the Executive that must be held accountable. If the current rate of decline continues, Scottish manufacturing may well disappear altogether within 10 years.

It is depressing, but not surprising, to see that the Executive's amendment contains no recognition of the sector's problems, such as job losses, competitive pressures and the fall in exports.

Ms Wendy Alexander (Paisley North) (Lab): Will the member take an intervention?

Murdo Fraser: The Executive does not have the first idea how to deal with those problems, but perhaps a reluctant ex-member of the Executive will give us an idea.

Ms Alexander: If the Conservatives are so concerned about manufacturing, why did the word "manufacturing" not appear in their general election manifesto in 2005, their European election manifesto in 2004, their Scottish Parliament election manifesto in 2003 or their general election manifesto in 2001?

Murdo Fraser: Wendy Alexander clearly has far too much time on her hands if she spends her waking hours reading our old manifestos. We are committed, as we have always been, to growth in the Scottish economy and Scottish businesses. We do not need to spell that out in detail in relation to every sector in order to make the point.

We believe that Scotland requires a strong manufacturing base and that the decline in manufacturing is driven by a lack of competitiveness on the part of the Scottish economy.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Is it Conservative party policy that Scotland should have fiscal autonomy in order to redress that lack of competitiveness?

Murdo Fraser: I have a sense of déjà vu. As Mr Ewing knows, we have debated the point endlessly. My party and I accept that there is a case for looking at the powers of the Scottish Parliament. At the moment, we are not convinced that fiscal autonomy is the right option, but there is a debate to be had on the matter and we will be happy to engage in that debate in the months ahead.

We accept that Scotland cannot compete in terms of price with countries such as India and China, but we are hampered by the unduly high cost base in Scottish manufacturing. The 2005 United Kingdom competitiveness index, which has been produced by the University of Sheffield, shows that Scotland has fallen four places since 1997, from fourth to eighth out of 12 regions of the UK. That can only be a direct result of the Executive's decisions.

The SCDI states that manufacturing exports peaked in 2000. That is the year in which the Executive increased business rates. As we have heard many times in the chamber, Scottish businesses have paid an extra £838 million since Jack McConnell abolished the uniform business rate and increased business rates to a higher level than applies down south. I am pleased that a cut in business rates has been announced, but it is disappointing that the cut is to be staggered. The Executive should bring the entire cut forward to April 2006 so that business rates in Scotland match those in England. That would deliver a real boost to the competitiveness of Scottish manufacturing.

Scottish manufacturing companies also suffer from higher water bills than those paid by their counterparts down south. BP at Grangemouth pays nearly twice as much as would an equivalent plant south of the border. It is time to move Scottish Water into the private sector, to make it more competitive and to reduce the costs to Scottish businesses.

We have to tackle regulation. People in business regularly complain that they are hampered by red tape. Our new Minister for Enterprise and Lifelong Learning says that he understands the position, but it is time for him to deliver. We need an enterprise minister who really believes in slashing red tape and allowing businesses to compete more freely.

Christine May (Central Fife) (Lab): The member talked about the impact of regulation and what the Executive is doing about that. Does he agree that the World Bank and the Organisation for Economic Co-operation and Development regard the UK's regulatory regime as one of the lightest in Europe?

Murdo Fraser: We know that the European economy as a whole has not performed particularly well, so perhaps Europe should not be our model. It is disappointing that the Executive rejected many of the Subordinate Legislation Committee's recommendations on the regulatory burden.

We need to examine the size of the public sector in Scotland, which stifles private sector activity. We are familiar with the comments of the chairman of Scottish Enterprise on the matter and there is a growing consensus that the way to grow the private sector is to start reducing the burden of the public sector.

Under the Executive, the decimation of Scottish manufacturing continues apace. Unlike the happy years of Conservative government, when Scottish manufacturing went from strength to strength, all we have seen during the past six years is a sad story of decline. It is time for the Executive to stand up for Scottish manufacturing and take the necessary steps to turn the situation round.

I move,

That the Parliament notes with concern that the value of the manufacturing sector fell every year between 1997 and 2002, having previously risen year-on-year between 1992 and 1997, and that nearly 100,000 manufacturing jobs have been lost since 1997; further notes with concern the recent findings of the Scottish Council for Development and Industry that exports have fallen below £15 billion in value for the first time in a decade; believes that Scotland can benefit from a solid manufacturing base as part of a diverse and modern economy, and therefore calls on the Scottish Executive to take the action required to increase the competitiveness of the sector by taking measures such as reducing red tape and the size of the public sector, privatising Scottish Water, encouraging greater

participation in vocational training at further education colleges and bringing forward the promised business rates cut to April 2006.

10:50

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): We are always pleased to have an opportunity to talk about manufacturing in Scotland, no matter how incongruous the source of the debate. Unlike the Conservatives, we regard manufacturing as important. We mention it in "A Partnership for a Better Scotland".

Murdo Fraser talked about the Conservatives' record but, contrary to what he said, manufacturing output measured as a percentage of gross value added fell between 1988 and 1997 from about 24 per cent to 22 per cent. Murdo Fraser did not mention employment but, during the same period, the number of jobs fell by 155,000. That figure is significant because of the difference in unemployment under the Conservative and Labour Administrations; since the creation of the Scottish Parliament, we have created more than 155,000 new jobs—that is, more than the number of jobs that were destroyed by the Conservatives during their tenure.

Murdo Fraser: We are talking about manufacturing. Even if it is the case that we lost 155,000 jobs during the 18 years of Conservative government, is the minister proud of the fact that the Executive has managed to lose 100,000 jobs during the past six years?

Allan Wilson: When we talk about manufacturing, it is important to put the matter in context. I do not disagree that manufacturing's contribution to the economy has declined since 1998 but, during the same period, Scotland's economy has grown by nearly 14 per cent in real terms. That rate of growth is not matched by many of our competitors. Manufacturing productivity remains 25 per cent higher than productivity in the rest of the economy, which reflects the fact that the sector is at the forefront of adopting innovative business practices to eliminate waste. There are still significant gains to be achieved in that area.

Manufacturing accounts for 15 per cent of Scotland's gross domestic product and employs approximately 250,000 people. Those are impressive statistics, but many commentators—people such as me and Wendy Alexander—believe that traditional measures no longer accurately capture the complexity of manufacturing in advanced economies in the 21st century. Understanding manufacturing is much more complex than simply talking about production, as Murdo Fraser does.

In our advanced global economy, successful manufacturing companies engage in various parts

of the manufacturing process, such as research and development, product design and development, marketing and aftercare. They specialise in complex systems integration and systems management across a global supply chain as well as, or in place of, production.

Jim Mather (Highlands and Islands) (SNP):

Will the minister explain why, if everything is so rosy, his figures show that manufacturing declined from 22 per cent of GDP in 1995 to 16 per cent in 2002? The trajectory suggests that the figure is now about 12 per cent. How can that be considered a success story?

Allan Wilson: I am trying to explain that measuring manufacturing production simply by GDP does not take account of the whole manufacturing process.

The Deputy Presiding Officer: You have one minute.

Allan Wilson: One minute?

Manufacturing sectors have necessarily undergone a period of transition. That is not in dispute. They have had to adapt, innovate and transform to meet the challenges of globalisation and competition from low-wage economies such as those of Asia and eastern Europe, and they continue to do so. Jim Mather and Murdo Fraser talk about decline, but in a modern and innovative economy it is misleading—and it does manufacturing industry a disservice—to refer to job losses in production and pretend that that tells the whole story. It does not.

I have a whole lot of things that I would like to say about what we are doing in the Scottish economy to assist manufacturing, but I will keep that for summing up. Suffice it to say that there is no use pretending that Scotland's economy can be immune from the global economic trends to which I have referred. We should concentrate on creating the right conditions for manufacturing and business. We have done that and it is set out in "The Framework for Economic Development in Scotland" and "A Smart, Successful Scotland". Manufacturing must continue to focus on productivity. Our success will be evidenced by the fact that our economy continues to grow at a rate in excess of that of the rest of the United Kingdom, and our employment figures continue to rise. Many of our key competitors dearly wish to be able to say the same thing.

I move amendment S2M-3497.3, to leave out from the first "with concern" to end and insert:

"the important role that manufacturing plays in creating a diverse and growing Scottish economy and supports Scottish manufacturers adopting innovative and modern approaches to face the challenge of global competition; supports the move to higher value and quality products, and further notes the range of measures brought forward

by the Scottish Executive to support manufacturing: investing in transport infrastructure and the skills of our people, creating the right environment by reducing business poundage rates and establishing a Scottish Manufacturing Advisory Service to support and encourage Scottish manufacturing industry to adapt to the global competitive environment."

10:56

Jim Mather (Highlands and Islands) (SNP): I rise to engage in a debate that I am not sure is entirely serious. It seems to me that this might be more of a Tory attempt to clear the decks and mark the arrival of a new leader, and to have previous convictions taken into account. The Proclaimers should be here today to sing "Letter from America":

"Methil no more
Irvine no more.
Bathgate no more
Linwood no more".

I could go on to talk about Corpach, Ravenscraig and so on. We are essentially reflecting on a 20-year Tory era in which 240,000 jobs were lost in Scotland between 1979 and 1997.

Although the Executive amendment is worthy, it is also pretty complacent. In my intervention on the minister, I said that the Executive is even marking down manufacturing in the way that it calculates GDP. Manufacturing is being materially de-emphasised. To the Scottish National Party it is ironic that the decline happened between 1973 and 2005, the era in which we have been denied the chance to implement Scotland's wealth and have been unable to exercise our right over the oil, to move ahead and to have the economy that we should have.

There is a pattern of behaviour in which the distortions that were made in the past are continuing. The minister commented that Scotland is outperforming the rest of the UK in terms of our GDP—what rubbish! We have indexed our 2000 and 2001 GDP figures and done the same with the UK economy figures. If we had indexed the Koh-i-noor diamond and my SNP badge each to equal 100 at 2002, then monitored their progress, the lines would converge at that time and diverge very little thereafter. Such indices give no reflection of value and it is a major fault of the Government that it continues to twaddle data that are so distorted.

Our economic failure and the contraction in manufacturing are due to the simple failure to create the conditions for growth. That is why we have lost manufacturing muscle, ownership, and research and development and the potential spin-offs. We have lost potential clusters and, time after time, the reports show that competitiveness has been eroded.

There has been a consolidation of UK ownership, as happens in a branch economy.

There has also been a failure in the Tories' artificial temporary boost of foreign direct inward investment policies which, through loans and low-cost premises, brought inward investment that did not stay here in the long term.

The hierarchy of responsibility can be clearly seen by anyone who studies the likes of W Edwards Deming, the guy who turned round manufacturing and industry in Japan. Deming is particularly interesting because he discovered that responsibility lies with management. Management dictates recruitment, the definition of processes, the raw materials and the suppliers. If that is true for the management of a factory, it is also true for the management of a country. This country has failed in its operation because our branch economy leaks into other economies and does not allow us to grow and build our base.

We should examine the current outlook. The Confederation of British Industry forecasts contraction. In business rates and Scottish Environment Protection Agency and water charges, our businesses face higher fixed charges than do businesses elsewhere. The net effect is a massive series of conversions. Lord Vallance, the former chairman of Scottish Enterprise, is coming round to our opinion that we must have the economic powers to move forward.

Where would we have been if we had been able to start that process in 1973? If we had matched Norway's growth, we would have £46 billion extra flowing through our economy and 815,000 additional people living and working in Scotland. Each man, woman and child would be £5,300 per annum better off.

The focus now should be on creating a new magnetic north called Scotland that attracts business and wealth. The only way of doing that is for the Parliament to step up and grab the same powers as the Latvians, Estonians, Irish and Czechs have. Anything else—

The Deputy Presiding Officer (Murray Tosh): No, you must finish now.

Jim Mather: Anything else is flawed and we will continue to see the flow of flawed data.

I move amendment S2M-3497.1, to leave out from "having previously" to end and insert:

"considers that this was partly the result of the failure of earlier policies which attracted many foreign direct inward investors who did very little research and development in Scotland and which on their own were neither sufficient nor a substitute for real economic power and the full ability to compete, and therefore calls on the Scottish Executive to recognise this fact and the evidence that makes the status quo untenable and damaging to Scotland."

11:00

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): Until now, I never believed P G Wodehouse's comment to the effect that it was never difficult to tell the difference between a Scotsman and a ray of sunlight, but I now realise that he must have been describing Murdo Fraser and Jim Mather.

Mr Fraser's motion on the current state of the Scottish manufacturing industry neatly tries to deflect from the Tories the blame for the damage that they did to that sector and to the economy as a whole from 1979 until they were belatedly ousted from power. He might have been too young to see the damage that was done by the Tories to industry in the 1980s or to feel its consequences, but the manufacturing decline was triggered by the last Tory Government. Perhaps Mr Fraser can say why investment in manufacturing was lower when the Tories left office than it was when they entered it.

Rather than concentrate on that, I will concentrate on the good news for the future of Scottish manufacturing. The decline that was brought about by extensive restructuring in the sector has bottomed out and the sector is expected to grow again as of next year, as it started to do this year.

The Fraser of Allander Institute commentary on manufacturing for the first half of this year found an increase in business confidence; a rising trend in orders, in the level of work and in investment; and a crucial strengthening of employment in the sector. It is on that basis that the institute expects the situation to turn round by next year.

I am sorry that there was no Tory representation at this morning's launch of Scottish Enterprise Fife's annual report. Those who attended heard the chairman, Fred Bowden, state:

"There is a real sense of optimism in industry."

The Scottish Executive consulted manufacturing to find ways to support restructuring and development of the industry and those efforts have been welcome and successful. The lean manufacturing initiative that was launched last year by Jim Wallace helps to strip out costs from businesses and aids their competitiveness.

"Efforts to encourage manufacturers to participate in 'Lean Management' have yielded significant benefits for those involved. The Initiative supported by Scottish Enterprise is now being rolled out across the country and will provide excellent opportunities."

That is not my comment but that of the chief executive of Scottish Engineering, Peter Hughes. He also welcomed the opportunities that exist via the Executive's green jobs strategy, which links our concern for the environment with the rise in new markets in sustainable industries. It is a

unique strategy that will give Scottish manufacturers a cutting edge in that emerging field, particularly in renewable energy.

Interestingly, in the same publication that carried the comments of Mr Hughes, the Conservatives' former leader pledged that they would stop

"spending tax payers' money in pursuit of never ending 'strategies' and 'launches'".

The Executive has been listening to business; the Tories have not.

We should never forget that Scotland has a better record of innovation and invention than any other similar-sized country in the world. That has been true for more than 200 years and the Executive is creating opportunities for invention to flourish in the marketplace.

On a final point, I would like to combat the gloom that we have heard this morning by referring to a report of the Small Business Research Trust. That report stated categorically that small businesses in Scotland were outperforming those in the rest of the UK, including London, when it came to investment, sales and creating employment. The report, which was the second-largest ever commissioned in the UK, pointed out that in the second quarter of this year, 30 per cent of Scottish businesses were increasing the number of jobs and, in addition, 36 per cent were investing more in their businesses than were businesses south of the border. The news gets better—or worse for Tory and SNP members—because more than half of Scottish businesses in that category reported a rise in their sales.

The Deputy Presiding Officer: You must finish now.

Mr Arbuckle: In fact, predictions based on results so far suggest that we will see an end this year to the decline of manufacturing. The long-term future is bright.

The Deputy Presiding Officer: We move now to the open debate, but I will not be able to call everyone. There will be a strict four minutes for speeches. That means four minutes maximum.

11:05

John Scott (Ayr) (Con): I will focus on my constituency's manufacturing sector, which in many ways faces in microcosm pressures that are felt in the industry in Scotland as a whole.

In Ayrshire, more than one in five workers is employed in the manufacturing sector and some 34 per cent of the area's turnover—compared with a Scottish average of just 21 per cent—comes from manufacturing. One need only look in and around the area that I represent to see evidence of Scottish manufacturing's decline. We have seen

many closures: the Ailsa-Troon shipyard; the Volvo factory in Irvine; the Compaq computers factory; and the Ayr stamp works. The list goes on. According to Scottish Enterprise Ayrshire, no fewer than 85 manufacturing companies in Ayrshire have closed over the past four years, with the loss of almost 7,500 jobs.

There are many reasons why Ayrshire's manufacturing sector is suffering, some of which are beyond the Scottish Executive's control. For example, there has been an increase in competition from the far east, the Indian sub-continent and eastern Europe, where the labour costs of the well-educated and appropriately skilled workforce are cheaper. However, other issues that affect Scottish manufacturing industry's competitiveness lie very much within the influence of Government at UK and devolved level. As I argued in the chamber a few weeks ago—and as others have mentioned—the minister's stated intention of reducing business rates in Scotland to the levels that are enjoyed by firms south of the border is welcome, but the reduction cannot come soon enough for businesses in my constituency. We could do with lower business rates now rather than in 2007-08.

In addition, recent studies have shown that an underdeveloped transport infrastructure and high transport costs are a major stumbling block to business expansion. In recent years, many local companies have raised with me the issue of spiralling utility costs such as water bills, which for a number of firms have been hiked by Scottish Water by 300 per cent and more. Clearly, such costs have a major impact on the ability of the manufacturing firms to compete and to invest.

It is extremely worrying that the Fraser of Allander Institute's most recent survey on behalf of the Scottish Chambers of Commerce indicates that Scottish investment in research and development and in developing new markets and products continues to decline. To survive and compete in an increasingly competitive global marketplace, Scottish manufacturing must play to its strengths and innovate. Sadly, firms face such a fight to keep their heads above water because of the high business costs that are levied by the Scottish Executive and Scottish Water that they are required to sacrifice future investment for present survival. Who can blame them for doing so?

Of equal concern is the worrying lack of new business start-ups in Ayrshire. The only way to boost start-ups is to create an environment that is conducive to the spirit of entrepreneurship, which has long been part of the Scottish character.

However, the news from Ayrshire is by no means all bad. Larger businesses such as Goodrich Ltd, GE Caledonian Ltd and BAE

Systems aerostructures division in Prestwick have demonstrated that there is still a place for high-tech, high-skilled precision engineering jobs in Scotland.

My hope is that the minister will reflect on the warning signs that are evident in our manufacturing sector. He must act now to ensure that many more firms in Ayrshire and throughout Scotland are set free to invest, compete and succeed.

11:09

Shiona Baird (North East Scotland) (Green): I welcome the opportunity that the debate provides to discuss aspects of Scotland's manufacturing future that members of other parties might inadvertently overlook, such as sustainability and social justice.

All parties share common ground in recognising that Scottish manufacturing has declined in recent years and that the value of Scottish exports continues to fall. Every manufacturing job that is lost is a devastating blow for the individuals concerned and for their families. The parallel growth of Scotland's service sector is scant comfort for those who have spent a lifetime in manufacturing.

Although we share many of the concerns of Murdo Fraser and his colleagues, we disagree with their preferred solution to the problem. We do not agree that improving Scottish competitiveness requires the dismantling of the public sector and the watering down of business regulation. In the annual league tables that are published by the World Economic Forum, three of the four most competitive countries on the planet are—as Murdo Fraser will be aware—Scandinavian states. By our standards, those are high-tax economies, but the citizens of Finland, Sweden and Denmark enjoy a comprehensive welfare state and public services of which the rest of the human race can only dream. Clearly, a strong public sector and a competitive economy are not mutually incompatible, in spite of what the Tory motion implies. We would go as far as to suggest that only high levels of social justice among the workforce can deliver high levels of productivity and efficiency.

In addition to maintaining Scotland's traditionally high levels of Government expenditure, the Scottish Executive should use its powers to develop the manufacturing potential of new sustainable industries. The zero-waste sector has enormous job-creation potential, which would be good for the environment and for the economy. Not only is redesigning waste out of our society possible—make no mistake about that—but it will create employment and improve our competitive

advantage. Likewise, the radical improvements in energy efficiency that we so badly need could provide spin-off benefits in employment opportunities for workers.

As has been pointed out in the chamber many times, Scotland is ideally placed to develop a world-beating renewables industry. The manufacturing jobs that previously supported the offshore oil industry are readily transferable to the fabrication of the renewable energy devices that will power Scotland's future. Those industries would be good for the environment because they would help to tackle climate change. They would also be good for social justice because they would provide jobs in some of our most deprived rural areas and help to build a sustainable economy.

Alex Johnstone (North East Scotland) (Con): Will the member take an intervention?

Shiona Baird: I am sorry, but it is a short debate.

The Deputy Presiding Officer: You have one minute.

Shiona Baird: It is strange that the Tories seem to have such a negative reaction to the renewables industry, especially the onshore wind sector. How can Murdo Fraser's lament for Scotland's manufacturing industries be reconciled with his knee-jerk opposition to an industry that offers so much promise? If the onshore wind industry falters, the prospects for offshore renewables will be gravely diminished.

We must grasp the opportunities and fulfil all the potential that a sustainable Scotland presents. We can do that without pulling the rug from beneath the vulnerable by undermining the welfare state and watering down effective business regulation.

11:13

Ms Wendy Alexander (Paisley North) (Lab): Today's motion is fascinating because, for the first time in a decade, the Tories have had the courage to offer their previous economic record for debate. For the past decade, the only thing to be heard from a Tory about the two recessions, the double-digit inflation, the record unemployment, the 15 per cent interest rates and the doubling of the national debt was, "It wisnae me."

Alex Johnstone: Will the member give way?

Ms Alexander: I am sorry—I am pushed for time.

Today, we have two new Tory leaders on show. In the south, the two Davids—David Cameron and David Davis—both claim "It wisnae me" when they are asked about the Tories' economic record. However, in Scotland, the Tories' new top team are rather different. Annabel Goldie, who was

deputy leader of the Scottish Tories throughout the 1990s, made not a whisper of dissent during that time. Murdo Fraser was then the full-time right-hand man to Michael Forsyth and was previously chairman of the young Conservatives. He was a Thatcherite true believer throughout. Neither of the Scottish Tory twosome can credibly claim, "It wisnae me."

Therefore, it is all the more interesting that, in its first debates, the new Tory team wants to laud the Tories' record. In fairness, that record leaves little to choose from. If they rake around the statistical residue of their 20 years, they cannot choose growth, employment, inflation or wealth so they have alighted on the decline of manufacturing.

For the record, one statistic that Murdo Fraser omitted to mention is that manufacturing's share of the Scottish economy fell more during the years of Tory rule than it has under the stewardship of the Scottish Executive and Scottish Parliament. Instead he offered one statistical gem from his hero Michael Forsyth's halcyon reign. What accounts for it? Was it Tory policy? Was there an upturn in manufacturing all over Britain? No—it was limited to Scotland. Of course, that upturn was due to Locate in Scotland successfully attracting major electronics companies. Although the Tories hastened the losses of Ravenscraig, Linwood, Corpach, Caterpillar, Bathgate and so many others about which we have heard from members of other parties, Locate in Scotland did a job for this country. So why is there no mention in the motion of Locate in Scotland or its successors? That is no accident. The reason is that the only budget in the entire £25 billion that the Executive spends that the Tories want to halve is that of Scottish Enterprise and Locate in Scotland's successors.

As the 1980s and 1990s wore on, Locate in Scotland privately begged the then Scottish Office under Michael Forsyth for a change in strategy. Ask George Matthewson, who went on to build the Royal Bank of Scotland into the giant that it is today. However, Michael Forsyth was increasingly determined to buy jobs at any price. We saw less and less of the strategic investment that allowed Locate in Scotland to bring in Compaq but we saw more and more companies like Chunghwa Picture Tubes. In the Tories' dying days, £30 million was cynically offered to a questionable company peddling outdated technology—the classic screwdriver plant—that was always likely to go as quickly as it came. However, Michael Forsyth's Scottish Office was intent on financing any scheme in the futile hope that it could hold back the tidal wave of demand for devolution. Against advice, the Tories gambled with taxpayers' money and lost.

For 10 years, the Tories have had the humility to hang their heads in shame. They gave up trying to

sell a strategy of low skill, low tech and low wages to the Scots. Let us hope that the rise of Murdo Fraser, Michael Forsyth's mate, does not herald a return to the same sorry short-termism that so scarred Scotland's economy in the past. The new—

The Deputy Presiding Officer: Ms Alexander, I said that you had a strict four minutes. We must move on. After Kenny MacAskill has spoken, there may be a brief moment for Christine May.

11:17

Mr Kenny MacAskill (Lothians) (SNP): I welcome the debate. However, as other members—especially Ms Alexander—have commented, it is ironic that it has been initiated by the Tories. Scottish manufacturing did not just haemorrhage under the Conservatives—it was crucified. That carried not just an economic cost, but a social cost for many of our communities; when the Conservatives look at the statistics, they forget that whole communities were fundamentally damaged. Some changes that occurred may have been inevitable, but the Conservatives made them with cruelty and without taking cognisance of the social costs. In many communities, whole generations—not just young men, but old men who could not adapt to the new service sector—were left to wither on the vine. The Conservatives created a vacuum that allowed long-term unemployment and heroin to enter the veins of many communities. Today we face the social consequences of their economic policies.

Murdo Fraser: Will the member give way?

Mr MacAskill: Not at the moment. I have far too short a time and the member has had an opportunity to speak.

There are points that must be made. Of course our service sector is doing well. However, it is not old fashioned to say that manufacturing matters. A few years back, it was perceived as almost de rigueur to say that manufacturing did not matter and that it was all about the service economy and tourism. However, the two sectors are not mutually irreconcilable and should not be placed in opposition to each other. Of course we should be proud of our financial services and of the Royal Bank of Scotland, which has become the biggest business in Scottish history. We welcome that, but manufacturing and services are not in conflict. Tourism, our biggest industry, is important, but we also need a manufacturing base.

There has been globalisation, and some industries were always going to suffer because of competition from south-east Asia, the Indian subcontinent and, in more recent years, eastern Europe. However, there is still a place here for manufacturing. We must address our current

position. It is not just a matter of bandying about statistics on who did what in the 1970s, 1980s or 1990s—fundamentally, the question is about where we will go from here.

I take issue with Mr Arbuckle, who talked about the event involving Scottish Enterprise Fife. I was not there, because to some extent I have no locus in such matters. However, I hope that Superfast Ferries was mentioned, because that is part and parcel of what is happening in our manufacturing base. Superfast has seen growth both in its figures for tourists visiting Scotland and in freight, so why has it reduced its service? It has done so because it cannot make the same profit margin on the North sea route between Rosyth and Flanders as it can between Germany and Finland. That is the case because the Finnish economy is fundamentally booming, whereas the Scottish economy, if not flatlining, is staggering along. Why does Finland, which stands on a more northerly latitude than Scotland—the latitude of Tampere, where Nokia is based, is akin to that of Orkney—manage to compete, in many cases in manufacturing, when we do not? We must learn lessons from that.

New opportunities are arising for us in photonics. Recently I met someone who told me that we may have missed out in silicon glen, as compared to silicon valley, but we have an opportunity in photonics. No sooner had he told me that than I opened the Saturday morning business pages of *The Herald* to see that a new research and development company based in Scotland, with indigenous talent, had gone into liquidation. Manufacturing matters. We must stop looking backwards and establish a position.

I say to Murdo Fraser that fiscal autonomy is fundamental. At the end of the day, what matters for a manufacturing base is a competitive economy; the Superfast Ferries situation testifies to that. We need to have the powers and the imagination to move forward. I am conscious of the time, Presiding Officer, so I will stop there.

The Deputy Presiding Officer: I am obliged to the member, but I am afraid that I cannot call Christine May. I offer my regrets to her and to Frances Curran.

11:21

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): This has been a most interesting debate. I take the opportunity at the start of my speech to congratulate Murdo Fraser on his elevation to the position of deputy leader of the Scottish Conservative party.

Murdo Fraser: Not yet.

Mr Stone: We assume that it is a done deal.

It has been an interesting debate, but I am afraid that it has essentially been backwards looking. As has been pointed out, if we try to take a single snapshot of the Scottish economy using just one series of statistics, we will not get an absolutely accurate picture. I would rather look at where we are today compared with where we were when I started my working life back in the 1970s.

In the Highlands, one reason why the downturn in work at the Nigg yard has not hit the economy of Easter Ross and east Sutherland as we feared it would is that the economy is fairly buoyant and new jobs have been created. That is a tribute to Highlands and Islands Enterprise. I am not in the business of gratuitously knocking Scottish Enterprise, which seems to be the fashion in the newspapers these days. That is an easy call for journalists. HIE has been doing well and the jobs are there. As some members have pointed out, the debate is not just about manufacturing; rather, it is about taking an holistic view of the economy, including tourism—in which there have been two successful years—and the service sector.

Recently Digby Jones appeared on “Question Time”, on which he provided a brilliant snapshot of the global economy and what this country should be doing in it. The global economy affects everything that we try to do. I recommend that members download and read his contribution, because it is very interesting.

Andrew Arbuckle was right to refer to renewable energy. Shiona Baird, in a good speech, also mentioned it. It would be a major mistake for us not to pick up that ball and run with it. Opportunistic people who object to onshore wind power for the sake of it are not very clever. The Enterprise and Culture Committee, of which I am a member, conducted a full inquiry into renewable energy, and I commend its report to members.

We are talking about the enterprise culture. I am sorry that Christine May did not get an opportunity to speak, because as members of the Enterprise and Culture Committee both of us visited Sweden and Finland. Kenny MacAskill and others referred to the Finnish economy, but that economy has some fundamental problems. It would be very much in Jim Mather’s interest for him to take note of that. First, Finland has a built-in high rate of unemployment, but it cannot fill jobs in certain sectors. In those areas, it is looking to countries such as Estonia and Lithuania. Secondly, we were told repeatedly in both Sweden and Finland that the level of income tax is crippling and is reckoned by industry to be having a fundamental effect. The same is true of Norway. Let us not deny that. The Scottish National Party extols the virtues of Finland and Norway, but the challenge is for it to respond on the issue of income tax. Perhaps Jim Mather or Fergus Ewing will return to that point.

John Scott was right to refer to the importance of transport infrastructure. We have great cause to be pleased with what has been invested in rail and road in the Highlands. I hope that the same will happen in John Scott's Ayr constituency and I appreciate what he said.

In a characteristically strident attack, Wendy Alexander had a go at Murdo Fraser, but surely the point of view from all parties is that we are not doing so badly and we should look forwards instead of backwards. We can go on about the oil in the 1970s, but it does not mean a damn to my children and grandchildren.

11:25

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Perhaps inevitably, the debate has tended to focus on the past rather than on the present or the future. I will address what the Scottish National Party thinks we should do for the present and the future. It is undoubtedly the case that Scotland is part of the global economy, which has introduced changes that we can ignore no more than Canute could ignore the tide.

However, there are clear and present dangers for the Scottish manufacturing sector. The first is the cost of haulage, which is higher in Scotland than in the rest of the UK, and substantially higher in the UK than in the rest of Europe. That has been given effect because our Scottish Chancellor of the Exchequer, Gordon Brown, gives the advantage to hauliers from the continent.

Mr Stone: Will the member give way?

Fergus Ewing: Of course not.

Those continental hauliers travel through Dover taking advantage of the fact that every litre of fuel they buy costs 20p less. It is a form of fiscal sadism whereby a UK chancellor gives an advantage to Germans, French and other Europeans to come over here with lorries and tanks that can carry 1,360 litres, drive 2,400 miles, rarely get stopped by the Vehicle and Operator Services Agency and undercut haulage here. All manufacturing industry relies on haulage. The situation I describe is an outrage.

The previous answer to the problem was lorry road-user charging, but that was abandoned by new Labour because of the horrendous cost that was predicted correctly by Professor Alan McKinnon of Heriot-Watt University. However, the new Labour Government admitted that there was a problem and that the lorry road-user charging was a solution to that problem. Now that it has abandoned LRUC, what does new Labour say about the advantage that Gordon Brown gives to foreign haulage and, by definition, foreign manufacturing companies? Not one word.

I was privileged to listen to Jeanette Anderson, the managing director of First Engineering, deliver a compelling and cogent address in this chamber four or five weeks ago. Her point was that whatever the Scottish Executive cannot do, what it should do is to focus on delivery. However, that is what it has not done. If we look at the delay in the M74, the dithering in the various rail projects and the seemingly endless statements and press announcements, we do not see much action. If the Scottish Executive were a firm of solicitors, it would be called Dither, Swither and Blether. What the Executive should do is listen to the Civil Engineering Contractors Association and the Institution of Civil Engineers. They say that it should create a preparation pool of work so that if a contract such as the M74 is delayed, others can be brought into its place. The Executive should sort out the quagmire of quangos that are supposed to be responsible for delivering transport projects.

As I am in my last minute, it would be churlish of me not to congratulate Murdo Fraser on his elevation to deputy leader of his party; I wish him well. However, I find it a bit disappointing that his former robust espousal of the cause of fiscal autonomy is today no more. Instead of that strong Murdo Fraser whom we used to know, who was not afraid to speak out and voice his views, what did we get today? We got equivocation on fiscal autonomy and uncertainty so that we do not know whether he is for it or not. Sadly, the Murdo Fraser whom we used to know has sputtered and stuttered like a car that has run out of fuel.

11:29

Allan Wilson: I am indebted to my colleague Wendy Alexander for reminding us of the Tories' record in Scottish manufacturing and, indeed, of Murdo Fraser's record. It is sometimes difficult to keep up as the Tories try to position themselves as the friends of manufacturing and Murdo Fraser tries to reinvent himself as the junior half of the dream-on ticket, as we might call it.

The motion is wrong, as is the amendment that does not seek to amend the statistics in the motion. Manufacturing GVA has not been in continuous decline since 1998 as was suggested. Between 1998 and 2000, GVA rose by almost 5 per cent. It is only post-2000, following the slump in electronics to which Kenny MacAskill and others referred, that manufacturing's contribution to the economy declined.

It is important to acknowledge global change and not to let it cloud our view of the vibrant manufacturing sector that exists in Scotland today. I agree with Fergus Ewing that the debate has focused unfortunately on the past and has not looked to the future or the present. Against that

backdrop, I tell members that we have seen strong growth in other areas of industry between 1998 and 2004. For example, refined petroleum products and nuclear fuel grew by almost 20 per cent, chemicals and man-made fibres grew by 8.5 per cent, and the food and drink and tobacco industries grew by 5 per cent. That shows that restructuring can make a positive and important impact on key manufacturing sub-sectors in Scotland.

John Swinburne (Central Scotland) (SSCUP): I remind Parliament that before Wendy Alexander was born, manufacturing in Scotland started to go into decline—it has not just happened in the past 10 or 20 years. I used to work in engineering; despite the occasional buck in the industry, it has been in a state of terminal decline since the 1960s.

The Deputy Presiding Officer: Thanks very much. That was a self-inflicted injury, minister, which comes out of your speaking time.

Allan Wilson: It is self-evident that I do not agree with John Swinburne. I tried to make my point by exemplifying sectors of the manufacturing economy that have grown because they have restructured, developed and adapted to the global economy to show positive results.

The same applies to exports. The contribution to the economy by the general decline in manufacturing exports that Murdo Fraser referred to, like the result of global restructuring in electronics, masks a significant variation in the industry. Chemicals, coke, refined petroleum products and nuclear fuel grew by 10 per cent between 1998 and 2004, as did exports of transport equipment. Over the same period, exports of food and tobacco increased by 23 per cent. Therefore, to talk about a general decline in exports masks the fact that certain sectors of our manufacturing economy are doing well, thank you very much, because of the successful business environment that we have created and our investment in skills and infrastructure.

I want to concentrate on those areas in my remaining couple of minutes. We give support to the manufacturing sector and I suspect that that is what people are more interested in out there in the real world. We give that support through a range of measures: through the biggest investment in infrastructure in decades; by creating the right business environment, as I mentioned; and by freezing non-domestic rates in real terms and aligning them with the UK to give us a domestic advantage.

We are also making a massive investment in skills and learning. We are offering direct investment aids to help transform business, such as regional selective assistance, the SMART, or

small firms merit award for research and technology, and SPUR, or support for products under research, programmes and the Scottish co-investment fund. We engage directly with Scottish business to help to minimise the regulatory burden, not just on our legislation, but more important, at European Union and UK level. We will support the first national conference on manufacturing later this month. We are committed to introducing a Scottish manufacturing advisory service to assist manufacturers, as we did south of the border where the service gave £100,000 of add-on value to all contributors.

That is how we intend to support the manufacturing sector and that is what the manufacturers want to hear from us in the Government. We intend to deliver that agenda.

The Deputy Presiding Officer: Phil Gallie will close the debate for the Conservatives. I can give you only six minutes, Mr Gallie.

11:34

Phil Gallie (South of Scotland) (Con): Thank you, Presiding Officer.

I listened to Allan Wilson and heard him try to bring in positive aspects at the back end of his speech. He had a chance to address such issues in his amendment, but as far as I am concerned his amendment simply went on the defensive and refers to matters that are irrelevant in many ways. It refers to

“higher value and quality products”,

but if we are to achieve those we must ensure that companies in our traditional industries, such as small engineering, processing and production companies, are kept in business.

Earlier in the debate, John Scott gave us a list of problems that such industries have faced. Many of the problems do not just come from the global economy but from Government-imposed legislation and regulation. Allan Wilson said that decline had occurred only since 2000 and that there had been an upturn between 1998 and 2000. I suggest that that was perhaps a carry-over from the previous Government. However, the one point that no one can dispute is that since 2000 it has been the Scottish Executive's responsibility to address the problems. If Allan Wilson is correct in saying that there was a decline between 2000 and 2004 or 2005, he should look again at who is responsible for that.

I am somewhat disappointed by the debate overall, but I congratulate Fergus Ewing on his closing remarks, with the exception of his comments on fiscal autonomy, and Jamie Stone on his speech. Unlike other speakers, they were at least positive and did what the debate has been all

about, which was to try to address the issues that we must address if Scotland is to go forward for the future.

Wendy Alexander totally disillusioned me. I have the greatest respect for her and her knowledge of the economy, but what we got from her was a diatribe of negatives, looking back over the past eight years. That is not what we wanted in this debate.

Christine May: Will the member take an intervention?

Phil Gallie: I will let Christine May intervene in a minute. I appreciated very much her earlier intervention in which she pointed out that the UK's position in Europe is relatively good. However, if she looks at the UK's position on a global scale, she will find that its position is pretty bad. To my mind, that demonstrates the drag that the EU is on Scotland's economy and other aspects.

Christine May: I thank Phil Gallie for giving way. On the list of achievements, why did none of the Tory speakers refer, for example, to the uplift of 8 per cent in electronics manufacturing? Why did nobody talk about businesses that are succeeding—for example, Diageo, Babcock and Raytheon Systems—because of the Scottish Executive's policies?

Phil Gallie: Christine May is not only blinded by Europe, but deafened by it. If she had listened carefully to John Scott's speech, she would have heard many positive points being made. Perhaps she will read them in the *Official Report* tomorrow.

Shiona Baird presented the best case for socialism that I have heard in Parliament since it started. She should perhaps think about her roots and about where she will go in the future. She talked about energy efficiency, which is an important topic. I had a 28-year involvement in industry, which ended about 15 years ago, and I can tell members that during that time management and industry across the board were concerned about energy efficiency. They were concerned not just for the good of the planet, but for the good of the companies, which needed to make savings and get an advantage. On energy for the manufacturing, production and processing sectors, I go along with Christine May's view on the Lisbon agreement. There is a need to ensure that our industry has cheap and sustainable energy resources. What we are doing at present—for example with the wind generation agenda—adds to the costs for industry and individuals and threatens the security of supply.

Mr Mark Ruskell (Mid Scotland and Fife) (Green) rose—

Phil Gallie: I do not have time, Mr Ruskell.

John Scott spoke about Ayrshire. We in Ayrshire, and people in East Lothian and Dumfries

and Galloway, played a wonderful role in securing stable energy supplies over the years at Hunterston, Torness and Chapelcross. I point out to members that, if they look at the world economy, they will find that the growing economies—for example, China and India—are beginning to expand their nuclear programmes. It is sad to me that we have lost great engineering companies such as Foster Wheeler, John Brown, Weirs and, to some extent—it is still here—Howdens. They would have had the potential to get involved in the nuclear industries in various countries, but we have lost that advantage. Scotland and the UK were world leaders in nuclear engineering, but where are we now? We are inward looking and we threaten the future, from an energy supply viewpoint, of all small and large manufacturing and engineering companies.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:41

Areas of Multiple Deprivation

1. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive whether it will provide an update on how it is tackling areas of multiple deprivation. (S2O-7954)

The Minister for Communities (Malcolm Chisholm): Through the Cabinet delivery group on closing the opportunity gap, which I chair, I am working with my ministerial colleagues across all portfolios to ensure that effective and targeted action is taken to deliver better opportunities and outcomes for Scotland's most deprived neighbourhoods.

In the communities portfolio, we have set a specific closing the opportunity gap target to regenerate the most deprived neighbourhoods. We are delivering on that with £318 million over the next three years through the community regeneration fund, which is targeted at the most deprived 15 per cent of communities.

Pauline McNeill: The city of Glasgow is ranked number one on the index of multiple deprivation and recent research shows that poverty on such a large scale leads to a poverty of place. Given that the community regeneration fund is allocated by using the index of multiple deprivation and that current levels of funding can have only a limited effect, what plans are there to improve or redistribute funding according to the poverty indicators? Further, can the minister assure me that the Executive is on target in tackling poverty and that it recognises the poverty of place aspect?

Malcolm Chisholm: I certainly fully recognise the challenges presented in Glasgow. We know that there has, in fact, been great progress there. There has been, I think, a 15 per cent increase in employment there over 10 years, which is much higher than in the rest of Scotland. However, we also know that a large number of people in Glasgow do not benefit from that employment rise. Therefore, I am pleased that employment opportunities are at the heart of the new regeneration outcome agreement, which I will launch in Glasgow on Monday.

On overall resources, there has been a significant increase for Glasgow if we compare the community regeneration fund with the two funds—the social inclusion partnership fund and the better

neighbourhood services fund—that it replaces. Of course, Glasgow also benefits from many other funding streams—for example, the working for families fund. However, I certainly acknowledge the challenges of Glasgow and I am fully committed to working in partnership with Glasgow City Council and agencies there to deal with the problems. That is why I sit on the Glasgow community planning partnership. I recognise, of course, that more still needs to be done.

Brian Adam (Aberdeen North) (SNP): Will the minister advise us of what significant improvements have been achieved in areas of multiple deprivation beyond Glasgow as a result of the current funding formulas, which recognise needs that are related to deprivation? Has he any plans to produce targets for additional funding beyond Glasgow?

Malcolm Chisholm: Many parts of Scotland benefit not just from the community regeneration fund but from targeted expenditure. It is always interesting to hear from the Scottish National Party—the deputy leader has just walked into the chamber, and I am sure that she would have been interested to hear—comments such as the member's comment, which implied that we should move resources from Glasgow to Aberdeen. We all recognise the particular challenges of Glasgow, but Aberdeen and many other places also benefit from the community regeneration fund and many other funding streams. If Brian Adam is suggesting changes in the formula for that or for whatever other expenditure—I know that he used to make the same argument in relation to health—he must say which areas of Scotland he wants to see lose because of such changes.

Kerr Report (Chronic Conditions)

2. Mr Kenneth Macintosh (Eastwood) (Lab): To ask the Scottish Executive how the implementation of the Kerr report will improve the lives of people with chronic conditions. (S2O-7951)

The Deputy Minister for Health and Community Care (Lewis Macdonald): In the "Delivering for Health" report that was published last week, we undertook to promote more systematic, continuous and local care of people with long-term conditions. We expect that to result in fewer unplanned admissions to hospital, more appropriate and accessible local care services and greater support to enable patients, with their families and carers, to take a more active role in managing their conditions.

Mr Macintosh: I draw the minister's attention to the potential benefits to people with skin conditions of Professor Kerr's approach. The minister will be aware that much work has been done through the Parliament, through the efforts of

my colleague Helen Eadie MSP, the Skin Care Campaign Scotland and the charity PSALV—Psoriasis Scotland Arthritis Link Volunteers—whose reception he was kind enough to attend last week, and through the recent members' business debate, to which his predecessor, Rhona Brankin, responded positively.

How will the minister build on his predecessor's response in addressing the issues that relate to skin disease, including better dermatology training for general practitioners and better education and training in dermatology and skin care for carers? As a start, will he agree to meet representatives of the Skin Care Campaign Scotland to discuss the issue?

Lewis Macdonald: Representatives of the British Association of Dermatologists and the Skin Care Campaign Scotland wrote to my colleague Andy Kerr recently to make those suggestions, which we will consider and respond to in the usual way.

The Kerr report and our response to it enable us better to deal with the conditions that Kenneth Macintosh mentions and with other chronic conditions that an increasing number of people in the community face. We will progress the commitments that were made during Mr Macintosh's debate on the subject a few months ago.

Mrs Nanette Milne (North East Scotland) (Con): At what stage is the review of prescription charges for people with chronic conditions?

Lewis Macdonald: We are conducting the review of prescription charges. As a member of the Health Committee, Mrs Milne will be aware that it is looking into the matter. I expect to report to the committee on 29 November, when I will bring her up to date on the position.

National Health Service (Winter Pressures)

3. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what advice it is issuing to NHS boards to cope with winter pressures. (S2O-7960)

The Minister for Health and Community Care (Mr Andy Kerr): Winter always brings additional pressures. In response, the national health service ensures that it has plans in place to cope with the challenges that it will encounter. NHS boards are putting in place additional capacity through extra staff, more beds, increased critical care ability and additional nursing home places while maintaining the required continued, co-ordinated action on delayed discharge.

This year, I have asked NHS boards to prepare detailed plans for how local out-of-hours services will operate over winter and how they will link to

NHS 24's role, to ensure that everyone who needs to access the health system can do so at an appropriate level.

Irene Oldfather: Does the minister agree that elderly people who suffer from flu and flu-like illnesses tend to recover more quickly at home? Does he acknowledge that although that may release beds in the acute sector, it can place additional pressures on community services? Will he give an assurance that a joined-up approach to that aspect of winter pressures will be taken to ensure that our elderly citizens have the best possible care wherever they suffer from flu or a flu-like illness?

Mr Kerr: I absolutely support the member's view. We have invested £18 million this year in our campaign for the flu vaccination programmes. I urge everybody who is considered to be in an at-risk group or who is in the elderly community to ensure that they are vaccinated.

As for the member's substantive point about joined-up working, the delayed discharge measures that the Executive took back in 2002 have reduced delayed discharge by 50 per cent overall and reduced longer delayed discharge by 60 per cent. Our investment in joined-up services has the effect that the member desires. People recover better at home and we are investing more in community care services to allow that to happen.

Child Abuse

4. Mr Alasdair Morrison (Western Isles) (Lab): To ask the Scottish Executive what progress has been made in implementing the recommendations of the recently published Social Work Inspection Agency report into child abuse in Stornoway. (S2O-7956)

The Minister for Education and Young People (Peter Peacock): The report was published on 7 October, and many of the recommendations were already in hand. Where that was not the case, officials are now working to take forward recommendations.

Mr Morrison: Has the minister established why, following the Orkney inquiry in 1991, one of Lord Clyde's recommendations, to create a multi-agency national resource for those who work with complex child protection cases, was not implemented? Lord Clyde simply wanted an agency that any local authority in Scotland could call on to help to cope with the pressures of distressing and complex abuse cases. Does the minister agree that it is regrettable that Lord Clyde's key recommendation was not implemented 13 years ago? Will he assure me that measures will be taken to put in place what Lord Clyde sought and what the Social Work

Inspection Agency recommended a month ago following its inquiry into the Western Isles child abuse case?

Peter Peacock: Alasdair Morrison raises an important issue. In the light of the Western Isles case, it has obviously been further recognised—bearing in mind what Lord Clyde said—that such a resource is required. I have looked into the circumstances following Lord Clyde's recommendation and it is not entirely clear from the records why progress was not made, although there were major practical considerations at the time and disagreements between agencies about what was appropriate.

That said, I am committed to ensuring that such a resource is available at a Scottish level. The nature and complexity of modern child abuse cases and, in particular, the interaction with potential prosecutions are hugely important issues for us, and we must ensure that the highest levels of expertise are available to all parts of Scotland where such expertise is not currently locally available. I have made that clear to officials, who are working on proposals for me. They have already made suggestions to our child protection steering group, which brings together all the key interests in Scotland, and I will keep the Parliament informed about our progress.

Fiona Hyslop (Lothians) (SNP): The issue is serious, the recommendations are stark and there is frustration—which has been acknowledged—that previous recommendations are being implemented slowly. Will the minister give an assurance that implementation of the recommendations will address people's concern that, although there must be care, protection and support for children, the ability to pursue prosecutions in future must not be affected?

Peter Peacock: As I have said, the Western Isles case—which is horrifying—is another chapter in the continuing and unfolding story of child abuse in Scotland. We learn more on every occasion and are absolutely committed to ensuring that we learn the lessons from all cases and apply them in the health service, local authority social work and education services, the police service, the voluntary sector and wherever we must make an impact. A major child protection reform programme is under way and we are making radical changes to the existing procedures. We will continue to learn and to apply what we have learned to ensure that we push to the margins the possibility of child abuse and, when abuse occurs, are able to pursue the perpetrators of such abuse as successfully as possible.

Luce Bay

5. Alasdair Morgan (South of Scotland) (SNP): To ask the Scottish Executive whether, in light of the designation of Luce bay as a Natura

2000 site, it will consider whether further restrictions on activities such as scallop dredging are necessary. (S2O-7893)

The Minister for Environment and Rural Development (Ross Finnie): The Scottish Executive is currently taking advice from Scottish Natural Heritage on whether any further management measures are required for the Luce bay special area of conservation.

Alasdair Morgan: I understand that there might be quite a long timescale for Scottish Natural Heritage making its assessment. As the time that SNH takes proceeds, there is a danger that not only the sea bed, but fish stocks will be depleted, in particular fish stocks on which the booming sea-angling tourism industry depends. Indeed, there are already indications that that industry is suffering. It will certainly be too late to act if restrictions are imposed after fish stocks have been eliminated, perhaps for several decades. Will the minister reconsider the issue without waiting for the SNH report?

Ross Finnie: I fully understand the concerns that Alasdair Morgan has outlined, but there is a difficulty. It is clear that Scottish Natural Heritage has recognised the potential dangers, in particular from scallop dredging, that might give rise to difficulties in the Luce bay area, but it is always safer to advance on a positive evidential base. SNH recognises the dangers, but it is not absolutely clear about what precise measures would be the most effective. I would certainly be happy to have discussions with SNH on whether the process can be accelerated, but I hope that the member agrees that it would be better to have the benefit of the assessment before decisions are taken to implement any specific measures.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): The minister will recall the extensive correspondence between his department and me in 2003 on the need for measures to protect the local livelihoods that are provided by the sustainable fisheries in Luce bay. Is he aware that evidence from two incoming vessels in the past few weeks strongly suggests that the so-called "super-crabber" raids in 2003 damaged the stocks to such a degree that a viable stock of scallops in the bay no longer exists? Will he concede that the measures that his department put in place in 2003 simply have not worked and should be strengthened and extended as a matter of urgency?

Ross Finnie: I am not able to confirm the precise nature of the damage, but the existence of those vessels in Luce bay gives me, as well as the member, great concern about the damage that they might be doing there. As I indicated in my answer to Alasdair Morgan, I am happy to have further discussions with Scottish Natural Heritage

to see whether the combination of the information—

The Deputy Presiding Officer (Murray Tosh): Minister, please address the microphone.

Ross Finnie: My apologies to you again, Presiding Officer. I am happy to discuss with SNH the issues that Alasdair Morgan has raised and the information that Alex Fergusson has brought, to see whether the process can be accelerated.

Crude Oil (Ship-to-ship Transfers)

6. Mr Mark Ruskell (Mid Scotland and Fife) (Green): To ask the Scottish Executive what its response is to the announcement that the United Kingdom Government is minded to approve ship-to-ship transfers of heavy crude oil in the Firth of Forth. (S2O-7966)

The Deputy Minister for Environment and Rural Development (Rhona Brankin): The UK Government has made no such announcement.

Mr Ruskell: I thank the minister for that brief answer. I ask her to focus on the recent European Union ruling on the habitats directive. On the basis of that ruling, I have three questions for her. First, will she speak to Alistair Darling and impress upon him the point that if the Maritime and Coastguard Agency approves the current oil contingency plan, there is a risk that the Executive could be breaking the law again? Secondly, will she assess that risk by asking SNH to provide an assessment of the potential impact on our protected habitats of ship-to-ship oil transfers in the Forth? Thirdly, will she agree to meet me, local authorities around the Firth of Forth that are concerned about the matter and other concerned MSPs, such as Christine May and Bruce Crawford, who have raised the issue in the chamber before?

Rhona Brankin: I am aware of the ruling of the European Court of Justice of 20 October on the UK's transposition of the habitats directive. The Scottish Executive is considering the implications of the ECJ ruling and my officials are today meeting officials from the Department for Environment, Food and Rural Affairs to discuss how to implement the ruling. The Scottish Executive is also fully committed to implementing the habitats directive, and SNH is advising on appropriate assessment of the proposal for ship-to-ship transfer of oil in the Firth of Forth. Further discussions will take place with the UK Government, if appropriate, in respect of our devolved responsibility for environmental protection. I advise the member that I have already agreed to meet Christine May and that I am happy to meet any other members who have an interest in the issue.

Christine May (Central Fife) (Lab): The minister is aware of the fact that the anchorages

that are proposed for the project lie off Methil, in my constituency. However, the implications for all members with Firth of Forth constituencies are considerable. We now have the welcome ruling from the European Court of Justice on the application of the habitats directive, which I understand may mean the reopening of some of the consultation processes. Will she assure me that, if it does so, the consultation process on environmental matters will be open and will include consideration of alternative sites? I welcome her agreement to meet me, which has answered my final question.

Rhona Brankin: I will take advice, having had a discussion with officials following the meeting with DEFRA. I will also continue to take advice from SNH about the implications of the recent ruling of the European Court of Justice on the habitats directive.

Marilyn Livingstone (Kirkcaldy) (Lab): I am pleased that the minister has offered a meeting; I was going to ask her about that. Now that we have the welcome judgment from the ECJ, and in the light of the grave concerns that are being expressed by my constituents and constituents around the Firth of Forth, will she hold urgent discussions with the UK Government to consider reviewing the current legislation, which is obviously inadequate to protect our local communities?

Rhona Brankin: I reassure all members who have an interest in the proposal, and other members, that I am well aware of the recent judgment of the European Court of Justice and the concerns that SNH has stated in the past about the habitats directive.

I will continue to liaise closely with SNH, DEFRA and ministers on the issue. As I said, I am more than happy to meet members and, indeed, the local authorities that have an interest in the issue.

First Minister's Question Time

12:00

The Presiding Officer (Mr George Reid): Before we commence First Minister's question time, members will wish to welcome His Excellency Dr Bingu wa Mutharika, President of the Republic of Malawi. *[Applause.]*

Cabinet (Meetings)

1. Nicola Sturgeon (Glasgow) (SNP): I know that we all wish this weekend's conference well and pledge our continued solidarity with the people of Malawi.

To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-1888)

The First Minister (Mr Jack McConnell): The Cabinet will discuss issues of importance to the people of Scotland.

I am genuinely pleased that Ms Sturgeon has taken the position that she has taken this week on the conference and the partnership. I hope that the co-operation agreement that we signed this morning will be supported by all parties in the chamber. We will be far more effective if we stand together and united on the matter instead of being divided on it on political grounds.

On a warmer note, I congratulate all those who have been announced as members of Scotland's team for the Commonwealth games in Melbourne next year. They deserve the support of us all and they will get it.

Nicola Sturgeon: I wish the Commonwealth games team the very best of luck next year.

What proportion of the people who are convicted of possessing an offensive weapon are tried on indictment, which is the most serious form of prosecution?

The First Minister: I suspect that Ms Sturgeon is about to tell me. I look forward to hearing it.

Nicola Sturgeon: I can tell the First Minister that less than 2 per cent of the people who are convicted of possessing a knife or other offensive weapon are tried on indictment. In 2003, the figure amounted to just 42 people out of 2,800. Is he aware that, under the Police, Public Order and Criminal Justice (Scotland) Bill, his flagship policy, the new four-year maximum sentence, which he has said repeatedly will apply to anyone who is convicted of the possession of a knife, will apply only to those who are tried in the higher courts? In other words, the sentence will apply to less than 2 per cent of the people who risk lives by carrying knives. In the light of that, does he accept that his

presentation of the policy has been extremely misleading, to say the least?

The First Minister: No. I think that that presentation of the policy is extremely misleading. Not only are we doubling sentences for knife crime, but we are increasing the sentences that are available for summary convictions. If Ms Sturgeon were to look at the whole package, she would see that all our courts will have the option of increased sentences. As outlined in our plans, we will also have the new targeted actions, which are aimed at ensuring that the police take more action against those who might commit knife crimes—I am referring to the new power to stop and search people who may be carrying weapons, although I could mention other examples. That comprehensive package of action is designed alongside our efforts to change the culture of knife crime and violence in Glasgow and other parts of Scotland; it is designed to ensure that we not only reduce the number of knife crimes, but penalise more severely all those who are convicted.

Nicola Sturgeon: I support the Executive's efforts to tackle knife crime. The First Minister neatly dodged the question, however. I draw his attention to the pile of Executive policy documents that I have in my hand, many of which were issued in his name. All of them say without any qualification that the new maximum sentence for the possession of knives will be four years. I challenge him to produce any statement that he has made that makes it clear that the maximum sentence for the 98 per cent of people who are tried under summary procedure will be not the four years that he is talking about, but just one year. If he cannot produce such a statement, can he say why none of his policy statements makes that position clear? Is he simply trying to pull the wool over the eyes of the public?

The First Minister: In the past, Ms Sturgeon has referred in the chamber to her legal training. If she had paid more attention during that training, she might have realised that the new one-year maximum for summary convictions is a doubling of the sentences that are currently available in our summary courts. Of course, all the maximum sentences are being doubled, but it is for the Crown Office to decide which convictions should be pursued in any given case. It is not for politicians to pick and choose to which court offenders are referred in individual cases; it is our job to protect people in Scotland and to ensure that, whatever court an offender is referred to, the maximum sentence is increased, that more people face that sentence because more people are caught and that we tackle the booze culture that for far too long has led to much of the knife crime in the first place.

Nicola Sturgeon: The summary sentence may be being doubled, but not to the four years to which all the Executive's documents exclusively refer. I know that the First Minister prefers to rant than to answer questions, but I ask him to make an effort to answer what is a simple question. If it is the case that the overwhelming majority of people who are convicted of carrying a knife—98 per cent of them—will face not a four-year maximum sentence, but a one-year maximum sentence, would it not be more honest for him to present his policy in those terms, instead of exaggerating its impact?

The First Minister: Ms Sturgeon and the Scottish National Party might be obsessed with presentation, but we are interested in substance. We want to do something about the problem rather than to present our solution to it in ways of which Ms Sturgeon approves.

The reality is that we are doubling the maximum sentences and that those who are convicted of the most serious crimes will face the highest sentences. Any trained lawyer should know that that is the way in which our justice system operates and I am disappointed that Ms Sturgeon does not. As well as having higher maximum sentences, we will catch and convict more people, thanks to the other powers that we are bringing in to tackle knife crime. Alongside that, we will ensure that the booze culture that leads to knife crime in the first place is tackled through a comprehensive programme that addresses the violence that is the choice of far too many young men and ensures that our city centres and other areas are safer as a result.

The Presiding Officer: Question 2 is withdrawn, but I will allow supplementaries from Annabel Goldie. *[Applause.]*

Miss Annabel Goldie (West of Scotland) (Con): Thank you, Presiding Officer. My question follows on neatly from Ms Sturgeon's line of inquiry and relates to what happens to prisoners when sentences are imposed. Is the First Minister committed, in principle, to ending the now totally discredited system of automatic early release of prisoners from our jails?

The First Minister: I welcome Annabel Goldie to her new seat. I hope that it is not too presumptuous of me to say that I suspect that she will be there for more than one week, beyond the close of nominations for the Tory leadership. If that is the case, we would warmly congratulate her on her new position.

I confirm for Annabel Goldie, as I did for her immediate predecessor, that I will be delighted to end automatic early release. The law that the Tories imposed on this country in the 1990s will be ended by this devolved Government and we will

ensure both that we have a better system of rehabilitation in our prisons and that prison sentences offer more of a deterrent than has been the case.

Miss Goldie: That is an unexpectedly encouraging response. During this afternoon's consideration of the Management of Offenders etc (Scotland) Bill, my party will give the Executive the opportunity to end the scandalous system of automatic early release not retrospectively, but in a timescale that would be totally under the control of the Executive, because the change can be implemented only by an Executive statutory instrument. Will the First Minister let us all rejoice by confirming that he will agree to our amendment?

The First Minister: No, because I think that politicians should practise what they preach. For the past two years, we have said consistently that the Sentencing Commission for Scotland should give us a clear recommendation on how to implement the objective in question. When we have received that recommendation—we will have it by the end of the year—we will ensure that it or an improvement on it is implemented by the Parliament. We are determined to end the Tory policy of automatic early release. We will ensure that the system in Scotland is improved as a result, but we will do so following due consideration with our judicial colleagues and others and once we have ensured that the policy that is established can be implemented effectively.

Miss Goldie: That response is deeply depressing because, by failing to agree to our amendment, the First Minister will be enforcing a system that will let convicted prisoners out of jail even earlier than they are getting out now. I suspect that that will represent the major difference between my attitude to the concerns of Scotland and the First Minister's. I am listening to those concerns and I will try to address them this afternoon, whereas the First Minister is content to sit here and prate parrot-wise a meaningless mantra of false hope. If the current approach does not end this afternoon, when will it end?

The First Minister: We will introduce legislation as soon as we have that recommendation; as I said, we should have it by the end of this year. If the recommendation is not sufficient for us, we will improve on it and ensure that the policy that we implement is effective. However, we will also pursue other measures—not only in the bill that is being discussed this afternoon but in the Police, Public Order and Criminal Justice (Scotland) Bill—to rectify some of the wrongs of the Conservative years. Such measures include increased sentences and new, tougher powers to help our police and local authorities to tackle not just antisocial behaviour, but knife crime and other

serious concerns of the people of Scotland. We will continue the fundamental modernisation and reform of the criminal justice system in Scotland from top to bottom on which we have been embarked for the past two years. That approach is effective and will be even more effective as our bills reach the statute book.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): The First Minister will be aware of yesterday's determination in the fatal accident inquiry into the death of a baby who was born at Inverclyde royal hospital's maternity unit shortly after it became a midwife-led unit. Sheriff Herald found that that tragic death could not have been avoided, but his wider comments—that expectant mothers in my constituency receive a second-class service—have naturally caused serious concern and make it increasingly difficult for the health board to maintain that the reorganisation of maternity services was carried out in the interests of patient safety. Does the First Minister agree that restoring public confidence in that midwife-led unit is vital? Will he and the Minister for Health and Community Care ensure that the specific weaknesses in the wider provision identified by the inquiry are addressed by the health board and others?

The First Minister: Although it is very important that we take the outcome of the inquiry seriously—and the Minister for Health and Community Care will ensure that the health board addresses all the recommendations that arise from the inquiry report—it is also important that we deal with facts rather than the opinions of those who are not directly involved in the service. The reality is that midwife-led care in maternity services in Scotland should, as far as is humanly possible, be the norm. It should be encouraged in every location, not just in Inverclyde. Of course there should be proper technical and emergency services for those who need them in appropriate locations throughout Scotland. We will continue to monitor the developments in Inverclyde and ensure that the recommendations are properly carried through. However, we also want to ensure that Scotland's health service lives up to the achievement of being recognised by the national birth and motherhood survey 2005 as having the best services in the United Kingdom.

Secretary of State for Scotland (Meetings)

3. Robin Harper (Lothians) (Green): The First Minister should be aware that a recent survey suggests that 320 acres of public green space is currently proposed for development or is already being built on as a result of school public-private partnership projects in Scotland. The Executive—

The Presiding Officer: Mr Harper, you are one question ahead of us. You should ask the question

in the *Business Bulletin* before we come to that one.

Robin Harper: I beg your pardon—I am too keen to get to the point. The First Minister knows what I am about to say.

To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he intends to discuss. (S2F-1902)

The First Minister (Mr Jack McConnell): I thought that Mr Harper was going to ask where we were going to meet and whether it would be on the green fields of Scotland. I do not have any formal meetings planned with the secretary of state, but I discuss a lot of matters with him regularly.

The Presiding Officer: Back to where we were, Mr Harper.

Robin Harper: I will cut to the chase. The Executive is not protecting open space in Scotland. The planning system is failing, the statutory consultation process is failing and the Executive is failing in respect of green space. Does the First Minister agree that all those projects that are still on the drawing board should be halted until we have a clear picture of what is going on and until the Executive and the councils are given the chance to arrest what is a most unwelcome trend?

The First Minister: No, I do not agree. I believe that development should be appropriate. The fantastic countryside and landscape that we enjoy in Scotland should be preserved, but where development is needed and is appropriately planned, it should take place to ensure that future generations can enjoy Scotland even more. We need to make a balanced judgment in all cases. That is primarily the responsibility of local authorities, acting under our guidance, which is why we are bringing forward the most comprehensive set of modernisation plans for our planning system that Scotland has ever seen. When we bring forward those plans, we will ensure that the planning system achieves the twin goals of proper sustainable development in the interest of local communities and fast, efficient and effective implementation by local authorities. Those are our objectives, which our plans will meet.

Robin Harper: Up and down Scotland, from north to south, parents and local communities are up in arms about the fact that parkland, playing fields, recreation grounds, amenity space and informal green space are being lost for ever to housing through public-private partnerships. That does not need to happen. I have a list of 20 councils that do not even know what is happening and cannot respond to questions about how much green space is being lost. Surely the First Minister agrees that that parlous situation is a matter of

considerable concern and that something must be done. Will he please call in all projects that infringe on our community green space?

The First Minister: It is important that local authorities take issues about green space and playing fields on board before making final decisions on new school buildings and other plans. However, I say to Mr Harper that, all across Scotland, parents, members of the community and youngsters are using the arms that he mentions to punch the air with joy, because they are getting new school buildings and better facilities are being provided for them and those who will come after them.

Let us get a bit of perspective. Throughout Scotland, we need modern school buildings that are fit for the 21st century. We need indoor and outdoor facilities that allow our youngsters to realise their potential. We need a planning system that makes that happen and accountable local authorities that make the decisions. If councillors get the balance wrong, local people know what to do—deal with them at election time.

Glasgow Housing Association

4. Paul Martin (Glasgow Springburn) (Lab): To ask the First Minister what measures will be taken to ensure that Glasgow Housing Association housing stock is retained under the control of community ownership. (S2F-1899)

The First Minister (Mr Jack McConnell): We have already invested £202 million since the Glasgow transfer and more than 32,000 tenants have seen investment in their homes in almost all areas of the city. Malcolm Chisholm met the Glasgow Housing Association board on Monday, when he made it clear that community control through second-stage transfer to local housing organisations remains a top priority. We will work with the housing association to bring that forward as quickly as possible.

Paul Martin: I welcome the First Minister's commitment to community ownership, but I raise with him the concern that European procurement rules could put community ownership at risk. Will he meet the European authorities to remind them of the need for tenant rule, not European rule?

The First Minister: Our advice, which may be contrary to the perception in the GHA when it made its decision last week, is that European Union procurement rules do not affect the delivery of investment or the second-stage transfer. That advice was explained clearly to the GHA by the Minister for Communities on Monday. We intend to work with the GHA to ensure that it makes the right decisions as quickly as possible to ensure that local people in Glasgow have the control that they were promised and that they see in their homes the investment that they require.

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

I am grateful to the First Minister for confirming that there is legal advice that EU procurement rules do not necessitate the GHA clawing back local management. He must be aware that a condition of GHA registration with Communities Scotland was that local management agreements were in place—local management was part of the commitment that was given to Glasgow tenants at the time of the stock transfer ballot. What will be the effect on GHA registration if local management agreements are set aside? Is he prepared to take action to ensure that second-stage transfers take place?

The First Minister: We have a difference of approach. We can look at the matter either negatively or positively. We have made clear to the GHA our legal advice and our expectation. The GHA had a positive discussion on Monday with the Minister for Communities, who intends to see through the issue and to ensure that the association implements the obligations that it took on board. I hope that, in achieving that, the minister will have the backing of those who previously opposed the transfer, were against community ownership for people in Glasgow and did not want them to have investment in their houses and all the other improvements that are coming. I welcome the Scottish National Party's conversion to the cause.

Bill Aitken (Glasgow) (Con): Does the First Minister agree with me—an enthusiastic proponent of community ownership in Glasgow—that if we are to build on the success of the housing association movement it is essential that the undertaking that he has given today be clarified to a greater extent and that we set a timetable for the GHA to ensure that the secondary transfer is begun early next year and completed in the shortest possible period?

The First Minister: Let me be clear that we did not encourage the establishment of the Glasgow Housing Association, support enthusiastically the transfer of ownership and put so much money into the venture simply to see one large organisation replaced by another to manage the tenanted homes in Glasgow. We want local housing organisations to own and manage houses and have responsibility for them so that people have maximum control over their local environment and the house or flat in which they live. We want to ensure that that happens as quickly as possible, which is why we want the investment to be tied clearly to that condition and why we will continue to work to secure that objective. We believe that the GHA remains committed to the objective, too.

Mr Charlie Gordon (Glasgow Cathcart) (Lab):

Does the First Minister share my view that recent press reports about difficulties with local

management of service contracts on behalf of the GHA have concluded inaccurately and unnecessarily that there is a doubt over the commitment on the part of the GHA, the Parliament and the Labour-led Executive to community ownership? Does he agree that, frankly, the press have got their conclusion wrong?

The First Minister: The important point is that, this week, through our actions and words, we must clarify the position—as I have done today—and ensure that we press ahead with the work to secure improvements as quickly as possible for the people of Glasgow. I know that the new member for Glasgow Cathcart was centrally involved in that achievement for the people of Glasgow and that he will welcome the investment as it transpires. We want the investment to be democratic and to involve people in their future. We are sure that that will take place.

Fresh Talent Initiative

5. Ms Sandra White (Glasgow) (SNP): To ask the First Minister what recent discussions the Scottish Executive has had with the Commission for Racial Equality in Scotland regarding the fresh talent initiative. (S2F-1900)

The First Minister (Mr Jack McConnell): Fresh talent is our initiative to retain Scottish talent and to attract hard-working, skilled people from around the world to live in Scotland. It is supported by integration programmes that have been praised by others. I had a positive meeting with the Commission for Racial Equality last year, at which it indicated that it sees Scotland as a leading example in Europe in relation to the initiative. We agreed that fresh talent is a showcase to demonstrate how a small nation can be welcoming and meet Europe's biggest challenge.

Ms White: The First Minister will be aware of the concerns that the CRE has expressed about the initiative and about the integration and retention of immigrants in Scotland. Is he aware of an integration strategy and, if so, where is it, who has been consulted on it and will it cover the fresh talent initiative? Will the CRE be consulted and, if not, why not?

The First Minister: I do not recognise the picture that Sandra White continually tries to portray of integration in Scotland and the actions and strategies not just of the Executive but, as important, of Glasgow City Council, Strathclyde police and a host of other agencies. In Scotland, particularly in Glasgow, we see some of the best examples of integration, not just in the United Kingdom, but in the whole of western Europe. Tragic circumstances in Sighthill in Glasgow a few years ago led to the death of an asylum seeker, but the community as well as the agencies

responded positively. The strategies that are being implemented are effective, which is one reason why Scotland is now recognised as one of the most welcoming places for people to come to.

Nora Radcliffe (Gordon) (LD): Everyone acknowledges that we need integrated and cross-cutting support strategies for people who come to live and work in Scotland. However, we should not forget that many people will want to live and work in rural areas, so we should pay attention to how we deliver support in those areas. That is much more difficult, but it is very necessary.

The First Minister: I welcome Nora Radcliffe's important, sensible and constructive point. I can assure her that, as recently as last week, I had extensive discussions with the Prime Minister and the Minister of Citizenship and Immigration in Canada, where the Government is facing exactly the same challenge. The vast majority of recent immigrants to Canada have tended to move to Toronto, Montreal and Vancouver. However, the provinces in Canada—especially the large rural provinces—are increasingly encouraging more people to move into their areas and are facing exactly those challenges of integration. We have something to learn from them and we intend to maintain close contact with them as their programmes develop.

Christine May (Central Fife) (Lab): Does the First Minister agree that measures to attract fresh talent to Scotland and measures to integrate immigrant communities will require different solutions in different areas? Will he join me in welcoming the establishment of the ethnic minority employment and training service in Fife, as part of the Fife race equality partnership? That partnership has real targets for getting people into jobs or training. Will he also welcome the booklet that I passed to his office this morning, which was produced by the Red Cross in Glasgow with support from the Scottish Executive? Will he undertake to continue to support such innovative and locally based solutions to integration?

The First Minister: I thank Christine May for providing me with a copy of that booklet, which is an excellent example of the kind of information that should be made available. *[Interruption.]* SNP members are expressing concern, but they should be pleased about such initiatives and should not be angry or upset or moaning or complaining or displaying any of the usual sort of behaviour that we hear from them. They should be pleased, because the booklet represents a good approach. It welcomes people to Glasgow and gives them the sort of relevant information that they would want. Glasgow can be a good example for other parts of Scotland and, indeed, other parts of the United Kingdom and Europe.

Prisons (Overcrowding)

6. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the First Minister how the Scottish Executive will tackle increased overcrowding in prisons. (S2F-1901)

The First Minister (Mr Jack McConnell): The best way of reducing prison numbers in the long term is, of course, to reduce crime and reoffending. However, we need prisons as a deterrent and as places of rehabilitation to achieve that goal. We have introduced more effective ways of working both in prisons and in the community to reduce reoffending. We will implement more of our measures when we pass the Management of Offenders etc (Scotland) Bill this afternoon.

Jeremy Purvis: Is the First Minister aware of the latest Executive figures for all custodial sentences handed down in 2003? Of those sentences, 54 per cent were for less than three months and 21 per cent were for less than 60 days. That contributed to the large numbers in our prisons. Does he agree that reliance on such short sentences is unwelcome and acts against serious rehabilitation programmes for individuals and the effectiveness of those programmes for our communities? Will he support an increase in community disposals, especially from our district courts? If the Sentencing Commission for Scotland does not go far enough on the matter, will the Labour-led, Liberal-driven Executive go further?

The First Minister: That was very fly. Mr Purvis had me nodding there, right up until the last few words. I welcome his inventive approach to questions.

I cannot confirm Mr Purvis's figures, but I assume that he is quoting accurately. What I can do is say that we have a clear vision for the criminal justice system in Scotland and for sentencing. We have to lock up more dangerous people and we have to do that for longer. We have to put public safety at the heart of the criminal justice system. The measures that we are taking are designed to ensure that that happens.

We also need to ensure that we have better non-custodial, community sentences that ensure that people face up to their responsibilities and face up to proper rehabilitation in carrying out their sentences. We need better sentencing and we believe that that can be delivered by the measures that we propose, some of which are in the bill that we will pass this afternoon. That will also allow non-custodial sentences to be used for more minor offenders.

One reason why prisons are used so much for shorter sentences is a lack of confidence in community sentencing. On the one hand, we need better, tougher and more effective community sentences; on the other hand, we need our

prisons to be able to cope with those who are a danger to the public and who need to be locked up for public safety.

Alex Neil (Central Scotland) (SNP): Does the First Minister realise that one factor that contributes to overcrowding in prisons in the west of Scotland is the lack of spaces in open prisons? Some prisoners who should be in open prisons are still locked up in other prisons. What is he doing to increase the number of places in open prisons in the west of Scotland?

The First Minister: We have been increasing the number of places in open prisons. I hope that, unlike some of his colleagues, Alex Neil will support us as we bring forward further proposals for new prisons in the months ahead.

The Presiding Officer: I remind members that the President of Malawi will address the chamber at 1 o'clock.

12:30

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Enterprise, Lifelong Learning and Transport

Transport (West-central Scotland)

1. Des McNulty (Clydebank and Milngavie) (Lab): To ask the Scottish Executive what steps are being taken to reduce congestion and air pollution and to develop better transport links in and to west-central Scotland. (S2O-7955)

The Minister for Transport and Telecommunications (Tavish Scott): We are supporting local authorities, Strathclyde Passenger Transport and the west of Scotland transport partnership on a number of transport projects in west-central Scotland. We are also establishing a new west of Scotland regional transport partnership with responsibility for developing a west of Scotland regional transport strategy that will deliver sustainable economic development. In their regional strategies, RTPs will have to consider measures to tackle congestion and reduce air pollution in their areas.

Des McNulty: Is the minister aware of evidence that shows that the most immediate way of reducing congestion and air pollution is to scrap the Erskine bridge tolls? Is he also aware of evidence that shows that scrapping the tolls would mean that fewer lorries would use the Clyde tunnel or go through the streets of Clydebank in my constituency?

Tavish Scott: Mr McNulty has asked a number of parliamentary questions on the matter, and I certainly accept his arguments about air pollution and congestion. As he knows, phase 1 of the toll bridges review found that, as far as congestion is concerned, the relationship between different traffic flows is complex; however, it also suggested that air quality issues could be addressed in formulating an approach to the matter. The toll bridges review is on-going and I hope to report on the matter before too long.

Jackie Baillie (Dumbarton) (Lab): As the minister is aware, I have consistently held the view that removing the Erskine bridge tolls will ease congestion. However, we must set that measure in the context of wider improvements in the road network. Does he therefore agree that, in addition to the Erskine bridge, another investment priority

should be the A82, which is of course the gateway to Scotland's first national park?

Tavish Scott: I accept Jackie Baillie's remarks on the position that she has taken on the Erskine bridge and I acknowledge the views that she and many other members hold on the A82. It is an important and strategic road link and we must consider—and are considering—carefully the issues surrounding that particular roads project. I will be happy in due course to draw members' attention to the progress that we are making.

Patrick Harvie (Glasgow) (Green): Given the chronic air pollution problem in some parts of the country, notably Glasgow city centre, and given that in a few months Glaswegians will have to step into a pub to get a breath of fresh air, does the minister acknowledge that, without tackling the rising traffic levels that are the overwhelming source of air pollution in Glasgow, we will not improve air quality? When will the Executive's targets on reducing road traffic levels start to bear fruit?

Tavish Scott: I would welcome a considered and reasoned debate from the Greens on the importance of tackling traffic growth and the measures that should be introduced in that respect. However, on no occasion have they given the devolved Government any credit for its quantum leap in public transport investment. I am sure that Mr Harvie will raise his points again and again in his members' business debate on the subject tonight.

Phil Gallie (South of Scotland) (Con): I compliment the Scottish Executive on its intention to drive ahead with the M74 extension. Does the minister agree that that is a principal way of reducing air pollution, particularly in Glasgow? Moreover, does he accept as evidence of that the beneficial effects that came from building the M77 to link the A8 and the A77?

Tavish Scott: It is certainly a novel experience for me to be praised by Mr Gallie, but I am none the worse for it. The arguments that he has made are relevant to the roads project that he mentioned, and I would be happy to consider his specific suggestions in relation to the other strategic road link. In assessment of roads projects, we consider—as any Government should—specific issues relating to air quality, and those matters have been carefully considered in relation to the project that he described.

M74 (Construction Jobs)

2. Mark Ballard (Lothians) (Green): To ask the Scottish Executive how many jobs the M74 public inquiry reporter considered would be created by the construction of the M74. (S2O-7963)

The Minister for Transport and Telecommunications (Tavish Scott): We estimate that up to 25,000 jobs could be created in the area. Of those, the reporter suggested that 5,000 jobs might be new to Scotland.

Mark Ballard: I would be willing to praise the minister for his public transport initiatives if he did not take daft decisions such as approving the M74. He has made it clear that only 5,000 new jobs will be brought to Scotland by the M74. It will cost between £375 million and £500 million, which results in a figure of between £75,000 and £100,000 per job. Last year, Scottish Enterprise Glasgow managed to create 4,000 just—

The Deputy Presiding Officer (Murray Tosh): Mr Ballard, you are making a speech. Please ask a question.

Mark Ballard: Can the minister explain why the M74 is value for money in terms of job creation, if it costs £100,000 a job for the M74 and £2,000 for Scottish Enterprise Glasgow?

The Deputy Presiding Officer: That is the way to do it. Thank you.

Tavish Scott: I shall do my best to hold to your standards in answering the question, Presiding Officer, although it took a while to get to that question.

Mr Ballard is not for the first time wrong on a number of points. First, in relation to jobs, he should know if he has looked into the matter—I shall be fair and assume that he has—that two separate studies were carried out by Scottish Enterprise. The reporter came to the view that there would be 5,000 new jobs for Scotland. I am bound to say that there is a disagreement with the reporter, who took the view that subtracting figures from one study, where the two reports used different methodologies, produced the figure that has been given. It is important to stress the difference in approach.

For any roads project, or any capital public transport project, the value-for-money exercise relates not only to economic matters but to a range of matters under the Scottish transport appraisal guidance. Again, I would have thought that Mr Ballard would be familiar with that.

A76 Route Action Plan

3. Dr Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive whether it plans to implement the A76 route action plan. (S2O-7959)

The Minister for Transport and Telecommunications (Tavish Scott): All the road safety and route accident reduction plan measures in the plan have been implemented, as have the traffic calming and traffic management measures in various communities along the route.

The provision of overtaking opportunity schemes is being developed.

Dr Murray: The minister will be aware that my colleague, Councillor Jim Dempster, recently wrote to him with suggestions for improvements after there were two fatal accidents within a week. Is he aware that, although the original route action plan was drawn up about 10 years ago, many sections of the road remain dangerous and have above-average accident statistics, including the section from the Dumfries bypass to Auldgirth in my constituency? Will he address my concerns and those of other MSPs regarding the safety of that road, which are shared by Dumfries and Galloway Council and East Ayrshire Council? Will he revisit the question of what action needs to be taken to prevent further fatalities?

Tavish Scott: I understand the concerns about the issue that have been expressed by Elaine Murray and other members, in relation to both the route accident reduction plan and the measures that have been put in place, and I acknowledge the understandable and fair requests for additional measures, particularly in the light of traffic accident fatalities and accident statistics. If additional information on those matters is presented to the transport department, I would be happy to examine those issues again, and I give Parliament that assurance today.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): I am genuinely grateful to Dr Murray for raising the issue of a route that virtually bounds our two constituencies, and I want to discover her secret for getting picked to ask questions.

The minister may be aware—I hope that he is—that one of the deaths that tragically took place between Sanquhar and Kirkconnel was on a stretch that would have been upgraded by now had one scheme not been withdrawn by the Scottish Executive in favour of a less complicated and less expensive one to the south of Sanquhar. Given that there have been three deaths on that stretch of road over the past five years, is the minister prepared to prioritise that improvement? I suggest that he consider seriously the Conservative policy of having a black-spot fund, so that where deaths regularly and tragically occur, a degree of prioritisation can be achieved.

Tavish Scott: I will be happy to consider the various issues that Mr Fergusson has raised, particularly the points about the section of road that he describes and the action that was taken in relation to the other package, which was considered previously. I will consider again whether we would wish to analyse the action in the context of the accident statistics, which are serious and must be addressed. I am always happy to

look at Conservative plans and we will also continue to consider a few others.

Alasdair Morgan (South of Scotland) (SNP): I re-emphasise some of the points that Alex Fergusson made. It is particularly galling and tragic for constituents when a set of bends is identified as dangerous and the Executive accepts that something must be done but then changes its mind and does nothing so more deaths occur. This is not a case, as so often happens, of members asking for the A whatever-it-is in their constituency to be improved. In this case lives are being lost regularly and will go on being lost until the Executive does something.

The Deputy Presiding Officer: That was a statement rather than a question. Does the minister have anything to add?

Tavish Scott: I can also do statements, but I had better not.

Those are serious matters and I take very seriously the concerns that have been expressed by Mr Morgan, Mr Fergusson and Dr Murray. I will look into the issues that all three members have raised and see whether I can take the matter forward.

Electricity Generation

4. Mr John Home Robertson (East Lothian) (Lab): To ask the Scottish Executive what its policies are in respect of the future of the electricity generation industry. (S2O-7940)

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): Policy on the electricity generation industry is generally reserved to the United Kingdom Government and is subject to the commercial decisions of the industry and the regulatory framework that is put in place at UK level.

The Scottish Executive and its agencies continue to work closely with the UK Government and the energy companies to ensure that an appropriate balance is struck between our economic development objectives, our targets for growth of renewables generation and climate change and ensuring security of supply.

Mr Home Robertson: Excellent. Now that the Prime Minister has called for an assessment of all options, including civil nuclear power, to meet our future energy needs without emitting greenhouse gases, and since our First Minister has said that we must keep energy options open, can we have an assurance that the Executive intends to maintain Scotland's share of the British electricity generation industry, particularly when the UK Government makes necessary decisions about a national repository for nuclear waste? Notwithstanding Ayrshire's ambition to get

Scotland's next nuclear power station, can I restate East Lothian's claim for it to be located on the site that has already been earmarked for Torness B?

Allan Wilson: There are quite a few questions in there—I will try to address them all.

The Prime Minister is correct, as is our First Minister. He was restating the UK Government's position that the Government must, in order to ensure security of supply, consider all options. We have always been supportive of an energy mix that meets our renewables targets as well as our carbon emissions targets and, crucially, which also ensures security of supply. I want Scotland to remain a net exporter of energy rather than to become an importer of energy. Four major power stations are due to come off supply in the next 10 to 20 years. If that picture does not change, Scotland will become a net importer rather than a net exporter of electricity, which is something that we should avoid.

On the last question, Governments do not build power stations and neither does the Scottish Executive. Those are commercial matters and it is for the generation companies to make proposals, which would have to be considered in that context.

Rob Gibson (Highlands and Islands) (SNP): I would like to turn the minister's attention to other electricity generation and away from the love-in that he is having with his friend who has another nuclear power station in his backyard.

The minister was able to answer two questions from the previous member, so will he tell me, first, when the interconnector between the Western Isles and the mainland will be agreed and set up and secondly, when the decisions about the applications from AMEC Wind Energy and Beinn Mhor Power Ltd will be made, so that people in the islands can know that they can share in Scotland's security of energy supply?

Allan Wilson: I dispute the contention that Mr Home Robertson and I have been engaged in a "love-in". John Home Robertson and I, and indeed many other colleagues, have always been supportive of an energy mix that meets our renewables targets, addresses issues of carbon emissions and ensures security of supply. That means that we must consider all sources. On the question of upgrading the grid and the particular issues that Rob Gibson raises on island connections, those are primarily matters for the grid companies and electricity-generating companies in the first instance and, latterly, for the Executive.

Beaully to Denny Power Line

5. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive what factors

it will take into account in determining whether a public inquiry will be held into the planning application by Scottish and Southern Energy plc for the 400kV Beaulieu to Denny power line. (S2O-7969)

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): If a relevant planning authority objects to an application, and if its concerns cannot be met by modifications or conditions, the Scottish ministers will refer the application to a public inquiry. Alternatively, the Scottish ministers have the discretion to refer the matter to a public inquiry if they consider it appropriate to do so after consideration of any objections and other material considerations.

Murdo Fraser: I am grateful to the minister for that comprehensive response. He should be aware of widespread concern in Perthshire and Stirling about the size of the new power line and about the visual intrusion that it would present in an area that is highly dependent on tourism for its income. He should also be aware of the specific concerns about the routing of the line and its proximity to dwellings and communities such as Crieff. Does he agree that, in order to allow a proper airing of all those issues, it is essential that a public inquiry be held into the planning application?

Allan Wilson: The applicants submitted their formal application only on 27 September. There is a statutory obligation on them to advertise for two successive weeks in one or more locally circulated newspapers in the areas through which the proposed line will pass. It will pass through four local authority areas and, in the present case, the relevant notices have been placed. Consultations have been published, and the public are invited to make representations—that includes Murdo Fraser's good self. Those representations will be considered by 12 December. In that context, and in the context of my previous reply, it would be inappropriate for me to pre-empt the consultation and to say that the proposals should or should not go to public inquiry.

Roseanna Cunningham (Perth) (SNP): As the minister must know, many members have received a great deal of correspondence on the issue. Some concerns have been taken on board by SSE, but some have not. In advance of any potential public inquiry, will the minister advise us about any communication that has taken place between his office and SSE regarding the possibilities for undergrounding at least some of the more environmentally sensitive sections of the proposed line?

Allan Wilson: The important point is that Scotland needs an upgrade in its electricity transmission and distribution network, a point that was made by Roseanna Cunningham's colleague,

Rob Gibson, just a few minutes ago. We wish not simply to achieve our renewables targets but to ensure that there is benefit from an upgraded grid.

The undergrounding of all or part of the proposed line will be considered as part of the appraisal of the application, to which I referred. It is important to mention that there are significantly higher costs involved in running cables underground or via subsea links, to which Rob Gibson referred. The costs involved in that would be passed on to consumers, so there is a balance to be struck. I was being pressed by the Conservative party this morning to reduce electricity prices. This afternoon, it is being suggested that I do otherwise.

I am aware of the concerns, all of which will be considered as part of the appraisal process, as is required of the local authorities that are involved. The authorities will be in touch with the applicants in that regard.

Dr Sylvia Jackson (Stirling) (Lab): As the minister will know, a great number of letters of objection were sent to the energy consents unit prior to the 28 September submission date. That was because of confusion over information that was given on the Scottish and Southern Energy website. Given that the issue is important, will the minister clarify as soon as possible whether those letters will be sent back by the consents unit if they are asked for, whether they can now be resubmitted and whether standard letters dated prior to 28 September can also be submitted?

Allan Wilson: Yes. I will clarify that for the member this afternoon.

Justice and Law Officers

Torture

1. Eleanor Scott (Highlands and Islands) (Green): To ask the Scottish Executive whether the police are taking sufficient action to ensure that no offences of attempting or conspiring to commit torture are being committed in Scotland or Scottish airspace. (S2O-7967)

The Minister for Justice (Cathy Jamieson): As I have said in the chamber before, attempts to commit or to conspire to commit torture are crimes under Scots law and are punishable by up to life imprisonment. The police in Scotland take appropriate action to investigate cases whenever there is evidence to support allegations of torture.

Eleanor Scott: The minister is aware of press reports of the use of Scottish airports, certainly in the central belt and possibly in the Highlands, for Criminal Intelligence Agency rendition flights taking prisoners to countries in which they can be tortured. Is she aware that two weeks ago my

colleague Chris Ballance wrote to the chief constable of Strathclyde police to alert him to our concerns and to request a meeting to detail them? So far, the chief constable's office has failed to offer that meeting and the press office confirmed this morning that no investigation of the flights is under way or planned and that it is considering the legal implications of our request.

Does the minister agree that there are more than reasonable grounds for suspicion that criminal acts are being committed in our jurisdiction and that the police should uphold their legal duty to investigate without regard to any political embarrassment that might be caused?

Cathy Jamieson: Again, as I have made clear in the chamber before, if information is provided to the police it is their responsibility to assess it and decide what action to take. They will, of course, consider whether there is evidence to warrant further investigation. I am aware that the member's colleague wrote to the chief constable of Strathclyde police; it is for him to respond appropriately.

Ms Rosemary Byrne (South of Scotland) (SSP): This might not be a devolved matter; the issue is not legal or political, but moral. People like the minister and me—ordinary people—who have not been tried before any court are being transported through Scottish airspace. Will the minister give an assurance that she will intervene in this moral issue? Will she speak to her colleagues at Westminster to stop such people being sent to be tortured?

Cathy Jamieson: The member is correct that this is not a devolved matter; it is for the United Kingdom Government to consider the appropriate legislation. I refer the member to recent exchanges in the House of Commons, where the UK Minister of State in the Foreign and Commonwealth Office has answered, fairly comprehensively, questions about the current legal position and stated that it is not the Government's policy to deport or extradite any person to another state where there are substantial grounds to believe that they will be subject to torture or where there is a real risk that the death penalty will be applied. The UK Government takes the issue seriously.

The Deputy Presiding Officer: Question 2 is withdrawn.

Antisocial Behaviour etc (Scotland) Act 2004

3. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive what monitoring it has carried out of the implementation of the Antisocial Behaviour etc (Scotland) Act 2004 since its enactment one year ago. (S2O-7931)

The Deputy Minister for Justice (Hugh Henry): There are three main strands to our monitoring regime. Statistics on the use of antisocial behaviour measures under the act are collected on a six-monthly basis. Community planning partnerships report annually on the implementation of their antisocial behaviour outcome agreements and strategies. In addition, all 32 local authority antisocial behaviour teams have been visited as part of a Scottish Executive audit process.

Sarah Boyack: Will the minister join me in welcoming the success that we have had in Edinburgh? As a result of joint work under the act between the City of Edinburgh Council, the police and local residents, we have been successful in achieving our first closure order, which means that a private household has been closed. It had been used for drug dealing and there had been behaviour that was abusive and threatening to local residents. The order sent out a clear message to residents in the city that antisocial behaviour will not be tolerated and that where there is evidence the law will back up their rights. I welcome strongly the fact that the minister is monitoring the act, because we have a lot more to do to ensure that everybody knows about the powers and how they can help communities.

Hugh Henry: The City of Edinburgh Council has been imaginative and diligent in the application of the legislation. What the council is doing is right—it is listening to communities and ensuring that local agencies work together and are increasingly aware, as are others, of the significance of the legislation. It is good to see the act being used in Edinburgh to help communities to improve the quality of their lives.

I hope that others consider what Edinburgh is doing. I am heartened by the fact that the community is becoming increasingly aware of the potential uses of the legislation. I look forward to further successes in Edinburgh.

Debt Relief (Working Group)

4. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive what progress it is making in implementing the recommendations from the report of the working group on debt relief. (S2O-7928)

The Deputy Minister for Justice (Hugh Henry): The working group reported back to my officials in June 2005 and we are considering the recommendations in the light of our wider programme of reform in this area.

Jackie Baillie: The minister is aware that the working group identified a category of people who have no income or assets and are, therefore, not covered by the existing debt arrangement scheme.

Will he therefore urgently commission research to scope the size of that group? Will he encourage his colleagues in the Enterprise, Transport and Lifelong Learning Department to use the forthcoming bill on bankruptcy and diligence to plug that gap and help the poorest people in our community who are in debt?

Hugh Henry: I am aware that there is some concern about our ability to identify how many people are within that category. Clearly, we need to address that. We need to ensure that any legislation that we enact or action that we take helps the people whom we intend to help. We will continue to consider the problem closely. I am sure that my colleague Allan Wilson, who will take the bill through Parliament, will consider whether anything needs to be done. Outwith the scope of legislation, I think that there are other important factors that need to be carefully considered.

Serious Crime (DNA Samples)

5. Mr Frank McAveety (Glasgow Shettleston) (Lab): To ask the Scottish Executive whether it will legislate to retain DNA samples as a means of helping to solve crimes of a serious nature. (S2O-7950)

The Minister for Justice (Cathy Jamieson): A consultation on whether the police should retain all the DNA samples that they take from suspects ended last month and the Executive is considering possible options. We want to ensure that the police have the tools that they need to fight crime effectively and that sufficient safeguards are in place to satisfy any civil liberty concerns.

Mr McAveety: I am sure that the minister is aware of the recent tragic case involving the murder of a Glasgow pensioner, which was solved by obtaining a DNA sample that was held on file. Following the consultation process, will we be able to hold on file such DNA samples to enable more murders and other serious crimes to be solved?

Cathy Jamieson: I am, of course, aware of the case that Mr McAveety raises. The individual in question was subsequently sentenced to 16 years' imprisonment. In another case, involving a French exchange student who was raped in Glasgow, the attacker was identified from a sample that had been left on her clothes. Mr McAveety might be interested to know that, in less serious situations, DNA spit kits, which are used by bus drivers in Glasgow, have led to the conviction of two people for spitting at bus company employees.

There are serious civil liberties issues relating to this matter. However, we must give proper consideration to whether we could solve more crimes by using such measures.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The minister's comments about

civil liberties notwithstanding, will she give careful consideration to the ability of an individual effectively to seek review of any information that is held on them? Further, will she assure me that any proposals for change should include the opportunity for accountability to this Parliament in relation to the proper use of such information that is held by the police? We need to move away from a culture of police policing the police.

Cathy Jamieson: Jeremy Purvis raises some interesting points, which we will consider during any further discussions. Of course, the will of the Parliament will decide whether we can successfully legislate on this matter.

Drink and Drug Driving (Ross, Cromarty and Skye)

6. Maureen Macmillan (Highlands and Islands) (Lab): To ask the Scottish Executive whether it is aware of increased incidence of driving when unfit through drink or drugs in Ross, Cromarty and Skye. (S2O-7947)

The Minister for Justice (Cathy Jamieson): I am aware of concerns about an increase of such incidents in Ross, Cromarty and Skye. In 2003, there were 199 convictions for drink-driving and drug-driving offences in Ross, Cromarty and Skye, which was the highest total for five years. However, in the Highland Council area as a whole, a total of 676 drink-driving and drug-driving offences were recorded by the police in 2004-05, which represented the lowest figure since 2000-01.

Of course, I share the concerns of police forces across Scotland about the incidence of drink driving and drug driving.

Maureen Macmillan: Is the Executive aware that those drink drivers are middle aged rather than young and that the drinking is done not in pubs and licensed premises but in people's houses? Will the Executive examine how it can better target middle-aged drink drivers and whether alcohol awareness programmes are available to them?

Cathy Jamieson: Maureen Macmillan makes an interesting point. She will be aware that research that was published by the Executive in 2004 found that 34 per cent of the people who had been surveyed had driven within a few hours of having a drink and that 18 per cent had driven when they thought that they were over the drink-drive limit. That is a serious situation. The research suggested that young male drivers were the key group who were at risk. However, I would be interested to examine further Maureen Macmillan's concerns.

People must take responsibility for their own actions. The Executive can educate people and

raise public awareness of drink driving but, at the end of the day, individuals can and should take responsibility for not driving when they are under the influence of alcohol or drugs.

Sex Offenders

7. Paul Martin (Glasgow Springburn) (Lab): To ask the Scottish Executive when it will implement the recommendations of Professor Irving's report "Registering the Risk: Review of Notification Requirements, Risk Assessment and Risk Management of Sex Offenders". (S2O-7948)

The Minister for Justice (Cathy Jamieson): The Executive has accepted the vast majority of Professor Irving's 36 recommendations and is working to legislate for some of them in the Police, Public Order and Criminal Justice (Scotland) Bill next year. A significant number of the recommendations relate to police operational activity and we will work closely with the police to take them forward.

Paul Martin: Volumes of evidence have been produced on the issue and a number of review groups have been established. It is time for the Parliament to show leadership and to implement the volumes of recommendations that have been made. I appreciate that the issue is evolving, but I ask the minister once and for all to implement the recommendations and to legislate as a matter of urgency to ensure that we maximise the protection of adults and young people who are at risk from sex offenders.

Cathy Jamieson: I place on record my thanks to Paul Martin, who has taken great interest in the issue and has campaigned tirelessly to ensure that we improve how we protect our children from the potential problem of having sex offenders in their midst. I assure him that we will move forward with the recommendations. Where it is possible to legislate and move ahead quickly, we will do so. However, a number of the recommendations require us to do further work to ensure that they will be workable in practice. The work that requires to be done will be undertaken. I will, of course, report to Parliament and the member in due course.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Does the minister agree that taking a measured response to very sensitive issues is one aspect of leadership? There could hardly be a more sensitive issue than the recommendations in the report. This afternoon, the Parliament may pass a bill that will set up community justice authorities. Will she ensure that the co-ordination of some of the recommendations, in particular the notification of third parties, is part of the authorities' remit?

Cathy Jamieson: Again, Jeremy Purvis makes a good point. Of course we must take a balanced

view, but I am on record as having said a number of times—I repeat it today—that we have a responsibility to take whatever measures we can to ensure that children are protected. The Parliament has a good record of legislating and improving policy in the area. I hope that we will take steps this afternoon to set up community justice authorities, as the member pointed out. If the Management of Offenders etc (Scotland) Bill is passed, as I hope that it will be, the authorities will have a key role to play in the management of all offenders, including sex offenders. Further work will have to be done to ensure that the requirement to notify third parties is applied appropriately.

Drugs Courts

8. Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): To ask the Scottish Executive whether there are any plans to roll out drugs courts across Scotland. (S2O-7905)

The Deputy Minister for Justice (Hugh Henry): The final evaluation report on the two drugs court pilots was received earlier this year. I am considering the contents of the report and I will announce shortly our plans for the future of the drugs courts.

Mr Arbuckle: The minister is aware that the early results from the programme were positive. I ask for any rolling out of the courts to be done as quickly as possible.

Hugh Henry: We need to consider several factors carefully. Generally, we need to consider the value of rolling out drugs courts throughout Scotland. If we decide to do that, we need to consider whether to concentrate on the main urban centres. However, we must consider the issue in the context of the widespread use in Scotland of drug treatment and testing orders, which offer a type of drugs-court lite in many courts. We must also consider whether to progress along the path of creating specialist courts in Scotland on a range of issues. Whatever decision we make, we want to ensure that the positive lessons from the drugs courts and other pilots that we have introduced are learned and applied in courts throughout Scotland. The investment and effort that have been put into those initiatives will be pointless if the lessons are not applied widely.

Sex Offenders

9. Nora Radcliffe (Gordon) (LD): To ask the Scottish Executive how the proposed limited disclosure of information on sex offenders to members of the public will operate. (S2O-7906)

The Minister for Justice (Cathy Jamieson): It is proposed that if sex offenders wilfully ignore the

instructions of the police in their choice of accommodation, employment or other activities, the police will give warning that information regarding the sex offender could be shared with relevant third parties.

Nora Radcliffe: Will the minister give an assurance that serious consideration will be given to the burden that will be placed on individuals to whom such information is disclosed? People will be given information that they have not sought, that they are unlikely to be trained to evaluate and that they may find difficult to deal with and contain.

Cathy Jamieson: I am happy to give an assurance that we will give serious consideration to how the measure will work in practice. However, the responsibility to ensure that children in our communities are safe does not rest simply on the police, individual social workers and politicians. Many agencies that are involved in the issue will welcome the opportunity for further information sharing that we intend to put in place. Of course, the use of the measure will have to be considered in particular circumstances and we will ensure that that is done appropriately.

Prisoners (Automatic Early Release)

10. Phil Gallie (South of Scotland) (Con): To ask the Scottish Executive whether it will implement chapter 1 of part III of the Crime and Punishment (Scotland) Act 1997, on prisoners' early release, in light of the First Minister's commitment to end the automatic early release of prisoners. (S2O-7900)

The Minister for Justice (Cathy Jamieson): No. Those provisions were repealed by the Crime and Disorder Act 1998.

Phil Gallie: That is disappointing. Is the minister aware that the only opposition at Westminster to the automatic early release provisions came from Conservative MPs? Does she agree that Mr McConnell's earlier hard words on four-year and one-year sentences for knife crime diminish somewhat when one realises that he was really talking about two years and six months? Is it not time that the Executive changed its mind on the matter?

Cathy Jamieson: I appreciate that it is some time since Mr Gallie has been in Westminster. I recall his comments and his support for various initiatives when he was there. We did not agree with him then and we perhaps will not agree now. It is important for Mr Gallie and others to recognise that we are undertaking a root-and-branch reform of our criminal justice system. We have made it clear that we want an end to automatic early release. I am sure that Mr Gallie did not read the Labour Party manifesto in the run-up to the 2003 elections but, if he had, he would have seen that commitment contained therein.

Business Motion

14:54

The Deputy Presiding Officer (Murray Tosh):

The next item of business is consideration of business motion S2M-3504, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Management of Offenders etc (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Management of Offenders etc. (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated (each time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the meeting of the Parliament is suspended (other than a suspension following the first division in the Stage being called) or otherwise not in progress):

Groups 1 to 3 - 30 minutes

Groups 5 to 7 - 55 minutes

Groups 8 to 11 - 1 hour and 20 minutes.—[*Ms Margaret Curran.*]

Motion agreed to.

Management of Offenders etc (Scotland) Bill: Stage 3

14:55

The Deputy Presiding Officer (Murray Tosh): We move now to stage 3 proceedings on the Management of Offenders etc (Scotland) Bill. I will begin with the normal announcement about the procedures to be followed. We will deal with the amendments to the bill and then move on to the debate on the motion to pass the bill. For the first part, members should have the bill—that is, SP Bill 39A—as amended at stage 2; the marshalled list, which contains all the amendments that have been selected for debate; and the agreed groupings.

In relation to amendments, the division bell will sound and proceedings will be suspended for five minutes for the first division. The period of voting for that first division will be 30 seconds. This is the first time that we have used the division bell in this context. Thereafter, I will allow a voting period of one minute for the first division after a debate on a group. All other divisions will be 30 seconds.

After section 1

The Deputy Presiding Officer: The first group is on co-operation for purposes of inspections. Amendment 3, in the name of the minister, is in a group on its own.

The Deputy Minister for Justice (Hugh Henry): The bill contains a number of provisions that are designed to achieve closer working among those charged with the delivery of offender management services. Indeed, that is the thinking behind the creation of community justice authorities. It will be important to be able to gauge the success of those provisions in improving the co-ordinated delivery of services.

Assessing the performance of the prison and police services, social work services and the community justice authorities in delivering joined-up services will in itself require joined-up working. Amendment 3 establishes a power for social work inspectors, Her Majesty's chief inspector of constabulary for Scotland and Her Majesty's chief inspector of prisons for Scotland to co-operate in their assessment of the delivery of services to offenders.

Because co-operation is defined in the bill as including information sharing, the provision will put beyond doubt that those bodies may share information about the services that are being delivered for offenders. That will be crucial if we are truly to create an offender-centred management regime. The power will enhance the inspection of offender management services.

I acknowledge that, in future, it may be appropriate to include other inspectorates, such as those that deal with health services. I am, however, conscious of sensitivities surrounding the sharing of information about individuals. Consequently, I feel that it is only right that any alteration to the list of designated inspectorates can be made by an order under the Parliament's affirmative procedure only.

I move amendment 3.

Mr Stewart Maxwell (West of Scotland) (SNP): I support amendment 3. It is very sensible and it clears up any doubts that there may have been—although I do not think that there were any—on the need for co-operation.

I have only one question about amendment 3: why did it come so late in the procedure? At no point during the Justice 2 Committee's stage 2 deliberations was the issue raised, and the Subordinate Legislation Committee—which received the amendment because of the statutory instrument power within it—did not receive it until its meeting on Tuesday morning and so had very little time to consider it. Why did it take until stage 3 before amendment 3 was lodged?

Hugh Henry *rose*—

The Deputy Presiding Officer: I will call Bill Aitken first and let you wind up at the end, minister.

Bill Aitken (Glasgow) (Con): Mr Maxwell raises a point that had occurred to me, too. It is unusual that a fairly commonsense amendment should be lodged at the 11th hour and almost the 59th minute.

What is proposed is generally acceptable to us, but it would have saved us a little bit of time if the matter had been introduced much earlier when it could comfortably have been disposed of in committee.

Hugh Henry: I acknowledge that it is always best to give as much notification as possible and to bring things to committee early. In the development of all pieces of legislation—and this one is no different—we look to find where we can improve things. We look for any oversights and we look to find ways of accommodating comments made by committees and others.

I apologise for the delay but we felt that amendment 3 was important. We understand that it would have been desirable to deal with the matter earlier but it was brought to our attention late in the process. As soon as the matter came to our attention, we addressed it.

Amendment 3 agreed to.

Section 2—Community justice authorities

The Deputy Presiding Officer: Group 2 is on community justice authorities—area covered and island authorities. Amendment 25, in the name of Jim Wallace, is grouped with amendments 26, 27, 8, 11 and 12 to 14.

15:00

Mr Jim Wallace (Orkney) (LD): The issue of community justice authorities and island authorities has a long history. The Deputy Minister for Justice will know that from the earliest stages Orkney Islands Council and Western Isles Council, in particular, flagged up concerns about potential problems with the incorporation of their areas into a community justice authority covering the whole of the north of Scotland. I am grateful to ministers for the meetings that we have had and the correspondence that we have entered into.

I appreciate that amendment 25 would probably not add anything to the bill because it will be possible to set up a community justice authority that covers a single local government area in any case. However, since I lodged my amendments I have had further discussions with the convener and officials of Orkney Islands Council, and meetings on the matter took place last Friday at the margins of a Convention of Scottish Local Authorities meeting. As a result of those meetings, the amendment that I wish to focus on today is amendment 26, which seeks to ensure that there are separate plans for each island area within the community justice authority plan for the north of Scotland.

I will indicate why there is a case for treating the islands separately. The strategic plans of the three island communities are different from the mainland plans. Any crime is damaging to the victims, but in Orkney we are fortunate to have a relatively low crime rate and only a small number of people receive custodial sentences.

I offer an interesting insight into the way in which island communities are different. Recently, a solicitor in Orkney reported that, under some new rules by Reliance, people who have been convicted and given a prison sentence or remanded in custody are being taken off the island without an opportunity to meet their family before they go. If that happened in Edinburgh, there would be a visiting time relatively shortly thereafter and the family could go and visit the person, but if someone is taken from Orkney to Inverness it will be nigh on impossible for members of their family to have ready access to them. That is an example of the problems that are specific to island communities.

Another problem is the cost of travel. If the community justice authority is based in Aberdeen

or Inverness, it might not be possible for people from the island communities to go to a meeting and return later in the day. Often, the meeting will involve an overnight stay—or perhaps two overnight stays, with one at either end. That will be costly and will take up the time of senior officials, which could be used for other work.

Videoconferencing is not the whole answer. A similar area is covered by the social work learning network. When I discussed the matter with social work officials on Monday, an official who is involved in the north of Scotland learning network said:

“the geography of our region, in which population and partners are concentrated in the Aberdeen nexus, has the unfortunate consequence that the northern isles, facing disproportionate high travel costs and time, have not been as influential as we would like. The costs include flights and a whole day out of the islands.”

We must address those practical issues in setting up the community justice authorities.

As I indicated at question time some weeks ago, the performance of Orkney’s criminal justice social work department deserves to be commended. On social inquiry reports, Orkney Islands Council came first out of the 32 Scottish councils in 2001-02, 2002-03 and 2003-04. It allocated 100 per cent of reports within two days and provided 100 per cent of reports to court on time. It is difficult to see how that performance can be improved on, but perhaps we will hear about that later.

On probation orders, Orkney Islands Council was ranked first in 2001-02, 2002-03 and 2003-04 for seeing new probations within one week, with 100 per cent compliance. On community service orders, Orkney Islands Council was ranked first in 2001-02 for average hours of community service completed per week. In 2002-03 and 2003-04, the council’s performance was higher than the Scottish average. In 2004-05, the supported accommodation service for offenders that is provided by Safeguarding Communities-Reducing Offending—SACRO—achieved an occupancy outturn of more than 75 per cent.

The latest quarterly indications from the Scottish Children’s Reporter Administration—for July to September 2004—ranked Orkney first out of the 32 Scottish councils for youth justice performance across a range of indicators, including the percentage of persistent offenders and the number of social work reports that were submitted on time. There is therefore a good track record that we want to make sure continues into the future, and I am sure that ministers share that aspiration.

In a letter to me, the Minister for Justice stated

“I do remain convinced that the islands authorities have much to gain from involvement within a larger Community Justice Authority.”

It would certainly be useful to put on the record precisely what gains are anticipated.

Amendment 14, in the name of the deputy minister, would allow the islands authorities to opt out of the transfer of specific functions while not holding back the mainland authorities, and that is very welcome. However, I ask the deputy minister to take this opportunity to put on record some of the issues that we have discussed and which the Minister for Justice has put to me in correspondence.

Staffing is a particular concern. In small authorities that have small social work departments, those who are engaged in criminal justice social work are often also engaged in other fields of social work. If they were to be ring fenced in some way so that they could do only criminal justice social work, that would put strain on other parts of the social work department, such as weekend cover. It is therefore important that we get some understanding of the staffing position so that the islands authorities will be able to retain their staff and so that there will be no financial detriment to the islands authorities if they are part of a wider community justice authority.

It is not just a question of the islands authorities being able to keep staff; we also need to ensure that funding is in place to allow them to do so. If there is to be new development money in future, the islands ought to get their share of it. That is why I ask for separate plans for the islands authorities to be included in the overall plan for the community justice authority. It would be useful if the deputy minister could indicate that separate plans would be required by ministers when the CJA plan is submitted to them.

Although this might be premature, it might be helpful if, in the same way as the police and fire authorities function, the CJA was to operate a system of rotating meetings so that people from the islands do not always have to go Inverness or Aberdeen, and people from Inverness and Aberdeen could come to enjoy island life in Lerwick, Kirkwall or Stornoway.

If the islands authorities are to be members of a community justice authority, they should be full members. That will require ministers to indicate what they intend to do with the weighting of votes, as happened with the new transport bodies.

The Minister for Justice has already gone a considerable way towards addressing many of my concerns. I will listen carefully to what is said in response to my amendments. It would be helpful to get on the record some reassurance for the islands communities if the community justice authorities are to go ahead.

I move amendment 25.

Hugh Henry: We are certainly aware of some of the specific issues identified and questions raised by Jim Wallace, and we are also aware of the concerns expressed by the islands authorities.

Performance is not just about speed; it is about access to the latest developments in professional practice and access to networks. Of course, good practice is a two-way process. What we are proposing is not just about Orkney learning from others but, potentially, about taking some of the progress identified by Jim Wallace and making sure that others are able to share that information.

Jim Wallace asked specifically about rotating meetings, but that is not a matter for us. I am sure that the members of the CJA would be more than delighted to visit Orkney occasionally, but far be it from me to order them to do so.

We acknowledge the particular circumstances prevalent in the islands, which have to be taken into account in developing policy in the area. That is why we lodged amendment 14. I will return to our amendment shortly, but first I will comment on Jim Wallace's amendments.

As Jim Wallace indicated, we believe that amendment 25 is unnecessary. There is nothing in the bill to prevent a community justice authority from covering the area of a single local authority.

Amendment 26 would place a duty on the proposed northern community justice authority to provide separate area plans for island authorities. Such a provision does not sit easily with the objective of area plans, which is to improve consistency in delivery, sharing of expertise and the transitions between prison and the community. The amendment would also place additional burdens on all partner bodies, as they would need to deal with up to four area plans within the proposed northern community justice authority area. Amendment 26 would also give island authorities a unique power over the relevant community justice authority by making it impossible for the CJA to submit its area plans without the agreement of the island authorities. No other council in Scotland would have such a right of veto.

Amendment 27 seeks to allow any local authority that is the sole member of a CJA to appoint one of its own officers as CJA chief officer. However, given the chief officer's important role in monitoring and reporting performance both to the community justice authority and to ministers, the amendment would place chief officers in the impossible position of having a clear conflict of interest between their reporting duties and their employer's interests. The creation of new chief officer posts that are independent of individual councils is a critical element in improving accountability.

I can give Jim Wallace some assurance, in that his discussions with the Minister for Justice have persuaded her of some of his arguments. Hence, some of the Executive amendments that we have lodged. I can also assure him that, when ministers receive community justice authorities' plans for scrutiny and approval, we will expect to see evidence in the proposed northern CJA's plan that the authority has consulted each of the island authorities, considered their particular circumstances and attempted to reach agreement with them.

The Executive's amendments respond positively to the concerns that have been expressed by island authorities. I hope that the amendments demonstrate that we are not set on a one-size-fits-all solution, as some might suggest. We understand the unique issues that, as Jim Wallace has outlined, island councils face in delivering criminal justice services. In particular, we appreciate that the size and nature of island authorities mean that the sustainability of services requires particular consideration.

Consequently, as Jim Wallace mentioned, any transfer of staff resources to a community justice authority will be unusually sensitive. The bill as drafted allows the transfer of functions and staff resources to community justice authorities from all local authorities within the area of a community justice authority. We recognise that the island authorities are particularly concerned about the implications of such transfers. Therefore, amendment 14 will introduce into section 7 a new subsection that will enable the island authorities to retain functions that other local authorities within the area of a community justice authority have agreed to transfer.

Clearly, if an island authority has chosen to opt out of a function, it would be inappropriate to lay an order to require the authority's consent. Taken together, amendments 14 and 13 will enable ministers to lay a transfer order that excludes the transfer of functions from any or all island authorities, should such authorities so choose, without requiring the consent of any relevant island authority that is not taking part in the transfer. Such a split in responsibilities between the local authority and community justice authority is feasible in an island context. However, we believe that it would be inappropriate to extend such transfer opt-outs to mainland local authorities, as that would create a complex mosaic of service responsibilities within a criminal justice authority, which would be to the detriment of clarity and accountability.

Amendments 8, 11 and 12 are consequential to amendment 13.

I hope that we have given sufficient assurance for Jim Wallace to consider withdrawing amendment 25. I urge members—

Mr Wallace: Before the minister sits down, will he make it clear that his welcome reassurances on staffing will be followed up by funding? Obviously, there is no point in making such commitments on staffing if funding does not follow them.

Hugh Henry: We already provide 100 per cent ring-fenced funding for criminal justice purposes, so there is a certain logic to ensuring that funding flows in relation to the protection of staff. Clearly, that point will have to be considered. We have already given assurances about the plans and the staff opt-out. As Jim Wallace suggests, it would be ludicrous if we allowed staff to remain without allowing the funding for them flow through.

15:15

Mr Kenny MacAskill (Lothians) (SNP): Jim Wallace is correct to highlight the unique nature of our island communities. We recognise their special needs and requirements. However, we believe that the amendments in the name of the minister address the issue.

The minister addressed to some extent the other issue that I want to raise, but I seek a further assurance that there will not be a one-size-fits-all approach. Although the needs and wants of island communities are distinct, the same could be said of many other areas in relation to criminal justice. The needs and wants of the Angus glens are not necessarily reflected by what is required in a Dundee housing scheme. In east-central Scotland, what happens in the Borders is not necessarily reflected by the requirements of the city of Edinburgh.

We seek an assurance that practice and guidelines will provide an opportunity for the requirements of different areas to be addressed differently. The islands are unique, but there are vastly different areas even in mainland Scotland. It is essential that, in relation to their powers, criminal justice authorities should be given the guidelines and direction that enable them to deal with matters individually, to assuage the fears and alarms not just of island communities but of other rural areas that have raised concerns with me and, doubtless, with the minister.

Hugh Henry: I give Kenny MacAskill the assurance that he seeks. We do not believe in a one-size-fits-all approach. We will scrutinise the plans closely, and we hope and expect that they will reflect the points that the member has made.

Mr Wallace: I am grateful to Hugh Henry for his response to my amendments. It has been useful to get on the record the reassurances that he has

given. In particular, he has reassured us that in its criminal justice authority plan the proposed northern CJA will have to demonstrate to ministers that the island authorities have been fully consulted and that every effort has been made to agree plans that take account of the specific circumstances in the islands. The points that he made about staffing and funding were also welcome.

As I indicated previously, amendment 25 is not necessary, so I seek leave to withdraw it.

Amendment 25, by agreement, withdrawn.

Amendment 26 not moved.

Section 3—Further provisions as respects community justice authorities

Amendment 27 not moved.

Section 4—Special duties of chief officer of community justice authority

The Deputy Presiding Officer (Trish Godman): Group 3 consists of minor amendments. Amendment 4, in the name of the minister, is grouped with amendments 5, 7 and 22.

Hugh Henry: The amendments in this group are minor or technical in nature. Amendment 4 makes it clear that in section 4 the term “partner bodies” has the same meaning as in section 2(16).

Amendment 5 alters the reference in the bill to “the Chief Inspector of Prisons” to

“Her Majesty’s Chief Inspector of Prisons”.

That is the standardised wording for such references.

Amendment 7 corrects an error in section 5(4)(b) of the bill, which refers to an “enforcement notice”. The correct term is “enforcement direction”, which is used elsewhere in the bill.

Amendment 22 is a technical amendment to ensure that the bill contains the correct references to provisions in the Social Work (Scotland) Act 1968.

I move amendment 4.

Amendment 4 agreed to.

Section 5—Power of Scottish Ministers to require action by community justice authority: failure by that authority

Amendment 5 moved—[Hugh Henry]—and agreed to.

The Deputy Presiding Officer: Group 4 is failure by community justice authority—time for response to preliminary notice. Amendment 6, in

the name of Jackie Baillie, is in a group on its own.

Jackie Baillie (Dumbarton) (Lab): The purpose of the amendment is purely practical. Section 5 deals with preliminary notices issued by ministers where community justice authorities are perceived to be failing. For the provision to be meaningful, CJAs must have the opportunity to consider and respond to the minister’s notice. As the bill stands, ministers could impose any deadline for a response if they wished to do so. That is not necessarily practical, particularly for CJAs that cover large geographical areas, such as the proposed northern CJA about which we have just heard. In such circumstances, no meaningful political endorsement or ownership of the CJA’s response could be achieved. One would have to question the value of the bill’s preliminary notice provision in that context. The amendment specifies a minimum period of 14 days in which CJAs would be allowed to consider and agree their formal response.

I move amendment 6.

Mr MacAskill: I have a great deal of sympathy with amendment 6. There might be times when an immediate response is necessary; if so, I have no doubt that a CJA will make such a response. However, if we are gearing up to a situation where there might be a dispute, some formal period should be allowed for the CJA to deal with matters expeditiously. Although that period should be a reasonable length, it should be of sufficiently short duration. The provision should not prevent any immediate response to an issue of significant public concern, but I agree that a minimum period should be set to give the CJA the opportunity to make a fuller investigation in the variety of departments under its control. Ms Baillie’s amendment 6 strikes a sensible balance between those two needs.

Hugh Henry: Jackie Baillie proposes to amend section 5, but her amendment also has a read-across to section 6. Section 5 addresses specifically the situation where a failure on the part of a community justice authority to exercise its functions under the bill is independently identified. The powers provide a structured mechanism by which ministers can require specific action to be taken by the CJA. Section 6 deals with a failure by a local authority to exercise its statutory criminal justice and social work functions and provides ministers with the power to require action by the community justice authority to remedy the situation. It follows the same staged approach as described in section 5.

Ministers would initially draw the reported failures of a CJA or local authority to the attention of the relevant CJA by issuing a preliminary notice. The notice would inform the CJA of the failure and require it to submit an appropriate written

response. If ministers were dissatisfied with the response, they would have the option to issue an enforcement direction requiring the CJA to take action to address the failure.

As the bill is drafted, ministers may specify the time within which the CJA must respond to a preliminary notice. The provision follows the same approach to the intervention as that taken in the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004. The approach provides flexibility to enable ministers to intervene as speedily as demanded by the type of failure that has occurred. It is important to have that flexibility.

As Jackie Baillie said, amendment 6 would impose a minimum period of 14 days for a community justice authority to respond to the preliminary notice. I worry that that would limit the flexibility for ministers to decide on a case-by-case basis when a response needed to be provided. There might be circumstances in which immediate intervention is required—to safeguard public safety, for example—in which case a 14-day delay could have serious consequences. We are not prescribing that an immediate response would always be required, but we believe that it is important to have that flexibility. I hope that, with those assurances, Jackie Baillie will seek to withdraw amendment 6.

Jackie Baillie: I stand corrected about the section to which the amendment applies. The minister will not be surprised that I am much more interested in the substance of what he said. I am content with his response that the bill as drafted allows for the necessary flexibility to enable ministers to insist that urgent action be taken and, equally, to allow CJAs to respond in good time. On that basis, I seek agreement to withdraw my amendment.

Amendment 6, by agreement, withdrawn.

Amendment 7 moved—[Hugh Henry]—and agreed to.

Section 7—Transfer of functions to community justice authority

Amendment 8 moved—[Hugh Henry]—and agreed to.

The Deputy Presiding Officer: We come to group 5. Amendment 9, in the name of the minister, is grouped with amendment 10.

Hugh Henry: The committee agreed to an amendment that I lodged at stage 2 enabling certain functions of the Scottish Prison Service relating to the rehabilitation of prisoners to be transferred by order to community justice authorities. I believe that that is an essential additional provision, giving flexibility and

encouraging joint working between the organisations. At the time, I also undertook to consider whether it might be possible for a CJA to act as an agent of the SPS—that is, to undertake certain functions relating to prisoner rehabilitation on behalf of the SPS, without requiring a statutory function. That is what amendment 10 will achieve. Thus, the transfer provisions relating to the SPS will mirror those for local authorities.

Amendment 9 is supplemental to amendment 10; it clarifies that the CJA need not consult local authorities and partner bodies prior to agreeing to undertake a function on behalf of the SPS. Such an arrangement would, rightly, be the concern of the CJA and the SPS alone.

I move amendment 9.

Amendment 9 agreed to.

Amendments 10 to 14 moved—[Hugh Henry]—and agreed to.

Section 9—Arrangements for assessing and managing risks posed by certain offenders

The Deputy Presiding Officer: Group 6 is on the role of health boards in assessing and managing risks posed by certain offenders. Amendment 15, in the name of the minister, is grouped with amendments 16 and 17.

Hugh Henry: I am pleased to bring forward amendments 15 to 17 to refine further the definitions of mentally disordered offenders in section 9(10) and to correct an omission in section 9(11). The definitions of mentally disordered offenders in section 9(10), which were agreed at stage 2, cover people who are subject to a restriction and compulsion order or hospital direction under the Criminal Procedure (Scotland) Act 1995 and a transfer for treatment direction under the Mental Health (Care and Treatment) (Scotland) Act 2003.

Amendments 15 and 16 will not change the policy intention and, therefore, who is covered; they will provide a simpler approach. The categories in paragraphs (a) and (b) of section 9(10) will be defined as those subject to different types of order made under section 57(2) and section 59 of the Criminal Procedure (Scotland) Act 1995. The categories in paragraphs (c) and (d) of section 9(10) are unchanged.

The health service will have a statutory function to establish joint arrangements with the other three responsible authorities—the Scottish Prison Service, local authorities and the police—to assess and manage risk, including sharing relevant information, for that group of mentally disordered offenders. Significantly, that will allow the health service to formalise the care programme approach that is already in place

across Scotland. Under that process, a range of agencies works with the health service to support the safe pre-discharge and post-discharge arrangements for mentally disordered offenders.

Section 9(3) of the bill already gives ministers the power to make an order requiring other agencies to co-operate with the responsible authorities in establishing and implementing the arrangements for offenders in the community or offenders being released from prison. The responsible authorities also have a duty to co-operate with those agencies and with one another. We think that it is important that the health service should be under an express duty to co-operate with the other three responsible authorities as regards offenders who are not mentally disordered. Section 9(11) achieves that and amendment 17 will fully achieve it by ensuring that reference is made to all the categories referred to in subsection (10).

The provisions in relation to mentally disordered offenders are complex, but we are now confident that they will create a stronger framework within which the justice and health agencies will work together to assess and manage risks to the public. The amendments represent a major step forward in the drive to provide our communities with additional safety. By including health boards in provisions relating to mentally disordered offenders, we will plug a gap in the current situation with regard to a group that can also undoubtedly pose a risk to the public.

I move amendment 15.

Amendment 15 agreed to.

Amendments 16 and 17 moved—[Hugh Henry]—and agreed to.

After section 10

The Deputy Presiding Officer: Group 7 is on probation progress review. Amendment 18, in the name of the minister, is in a group on its own.

15:30

Hugh Henry: The purpose of amendment 18 is to provide courts with the necessary statutory powers to conduct progress review hearings of offenders who are subject to a probation order. The enabling power will allow courts to hold review hearings in instances in which they are felt likely to be of positive benefit to the offender's progress on the order.

The need for a firm legal basis to the probation review hearings that courts have used for many years follows a recent court of appeal ruling that such hearings were legally incompetent under existing legislation. Nevertheless, the court of appeal acknowledged that there could be sound

reasons for holding review hearings in appropriate cases.

Amendment 18 imposes a requirement on the offender to attend a review hearing set by the court as part of the probation order. It also provides the court with the power to issue an arrest warrant for the offender's arrest if he or she fails to appear for the hearing. Moreover, the amendment assists the court in conducting the review hearing by requiring the offender's supervising officer to submit a written report in advance of the hearing. Personal attendance at the hearing by the supervising officer or procurator fiscal is on a discretionary basis.

Amendment 18 provides the court with the power to amend the conditions of the probation order in light of the supervising officer's report. However, it may do so only after the effects of the proposed amendment to the order have been explained "in ordinary language" and the offender's consent has been obtained. The amendment also provides the court with the power to hold further review hearings if appropriate. Finally, the amendment applies to the review hearing scenario the existing powers available to courts in dealing with an offender who has failed to meet the terms of his probation order.

I move amendment 18.

Mr Maxwell: I thank the minister for explaining in some detail the background to amendment 18, which again has come late in the day. Although we support this fairly sensible amendment, I wonder whether there has been any consultation with the probation service on its terms. After all, the service might have to bear additional burdens if people need to appear at hearings for certain probation reports. Has the service been fully involved in the process and does it understand its responsibilities?

Mr MacAskill: To some extent, I concur with Mr Maxwell. Irrespective of how the provision has come about, I believe that it will be beneficial. As a defence agent, I know that when a probation order was imposed, the courts forgot all about it unless its terms were fundamentally breached. The provision will empower our sheriffs and, because it provides them with a more hands-on approach and opportunities for monitoring, it will also help to back up probation officers in any difficulties that they might face.

I seek clarification on a point that probably affects sheriffs more than the probation service. Will sheriffs receive advice on how to use the provision? Will some methodology be provided with regard to instances in which, for example, what might turn out to be a short leash could be put on someone on a probation order? Will the Executive work with the Sheriffs Association to

ensure that the sensible provision works and is used in practice?

Hugh Henry: I should point out that, although the term was probably used as shorthand, we do not have a probation service as such in Scotland. However, I understand what Stewart Maxwell was getting at. Instead of consulting the courts and probation officers on the issue, we are simply allowing them to do what they are already doing, although we are putting that on a statutory footing. Our concern is that they would continue to work without that statutory underpinning. The issue raised by Kenny MacAskill would be a matter for the courts and social workers to address and make progress on, if required.

Amendment 18 agreed to.

Section 11—Amendment of Prisoners and Criminal Proceedings (Scotland) Act 1993

The Deputy Presiding Officer: Group 8 is on the release of certain sex offenders. Amendment 19, in the name of the minister, is grouped with amendment 20.

Hugh Henry: At stage 2, we delivered on our promise to take action to end the unconditional release of short-term sex offenders. Those offenders will no longer simply be released from prison in a way that allows them, in effect, to drop out of local authorities' control. They will now be supervised and be subject until the end of their sentences to licence conditions that reflect the nature of the risk that they pose and their offending.

Naturally, we want the important new measures to have maximum impact when they come into force. At stage 2, Bill Butler asked whether we could extend the classes of offender to whom the new measures would apply to include not only those who were convicted on or after the new provisions come into force but those who were already serving their sentence at the time. Following some consideration, Scottish ministers have decided that the new measures should be extended to those in custody at the time of commencement. That is the purpose of amendments 19 and 20.

Of course, we cannot say at the moment exactly how many additional offenders will be involved, because we cannot predict how many may be in custody when the new measures come into effect. Whatever the number, the important point, which relates to what Bill Butler said at stage 2, is that more sex offenders will be subject to the new arrangements. I hope that members will agree that that is an encouraging prospect. However, the provision is not about numbers; it is about enhancing public safety. By lodging the amendments, we are ensuring that the valuable

new measures have maximum effect from the time of their inception. In so doing, we are contributing once again to our commitment to support stronger, safer communities.

I move amendment 19.

Mr MacAskill: We fully support the amendments in the minister's name. We have been calling for such measures for some time and we welcome their arrival now. However, we seek assurance from the minister on the points that have been raised by the Association of Directors of Social Work, although that organisation's concerns will no doubt have been transmitted directly to him. Clearly, the new measures will have immediate effect and will have significant resource and financial implications, especially for local authorities and, most important, for social work departments. It is quite clear that dealing with people who are covered by the new measures will require significant resource management and that that will impinge greatly on social work departments. As has been outlined today, there have been record numbers of vacancies in social work, so we seek an assurance that local authorities will not be further burdened without the provision of the consequent resourcing.

There are difficulties for which everyone in the chamber has to take responsibility. Having given responsibility to local authorities without any consequent additional resourcing, we need to give them some assurance. Given the sensitivities of the great difficulties and recent tragedies that have occurred, we must ensure that we are not simply passing the buck. I trust that the minister will ensure that local authorities are properly provided for in doing what the Executive, to its credit, is asking them to do. We support the measures.

Hugh Henry: We need to put the matter in context. We are not talking about huge numbers, so I am not sure that there will be a huge resource implication. However, we also need to remember that we fund criminal justice activities 100 per cent and we will clearly continue to fund the demand that exists and the requirement that we identify in each area. The new community justice authorities must also examine what is happening in their areas and identify whether dealing with the specific group of offenders as proposed will have significant resource implications. That information will be fed back in the normal way and we will look at it. Clearly, we are not going to pass the bill and then find that it cannot be implemented simply because there is a resource issue. I hope that we can retain some perspective, put the amendments into the right context and note that we already fund criminal justice activities 100 per cent.

Amendment 19 agreed to.

Amendment 20 moved—[Hugh Henry]—and agreed to.

The Deputy Presiding Officer: Group 9 is on changes to early release of prisoners. Amendment 1, in the name of Annabel Goldie, is grouped with amendment 2.

Miss Annabel Goldie (West of Scotland) (Con): Amendment 1 brings us back to the issues with automatic early release that I raised in the committee at stage 2.

As members will be aware, prisoners who are currently imprisoned in our Scottish jails can automatically get out early after serving half their sentence if they are short-term prisoners, or two thirds of their sentence if they are long-term prisoners. That is a consequence of Westminster legislation that was introduced by a Conservative Government. The Conservative Government recognised that the system was not working and introduced legislation to end it, but the incoming Labour Government of 1997 did not bring the legislation into effect, which is why we still have automatic early release.

The purpose of amendment 1 is to reintroduce a topic that I raised at stage 2. When I lodged an amendment on the issue at stage 2, the minister raised some perfectly proper concerns, which I was prepared to address. He expressed concern that it would be unclear whether the change would be retrospective and concern about the effect of the amendment on prison capacity.

From all that has been said—in particular by the First Minister earlier today—it seems to me that it is universally recognised, including by the Executive, that the system of automatically letting prisoners out early is discredited. The difference between us seems to be whether we should do something now to end the system or whether, as the Executive seems minded to do, we simply go on talking about the issue and expressing concern but do not take any specific measure to bring the system to an end.

Amendment 1 would achieve two things. It would end automatic early release and it would reinstate a requirement for prisoners—short term or long term—to earn an element of early release, which would be a sixth of the sentence that had been imposed. It is important to emphasise that I have also endeavoured in the amendment to retain home detention curfews. I expressed concern in the committee about the application of home detention curfews under the current regime because if, as the Executive proposes, we do not get rid of automatic early release, the practical consequence of the provision on home detention curfews is that prisoners will get out even earlier. That is a matter of profound concern to the public of Scotland. My amendment is drafted so that it would end automatic early release, insert a provision to allow a prisoner to earn remission of up to a sixth of their sentence and allow home detention curfews to be retained.

To try to answer the concerns that the minister expressed at stage 2, I seek to provide that the change would be in the control of the Executive. Amendment 2 would allow the provision in amendment 1 to be brought into effect by affirmative subordinate legislation. In other words, a Scottish statutory instrument would have to be laid before the provision could have effect. That is an attempt to address what I considered were proper concerns expressed by the minister.

Bill Butler (Glasgow Anniesland) (Lab): In Miss Goldie's suggested scheme, would every case have to be dealt with by the Parole Board for Scotland? If that is the case, does she realise that that would mean up to 11,000 extra cases being dealt with?

Miss Goldie: It is easy to bandy numbers about, but we must make a serious point about the principle. The point is that the system as it currently operates does not enjoy the confidence of the people of Scotland and no wonder: prisoners are getting out early and very serious crimes are being committed during the period of early release. Mr Butler's point raises an important issue about what is the political priority. I detect that there is a clamour for change, and I do not think that the Executive dissents from that. If that is the case, the Executive must put in place the necessary resources that are consequent on any change to the procedure, and there must be political leadership if the Executive is to change the procedure.

15:45

Stewart Stevenson (Banff and Buchan) (SNP): The member raised the issue of capacity, and I wonder whether I may provide some assistance. If 10 more prison places were required, that would require £1 million of capital spending. If 10 prisoners are kept in prison for three years in addition, that requires £1 million of additional revenue spending. Does that help the member to tell us what the capital and revenue implications of her proposals are?

Miss Goldie: No, but it assists me in once again showing the difference between the Executive, the Scottish National Party and my party. We are considering the concerns of the people of Scotland, which are dramatically depicted in the appalling chronicle of crime that is committed when persons are let out of prison early—during the period of early release. That is why the issue hangs on whether the Executive has the political will to take a decision to end the practice.

Mr Wallace: Will Miss Goldie give way?

Miss Goldie: No, thank you. If the political will is there, it attracts resource, so the Executive has to be clear that the matter is a fundamental priority and a political imperative. That is the difficulty.

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

Miss Goldie: No. As amendment 1 ensures, the provision would not be retrospective in effect. It would come into effect only when the Scottish Executive so determined.

If the Executive is craven in not being prepared to accept the amendments, that is a stark illustration of what the First Minister was advocating earlier today but does not do. The Executive does not practise what it preaches. Nothing could be clearer if it refuses to back my amendments.

I move amendment 1.

Jeremy Purvis: As a member of the Justice 2 Committee, which may well be losing its convener, I pay tribute to Miss Goldie for her work on that committee during its scrutiny of the bill. Notwithstanding the irony of the heartfelt plea from the new leader of the Conservatives in Scotland for the Parliament to repeal a Conservative measure, Miss Goldie has argued a highly unprincipled and illogical case. She has said in press releases that people who have been released early have committed offences, and that there is therefore an issue of safety for society. If that is what she is arguing, why have any parole at all?

Miss Goldie misses the point. Too many people who are released once their prison sentence has concluded, whether or not that sentence is short or long, commit a second or third offence, not just during the period of their release on licence but within a period of two years. That applies to too many people, particularly to those who committed offences that are subject to short-term sentences. The whole point of the bill is to take an holistic approach to reducing reoffending overall.

We need a system that is capable of reforming offending behaviour. That includes managing releases and the resettlement and rehabilitation of offenders. Miss Goldie argues for a point of principle—to allow prisoners to be released on licence for a sixth of their sentence. If it suits the individual's rehabilitation for that to be two sixths or a half instead, that should be considered, so we should have the necessary flexibility to allow that to be done.

The whole thrust of the bill's proposals, as well as the work of the Sentencing Commission for Scotland, starts with much earlier intervention to address the behaviour of individuals. Once someone has offended, we need the right method of punishment so that, with additional effort, offending behaviour as a whole can be reduced. That involves a reduced number of short sentences and more faith being placed in the justice system and in the availability and

effectiveness of community disposals that help to address what are, under the surface, the often chaotic lifestyles of offenders. In addition, there must be proper and robust monitoring of more serious offenders on their release.

Looking at one aspect in isolation, as Miss Goldie's amendments seek to do, is not the way forward. I ask her to consider how many witnesses asked us to consider the issue in isolation during the passage of the bill. None did, of course.

This lunchtime, Miss Goldie tasked the First Minister with not building up the hopes of communities. Amendment 1 would do exactly that. With the Sentencing Commission's work and the bill we are moving away from an arbitrary approach. We should not revert to one now.

Bill Butler: I extend my congratulations to Miss Goldie on the position that I am sure she will assume on Tuesday and on her early release from the Justice 2 Committee. Notwithstanding that, I will speak against amendment 1, which relates to section 11. The amendment is strikingly similar to the one that Miss Goldie moved at stage 2. Apart from the insertion of a new subsection (1), it is, in effect, the same amendment that was defeated comprehensively at stage 2 and which attracted only the support of its mover. When Miss Goldie moved that amendment, she talked about addressing prison capacity, but she did not do so today, which is not helpful to her case.

Given that the amendment is strikingly similar to the one that Miss Goldie moved at stage 2, I hope that she will forgive me for making a strikingly similar contribution this afternoon. I remain wholly unconvinced by the amendment because of its consequences and lack of practicability.

Annabel Goldie talked about having political will. If the Conservatives ever aspire to government in this country, they will need political will, but they will also need to be practical and say where the money will come from, which was markedly missing from Miss Goldie's contribution.

Mr Wallace: Mr Butler is absolutely right to say that we should know where the money will come from. It is clear from Annabel Goldie's response to Stewart Stevenson that she has not got a clue. Does Mr Butler think that she has cleared the amendment with her deputy leader, Murdo Fraser, who always berates the Executive about public expenditure levels?

Bill Butler: I would not like to make assumptions about the internal workings of the Conservative party in Scotland, assuming that the Conservatives are talking to one another. I am sure that they are and that they will continue to talk to one another in opposition in the long years ahead.

Of course all members would agree that we want a bill that has public protection at its heart. No one could argue with that, but to achieve that objective, we need workable, practical measures. Unhappily, even though Miss Goldie's amendment is modified in one particular, to which I have referred, it remains deficient in that vital respect.

I believe that if amendment 1 were agreed to, it would lead inexorably to an increase in the number of prison places. In his evidence at stage 2, the deputy minister mentioned the figure 4,000, which would necessitate up to six new prisons. Perhaps in summing up Miss Goldie will respond to that specific point, which she failed to address in the committee.

There remains the associated question of how long it would take to build the prisons, which perhaps Miss Goldie would address. When we hear the length of time, we will be able to calculate—or at least Stewart Stevenson will—the associated cost per prisoner.

The Deputy Presiding Officer: You must finish now, Mr Butler.

Bill Butler: I have so much more to say on this, but I will finish by saying to Miss Goldie that we have to take care that the best measures are taken to ensure that a prisoner who is released under condition is not likely to reoffend. The bill is about public safety, but that is the vital other side of the coin. Miss Goldie's amendment 1 would deliver none of the above. It is impractical and deficient and I hope that she will withdraw it. If she does not, I hope that members will roundly defeat it.

Mr MacAskill: As the lawyers would say, I adopt the comments of Mr Purvis and Mr Butler. As the saying goes, legislate in haste, repent at leisure. We are in fact paying the price for a short-term fix that was carried out many years ago by the Tories to try to reduce the number of prisoners. It is disingenuous of them to come in, as Mr Butler said correctly, to try to provide a solution to that problem when we are trying to deal with another matter.

The issue is of serious concern and Miss Goldie is quite right to raise it. Clearly, people wish transparency in sentencing. They also wish to ensure that those who are a serious danger and threat to our communities are addressed. We need to do that in a manner that will provide a long-term solution and will not create even more problems.

This is not the bill in which the matter should be dealt with. We should have some trust and faith in the Sentencing Commission, which is, after all, made up of people who are distinguished in many fields. We should allow them time and space in which to come forward with a solution that will not

simply be aimed at an election campaign, which is obviously gearing up under Miss Goldie and her new deputy, but which will provide a working system for the people of Scotland for years to come.

We have serious problems in our prisons. One of the issues is addressed by Miss Goldie's amendment. However, we have to address a variety of matters. Simply seeking to have short-term and long-term prisoners dealt with in the same way is utterly nonsensical. We should be seeking to get as many short-term prisoners as possible out of incarceration so that we can deal with them in the community, as Jeremy Purvis has said on record on previous occasions.

We need to take a pragmatic and sensible approach. I do not usually concur with the First Minister or adopt what he says, but I thought that his earlier response to Miss Goldie was quite correct: we should allow the Sentencing Commission to come forward with suggestions and, thereafter, let the Executive produce a bill that will cover the entire area of our sentencing policy rather than only the question of how we manage a minority of serious offenders who are released on licence and a few other add-ons.

Hugh Henry: I congratulate Annabel Goldie on taking on the awesome burden of leading Rag, Tag and Bobtail in the Scottish Parliament. When she was interviewed yesterday, she referred to her vintage. Unfortunately, in relation to the issue that we are discussing, she has a worn 78 that she might want to consider bringing into the 21st century. She is in a groove in which she is saying nothing new. In the committee and today, she was clearly uncomfortable at having to say things that have no great relevance, effect or contribution to make. She has rightly identified an important issue, however, and she is right to say that, between stages 2 and 3, she has addressed one of the questions that was asked of her, which was to do with when the terms of her amendment would come into force. Today we got an answer, of sorts, to that question. She was quite specific: the provisions will come into force sometime and will apply to offenders after that time. So, as we are obviously clear about that issue, we can move on in the debate.

I am not sure which part of our often-voiced commitments to change the current early-release arrangement is unclear. We have said that retaining the status quo is not an option and that we will introduce reforming legislation next year. We have also said that any change will be considered within the broader context of our on-going top-to-bottom reform of the criminal justice system. That reform is striving to achieve the overarching objectives of enhancing public safety and reducing reoffending.

We have said that the law that was introduced by the Tories needs to be changed. We also accept that change could have significant resource and financial implications, which is why we need to make the change properly. It is utterly wrong to approach this matter in the way in which the Tories are doing.

Annabel Goldie has not answered any of the questions that she was asked at the committee, although, when she sums up, she might answer some of the questions that were just posed by Bill Butler.

Deputy Presiding Officer, on the question of whether extra prisons will be required, I know that you have asked me about a specific concern that you have about your area. Annabel Goldie needs to answer the question of how many extra prisons will be required—perhaps she could use some of the information that was helpfully provided by Stewart Stevenson when she does so. Where will those prisons be? Deputy Presiding Officer, I cannot give you an assurance in relation to the specific question that you asked me, which was to do with whether there will be a prison on the ex-Royal Ordnance factory site in Bishopton. I do not know; perhaps Annabel Goldie can answer that question for you.

This is a complex area of law and we need to get it right. We have a body of experts considering the issue of early release. We will build on the findings of the Sentencing Commission and bring forward a comprehensive set of proposals for Parliament to consider. That is the right way to go about this, rather than endlessly debating sterile political slogans. I hope that, under Annabel Goldie's leadership, the Conservatives will move on.

16:00

Amendment 2 is a rather strange afterthought. Annabel Goldie suggested that it is a way of addressing a problem. However, it would introduce a novel parliamentary procedure, requiring the commencement order bringing the new early-release regime into force to be debated and approved by the Parliament. I do not know whether Annabel Goldie has spoken to the Subordinate Legislation Committee about her suggestion. When looking at the Family Law (Scotland) Bill recently, it agreed that it would not be appropriate to subject a commencement order to parliamentary procedure when Parliament had already agreed that it was content with the proposal in the bill.

Perhaps amendment 2 is a sign that Annabel Goldie is not sure that her proposals are a good idea. Maybe she wants Parliament to have one last chance to prevent them from coming into

force. If we are not sure that the proposals are a good idea, we should not legislate for them now. Far better to follow our approach of having a comprehensive set of proposals for Parliament to consider, based on the Sentencing Commission's work. I hope that Parliament will reject Annabel Goldie's suggestions.

Miss Goldie: I commence on a gracious note and thank those members who made them for their kind remarks.

This has been an interesting debate, because it has laid bare a dichotomy at the heart of the Executive. The First Minister is unambiguous in his condemnation of automatic early release. He is on record condemning it on at least three occasions, and he reaffirmed his sense of opprobrium about the continuance of the system earlier today. However, it is a different picture when his colleagues in government contribute to the debate and offer their own explanations as to why they are unable to support amendment 1.

Mr Purvis's contribution was particularly quaint. He said, "Why pick a sixth of a sentence for remission? It might be that two sixths is appropriate, or whatever." Clearly, Mr Purvis takes the view that a prison sentence is to have no meaning attached to it whatever. That is precisely the lack of clarity that the public are so frustrated with, and it is precisely the inconclusive approach to the issue by the executory—I mean Executive; "executory" is an unfortunate slip—with which the public are becoming impatient.

Hugh Henry: Will the member give way?

Miss Goldie: I want to deal with points raised by Bill Butler. As reaffirmed by the minister, Mr Butler homed in on prison capacity. The contributions by the minister and Mr Butler indicated that they are fending off in every possible way they can think of any suggestion that at this stage we should bring an end to automatic early release, notwithstanding the completely unambiguous commitment of the First Minister to do that. Prison capacity, cost and the possible consequences of changing the law in the way I proposed are material considerations that must be taken into account, but the real material consideration is whether the Executive wants to uphold and implement what it says is a fundamental political principle—it either does or it does not. It is clear to me from this afternoon's speeches that the Executive says one thing about the principle and quite another about its implement.

On capacity, at stage 2 the minister mentioned an estimated figure of 4,000 places, but that assumes that the prison population is a static entity that is unaffected by events. My colleagues and I argue that if we get rid of automatic early release, not only will we respond to the

understandable cry of the public that they do not feel safe while the system operates, but we will introduce a deterrent effect by having a system in which the sentence imposed is the sentence served. We could expect to see a reduction in prison population because of that. We have statistical evidence from Spain and Ireland that having a large prison population leads to lower rates of crime.

The other issue that is definitely relevant is that I am certain that the judiciary's attitude to sentencing would alter because, clearly, when they impose a sentence, judges have to take into account for how long they think the person's liberty should be removed.

In the debate, I have witnessed a lot of distraction, a lot of evidence used as a smokescreen and many comments that were intended to fob off my party's attempts, through amendment 1, to do what the public want. I do not intend to withdraw the amendment; I intend to push it to the vote.

The Deputy Presiding Officer (Murray Tosh):

The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

In line with the protocol that I announced at the beginning of this item of business, there will now be a five-minute suspension.

16:05

Meeting suspended.

16:11

On resuming—

The Deputy Presiding Officer: We will now proceed with the division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)

Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)

Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 14, Against 96, Abstentions 0.

Amendment 1 disagreed to.

After section 11

The Deputy Presiding Officer: We move now to group 10, on testing prisoners for drugs. Amendment 21, in the name of the minister, is grouped with amendment 24.

Hugh Henry: The purpose of amendment 21 is to allow the Scottish Prison Service to obtain and test saliva samples from prisoners for the purpose of detecting drugs in their system. [*Interruption.*]

The Deputy Presiding Officer: Order. I do not know whether members had noticed, but the minister has resumed.

Hugh Henry: Presiding Officer, perhaps you could come to my house some time and exercise the same degree of control over my children.

The power for the Scottish Prison Service is in addition to the existing power to obtain and test samples of urine for the same purpose.

Amendment 21 will allow the Scottish Prison Service to develop simplified and more cost-effective processes that take advantage of scientific advances in drug testing. There are a number of advantages in using the method described: for example, the ease and speed of sample collection, and the fact that sample adulteration is less likely as collection can be directly observed. Furthermore, the method eliminates the need for same-gender sample collections; tests can be conducted almost anywhere; and results are available on the spot in minutes.

Amendment 21 will add flexibility to the SPS's drug-testing regime and will aid the SPS to align its testing practices with those of its partners in the criminal justice system—for example, the police and those who conduct tests for drug abuse to inform drug treatment and testing orders.

Amendment 24 is a consequential amendment to the long title of the bill.

I move amendment 21.

Amendment 21 agreed to.

Section 14—Further amendments and repeal

Amendment 22 moved—[Hugh Henry]—and agreed to.

Section 15—Supplementary and consequential provision etc

Amendment 2 not moved.

Section 17—Commencement

The Deputy Presiding Officer: We now move to group 11, on scheme of accreditation and procedure etc of the Risk Management Authority—commencement. Amendment 23, in the name of the minister, is in a group on its own.

Hugh Henry: Parliament will recall that part 1 of the Criminal Justice (Scotland) Act 2003 introduced new procedures for dealing with high-risk sex offenders and violent offenders. The procedures include the establishment of the Risk Management Authority and a new sentence to be available to the High Court—the order for lifelong restriction.

We have been working with the Risk Management Authority to set up the arrangements for accrediting risk assessors and the arrangements for the risk assessment methods needed before the new orders for lifelong restriction can be brought into force. Those arrangements will be provided for in a scheme under section 11 of the Criminal Justice (Scotland) Act 2003. As part of the arrangements, we want to ensure that there is a clear separation between decisions on whether to award or remove accreditation and decisions on appeals.

16:15

At stage 2, the Justice 2 Committee agreed to add section 10A of the bill, which will ensure that the Risk Management Authority is able to delegate its functions appropriately rather than the board having to take every decision. Section 10A also allows the accreditation scheme under section 11 to authorise accreditation decisions and allows appeal decisions to be taken by committees of the Risk Management Authority. As the bill stands, there is doubt about whether that is permitted.

Amendment 23 will bring section 10A into force on royal assent. That will allow the accreditation scheme to be made without delay. In turn, that will allow the order for lifelong restriction provisions in the 2003 act to be brought into force early in the new year.

I move amendment 23.

Amendment 23 agreed to.

Long title

Amendment 24 moved—[Hugh Henry]—and agreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

Management of Offenders etc (Scotland) Bill

The Deputy Presiding Officer (Murray Tosh):

The next item of business is a debate on motion S2M-3436, in the name of Cathy Jamieson, that the Parliament agrees that the Management of Offenders etc (Scotland) Bill be passed.

16:16

The Minister for Justice (Cathy Jamieson):

I am pleased to have the opportunity to open this debate, which takes place at a time when we are engaged in the widest-ranging reform of Scotland's criminal justice service in more than 50 years. The Management of Offenders etc (Scotland) Bill is part of that wide-ranging reform and we will introduce further legislation in due course.

Our reforms will set criminal justice on a different path. As many members said, it is a path that we need to be on: a path that prevents and diverts, that reduces offending and reoffending and that challenges offenders, whether they are young or old, to return to a law-abiding lifestyle. It is a path where offenders are managed in the community and in custody by strong services and where the tasks and goals that those services share are more important than the pressures that divide them. It is a path where the drive to reduce reoffending is common to all; where working in partnership is an operational reality and not just an aspiration; and where effective offender management is underpinned by effective risk management. It is a path whereby we reduce reoffending and restore public confidence in our justice system.

Last year's consultation on reducing reoffending confirmed just how far we must push our reforms. It told us that the current way of doing things is not working. It told us that the system is overburdened and fragmented; that too many people are working in silos without seeing the bigger picture; that there are too many competing priorities and that there is not enough communication and not enough sharing of information. We saw a picture of mistrust between agencies instead of openness and co-operation and a picture of geographical difficulties and boundaries that prevent a more integrated approach to managing offenders.

We listened carefully to the consultation and the bill was shaped by it. The Management of Offenders etc (Scotland) Bill will transform how we manage sentenced offenders, not by quick, administrative fixes but by end-to-end improvements that will get to grips with reoffending. The new community justice authorities are the cornerstone of those

improvements. They will bring together local authorities, the Scottish Prison Service and other key agencies to work together in local partnerships and deliver the right services. They will make sure that services are in the right place at the right time; they will improve how we manage offenders both in the community and back into the community; and they will do so with the aim of reducing the likelihood of reoffending. They will also try to join up the range of services that bring law and order to what are sometimes chaotic lives.

The bill is not just about changing structures. We will have a new national advisory body that will provide leadership and much-needed national direction. The bill also contains a number of other important provisions. It will introduce home detention curfews to Scotland. Under strict curfew and subject to electronic monitoring, some of our lowest-risk offenders will be able to serve the last part of their sentence in the community. That will lead to better sentence management, a better grip on the reintegration of people into communities and better protection. We all know that if we ensure that people have the support of family, the opportunity to take up education or employment and the correct supervision to deal with things such as addiction, we will have a better chance of succeeding.

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

When the minister gave evidence on home detention curfews to the Justice 2 Committee she was questioned closely not only on the standard and voluntary conditions that might be applied, but on the possibility of additional mandatory conditions. In committee, she did not appear to be convinced of that approach. Has the minister rethought that? The committee felt quite strongly that it would be important for the success of home detention curfews to have additional mandatory conditions.

Cathy Jamieson: We recognise that there are many people who would be subject to home detention curfews who would require particular forms of supervision or access to particular support services. It is important that we deal with that on a case-by-case basis rather than take a one-size-fits-all approach. That is why I did not favour specific additional conditions that would apply to everyone on a scheme. The important point is that a proper risk and needs assessment has to be done in each case, before anyone is released to home detention curfew.

It is worth mentioning the provision on sex offenders, because I know that members and their communities are particularly concerned about that. Sex offenders and violent offenders often pose the greatest risk. The new powers will ensure that local authorities, the Scottish Prison Service and the police are able to monitor sex offenders more

tightly and effectively in the community. Through our amendment, the bill introduces a new post-release supervision regime for all short-term sex offenders who are sentenced to prison for six months or more. Communities will welcome that because it is about better management of those offenders and it offers them better protection.

The bill covers some areas that might not have had as high a profile during its passage. One of those areas is the Criminal Injuries Compensation Authority. It is worth acknowledging that the bill introduces one more way to discourage offending and to encourage offenders to face up to their crimes. That is absolutely central to everything that we do. We want people to take responsibility for their actions and the bill will enable the Criminal Injuries Compensation Authority to recover the cost of compensation from offenders and pay it out to the victims of their crime.

Before I finish, I want to acknowledge the hard work of everyone involved in taking the bill through Parliament. I particularly offer my thanks to the bill team; to the members of the Justice 2 Committee for their careful consideration of a range of quite difficult issues; to the committee clerks for their solid work behind the scenes; and to each of the many organisations and individuals that fed in their much welcomed views during the consultation and throughout the bill's passage through the committee stages. I add particular thanks to Hugh Henry who worked so diligently at committee stage and to deal with the amendments today. As members can hear, I will be lucky to get to the end of today without my voice giving out completely, so I am particularly grateful to him for that.

I emphasise that while we were taking evidence and listening to people, we took serious account of all the views that people gave. We took them on board, then revised and improved on the original proposals. Of course, that is how the Parliament and its committee system are designed to operate.

I genuinely believe that the Management of Offenders etc (Scotland) Bill sets us upon the different path that I spoke about earlier. We have built a huge amount of consensus around a way forward. There are challenges for everyone out there to put into practice the things that they told us that they wanted to do, and for them to deliver the kind of criminal justice system that many of us have long sought and long worked for. It signals a new era for offender management in Scotland, where the common cause of reducing re-offending brings services together in the pursuit of excellence, whether sentences are in the community or in custody. In so doing, the bill will go some way towards restoring public confidence and making Scotland a safer place.

I move,

That the Parliament agrees that the Management of Offenders etc. (Scotland) Bill be passed.

16:24

Mr Kenny MacAskill (Lothians) (SNP): We, too, are happy to commend the bill to the Parliament. We pay tribute to all those, including the minister, involved in bringing the bill forward. We accept that the bill will not provide an overarching solution to Scotland's criminal justice problems, but it will address the variety of areas that the minister was correct to mention.

We recognise that there is no silver bullet to address the many problems that communities face. Despite the mantras that may be chanted by different political parties, the myriad problems require a multitude of solutions that will each need to be considered. On other days, other bills will be introduced that we might welcome or take issue with, but the bill that faces us today—the Management of Offenders etc (Scotland) Bill—is one that we are happy to support.

I echo the minister's comments on criminal justice authorities, which will ensure best practice. We recognise that best practice has not always happened and that there have been faults. Those may have been systemic or structural or, sometimes, they may have occurred simply because personality issues have arisen. In the best circumstances, perhaps criminal justice authorities would never be required, but the fact is that the existing failings and flaws need to be addressed.

We know that concerns about the proposed criminal justice authorities were expressed not only by island authorities, as Mr Wallace mentioned during the stage 3 debate, but by mainland authorities. However, provided that the Executive takes on board the fact that there can be no one-size-fits-all solution, we believe that bringing criminal justice matters together will ensure that the necessary systems and parties—both those from different authorities and those from different departments within the same authority—will work together. For that reason, we fully support the proposals.

Clearly, the management of sex offenders has been a significant cause for concern, not only in the newspapers but in our communities where problems have been caused. Members have raised the issue in many different debates and it is a significant problem. The provisions in the bill will go some way towards addressing the problem but they will not solve it. At the end of the day, we live in a society of human beings—and to err is human. Problems will still arise, but we believe that the bill will provide some reassurance.

We take on board the minister's comments that criminal justice social work will be fully resourced,

but we reiterate that the bill will clearly have significant resource implications. The term “wrap-around care” is sometimes used to describe the supervision that serious offenders require, but some offenders will require almost exactly that. For some, a visit from a social worker may be required daily or even several times a day. Such supervision is about ensuring not just the well-being of the individual on whom the social worker is checking up, but the safety of the community in which they live. Given that many such offenders are potential dangers, they will require to be watched—either by social workers or by police officers—with great care. Accordingly, resourcing is a pivotal issue.

Another reason why the bill will be beneficial is that it will provide powers that, to some extent, were perhaps already being exercised even though, in many instances, such powers did not exist. The bill may simply legitimise what is already the practice of many police officers and social workers, who have sought to look after the best interests of the community. There is an obligation on us to ensure that such actions have the full authority of the Government and the Parliament.

Probation orders—such as drug treatment and testing orders and home detention curfew orders—will be beneficial, but they will not be a silver bullet. On their own, they will not provide a solution to the problem but they take us in the best direction. We are happy to accept that.

However, further debates will need to be brought back to the chamber on other days because the major issue is not so much what happens when people are released from prison but—despite what the Conservatives may trumpet—the numbers of people who are in prison, which remain too high. That issue still needs to be addressed. Sadly, society will always have a requirement for prisons to deal with those who commit serious offences for which, in society's view, the only suitable punishment by which the offender's card can be marked is imprisonment. For our protection, dangerous offenders must be taken out of our communities, but we have far too many people who are in prison because they are, to some extent, the flotsam and jetsam of our society. Until such time as we address those social problems, we will not be able to address the wider issue.

My final point is that, although overarching bills will be needed to address how the Sentencing Commission determines who goes to prison and other issues such as, to some extent, the period that prisoners are required to serve and how they will be released, we must nevertheless recognise that social problems cannot be solved by the criminal justice system. Matters that are connected with the economy, deprivation and drink and drug

abuse are social matters, which criminal justice authorities—whether prison officers, police officers or social workers—cannot solve; society must solve them.

The Deputy Presiding Officer: I am grateful to Miss Goldie for waiving her closing speech. For that reason, I will give her more latitude in her opening one.

16:29

Miss Annabel Goldie (West of Scotland) (Con): In the chamber at stage 1, I outlined the Conservative party's two principled objections to the bill. We are concerned by the introduction of the eight criminal justice authorities. In my view, we have achieved useful co-ordination of activity and co-operation between agencies since 2002, through the 14 funding and planning units that were constructed on the basis of local agreement and consensus. I should have thought that there was merit in allowing those partnerships to continue, because they meet the aspirations of and provide the necessary flexibility for different areas of Scotland. Mr Wallace's amendments highlighted that important dimension.

It is also the case that our social work departments are bearing an intensifying workload and that we expect them to discharge an exacting level of responsibility. Much of that is attributable to legislation that the Parliament has passed. Do we really need to impose further statutory bureaucracy on those hard-pressed departments? From the evidence that was submitted, it did not seem to me that the case had been made.

As has been signalled, our second objection is the introduction of home detention curfews, while automatic early release continues. That will simply allow prisoners out of jail even earlier. I do not accept that the people of Scotland regard that as desirable or sensible. During the debate on amendments, I was struck by the lively and robust contributions that weighed in from every sector of the chamber. Normally that means one thing—that a raw nerve has been struck. I express my profound disappointment that after trails in the media, hints from the Sentencing Commission and big words from our First Minister, at the end of the day we will be no further forward in ending the scandal that is automatic early release of prisoners in Scotland.

Quite simply, it is a disgrace that a prisoner serving less than four years is released halfway through that sentence, regardless of their behaviour, and that someone serving more than four years is released after only two thirds of it. That sends out a message about our justice system, and I do not think that it is a good one. I certainly do not think that it is a deterrent message.

The Executive can come up with all the excuses that it wants. The fact remains that amendment 1 in my name would have allowed it to end early release on a day of its choosing. Mr Henry criticised that provision and seemed to regard it as a deficiency, but I was trying to address the specific concern that he articulated at stage 2. For the moment, the Executive is the devolved Government of Scotland, so for the moment it has the power to end early release. That is why I tried to give it the flexibility that it seems to think would be helpful.

Actions speak louder than words. Clearly, the Executive has no intention of ending early release for short-term and long-term prisoners. Through the bill, it will allow some prisoners out of jail even earlier. That is not justice.

With regret, because there are subsidiary measures in the bill that have merit and that I do not want to diminish, I say that on the two principled grounds that I have outlined the Conservatives are unable to support the bill and will therefore vote against it.

The Deputy Presiding Officer: I call Jeremy Purvis to open for the Liberal Democrats. I will give him some latitude in exchange for his having waived his closing speech.

16:33

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I add my thanks to the staff of the Justice 2 Committee, to the witnesses from whom the committee heard and to both ministers for their openness throughout the process. The confidential pre-legislative briefing that the committee received from the bill team was constructive and provided evidence that there is a mature relationship between Parliament and the Executive.

At stage 1, I said that there should be little doubt that one of the biggest factors in overall crime rates in Scotland is reoffending. There is consensus on that issue. The paper "Costs, Sentencing Profiles and the Scottish Criminal Justice System", which was published this year, shows that of the 16,607 custodial disposals in 2003, 53 per cent were for less than three months and 21 per cent were for less than 60 days. It is not hard to cross-reference that fact with the Audit Scotland report on rehabilitation in prisons, which shows the reduced benefit for short-term prisoners of services that start in prison but do not continue in the community.

At stage 1, the Justice 2 Committee heard much evidence about the difficulty of successfully rehabilitating individuals. I was impressed with the evidence from the prison governors of Polmont, Cornton Vale and Edinburgh. Although I believe

that they are working hard, they must overcome two main obstacles. One is that prisons have insufficient time to work with many prisoners on their offending behaviour. In addition, there are insufficient tools in legislation to ensure co-ordination of services in the community.

Therefore, in the context of the Management of Offenders etc (Scotland) Bill, which I hope will be passed today, we asked whether we take the right approach to legislation and whether we ensure that rehabilitation services are strategically developed, properly led and enthusiastically managed. We also asked whether we are taking the right sentencing approach. That matter is outwith the scope of the bill, but after my question to the First Minister at lunch time, Parliament will be aware of my views in that regard.

In many cases, it is hard to rehabilitate successfully—we all know that. Mr Stevenson made that point extremely clearly during earlier scrutiny of the bill. However, the system actively discourages rehabilitation as a result of long delays in cases being brought to trial and because of an unfortunately high level of short-term, and in some cases, very short-term prison sentences.

Community justice authorities, which we hope to approve today, will give a focus to what the Justice 1 Committee asked us to do in its recent work on rehabilitation in prisons. That committee wanted a clearer definition of rehabilitation and it wanted to know what is required to make rehabilitation more effective. We have heard that we would not require CJAs in an ideal world, but we do require them, as we also require the sharing of best practice. I hope that that will be a crucial area of responsibility of the new CJAs.

I understand why the Conservatives will not support the bill: they believe that the case has not been made for a statutory change to structures, which is the ground on which they dissented from the committee's stage 1 report. In response, I quote the governor of HMP Edinburgh, David Croft, who said in evidence:

"On the quality of the partnerships, one of the questions asked was why it is necessary to create a structure to make all this work if it is working okay just now. There is nothing in my management experience that contradicts the view that without a structure we will never get anybody accountably delivering anything. I am talking about the size of the present reoffending problem in Scotland. That is where I believe the proposed structure would be a benefit."—[*Official Report, Justice 2 Committee*, 19 April 2005; c 1538.]

Miss Goldie: I am anxious to establish a balance of evidence. Does Mr Purvis take the view that the Association of Directors of Social Work was overwhelmingly enthusiastic about the proposed new structure?

Jeremy Purvis: I was not convinced by its evidence because we need to build on existing

social work groupings. When Jim Wallace was minister, he piloted those and started the process. I want to continue that process and for it to have a bulwark of legislation behind it so that Parliament and, through it, our constituents know that there is a duty to co-operate.

I am aware that the Justice 2 Committee's work on the bill is limited inevitably to the scope of the bill, but without a proper and mature debate on earlier intervention, offenders will never be properly integrated back into society. As the minister said, the bill should be seen in the context of much wider work not only on reoffending but on rehabilitation.

I return to structures. The bill has been attacked because of the duty to co-operate. In the stage 1 debate, the Conservatives questioned that duty to co-operate. One simply cannot argue that the system has to be structured to create support for communities and then claim that people should not have the tools to do that. We would be no further forward than the status quo and the status quo is not sufficient. If we are being lectured about needing action and not words in one area of the bill, then we need that in a much bigger area of the bill—namely, action to ensure co-operation between agencies. That is important for early intervention, for rehabilitation of individuals and for having fewer offenders who reoffend on release, and ultimately, it is important to ensure safer communities.

16:39

Bill Butler (Glasgow Anniesland) (Lab): As the deputy convener of the Justice 2 Committee, I wish to place on record my thanks and—I am sure—those of my colleagues for the efforts of the clerking team in its support of the committee through the stages of the bill. I also take the opportunity to wish the Minister for Justice many happy returns because it is her birthday today.

The Management of Offenders etc (Scotland) Bill aims to reduce levels of reoffending and to improve management of offenders by greater integration of the work of the criminal justice agencies. I welcome the provisions of the bill as agreed by Parliament because I believe that they provide the basis for a more coherent and integrated approach to addressing offending in Scotland. It is my view that when the bill is enacted it will ensure that, as part of a broader package of reforms, local authorities and the Scottish Prison Service will focus on consistency, quality and co-ordination. Given that, for example, in the two years following 1999, 60 per cent of offenders who were released from prison were reconvicted of other offences, it is right that Parliament will act today to meet that challenge.

I welcome the creation of the community justice authorities, which will be new local government bodies that will ensure co-ordinated delivery of community justice services throughout their areas by local authorities. I believe that that provision is sensible and that Parliament's acceptance of CJAs is appropriate. I believe also that the obligation that is placed on Scottish ministers via the SPS, CJAs and local authorities co-operating with one another in performance of their functions with respect to management of offenders is both sensible and essential. In my view, interaction between the SPS and CJAs is central to achievement of the improvement in management of offenders that we all want.

I record my support for section 11 of the bill, which will introduce a new discretionary power for the SPS to release certain prisoners on home detention curfew. Most of the evidence that was taken by the committee suggested that there was merit in HDCs for certain low-risk prisoners. Only certain types of such prisoners will be eligible. Sex offenders who are subject to notification requirements, prisoners who are subject to extended sentences and prisoners who have a history of domestic violence will be excluded from and be ineligible for HDCs, as is right and proper. All releases on licence will be remotely monitored. Time on HDC will depend on the length of a sentence, but it cannot be more than 135 days.

Members should take comfort from the evidence that was given by the police, who are the custodians of law and order, to the effect that they are generally supportive of HDCs. I would have thought that that would have given some comfort to the Conservatives, but apparently it has not. I believe that it is unfortunate that they will dissent in the vote on the bill. In my view, HDCs are not a panacea, but they will provide a measured and coherent option that we should follow.

The Management of Offenders etc (Scotland) Bill is a practical bill. I have been able to touch on only some of its main provisions, but it is a bill that will do good and which I believe is worthy of Parliament's support.

16:42

Stewart Stevenson (Banff and Buchan) (SNP): One of the first things that happens to a prisoner upon reception is a test of numeracy and literacy. Would that such tests were applied to Conservative party members before they took their seats in Parliament. It is entirely against Scottish National Party policy, of course, for me to assist the Tories in any way, but occasionally one has to break the rules.

Let me just flesh out and illustrate the numbers that I gave previously by reference to Peterhead

prison, where all prisoners serve a minimum of four years. There are 296 prisoners there and if we abolish early release, which I accept in principle, we would have a capital expenditure of £30 million to £35 million and a revenue expenditure against our budget of £60 million, which gives something like £100 million. Now, of course, if the Tories argue that that is good expenditure, I will listen to them. However, they have not actually given any numbers.

The argument is about what else that £100 million could be spent on. For example, it could be more police, more social workers or more education for people who are in prison to prevent them from reoffending. To be blunt, the Tories are the economic illiterates of Parliament. They do not even recognise numbers when they see them.

I congratulate the minister on reaching her 31st birthday today, as calculated by the hexadecimal system; by that system, I shall reach 40 in five years.

The Tories also show that they are illiterate through their continuing mantra that a benefit is to be derived from locking up people for a long time. I direct members to the United States' experience. All the states have their own legal, penal and criminological systems. Some have the death penalty; some do not. Not one shred of academic evidence shows a correlation between sentencing policy and outcomes. Indeed, with one exception, the states where the death penalty prevails have the highest murder rates per head of population. We must take the Tories' mantras on the matter with a very large pinch of salt.

I join others in wishing Miss Goldie all the best in a personal sense with the poisoned chalice that she is about to accept and with a lame duck second-in-command who did not have the courage of his convictions to put his proposition to his party. I continue to have as much political ill will for her party as I have good will for her.

16:46

Colin Fox (Lothians) (SSP): I knew that it was the minister's birthday when she said that the bill will transform the current situation and get to grips with reoffending behaviour. On a day when she was more sober, she came before the Justice 2 Committee and said that the Executive expected that the bill could reduce reoffending behaviour by 3 per cent. That shows the real extent of her ambitions when it is not her birthday.

Cathy Jamieson: For the sake of accuracy, it would be very important for Mr Fox to quote for the record our entire discussion, although I appreciate that he cannot do so because time is limited. However, we made it very clear that the 3 per cent was an initial target and that the national advisory

board would be responsible for setting targets in the future.

Colin Fox: If I had more time, I could provide the full quotation. However, the figures and claims are already on the record.

The bill attempts to make it seem as if the Executive is moving things forward; in fact, very little in it will meaningfully address the underlying problem of reoffending behaviour. As the Justice 2 Committee report and members in the debate have pointed out, reoffending levels in Scotland are very depressing. The matter is worthy of our time and full consideration, but the bill simply shuffles the seats on the Titanic.

The ministers know full well that offending behaviour can be tackled first by addressing the fact that sentencing policy in this country is more about punishing people than it is about stopping their reoffending. As the Justice 2 Committee report makes clear, all the evidence shows that such an approach is doomed. Members have pointed out—although perhaps not enough—that offending and reoffending levels can be addressed by tackling their main drivers, such as social exclusion, poverty, addiction and deprivation.

Because of overcrowding, the lack of adequate programmes and there being too few prison officers who are trained to intervene, our prisons are failing more and more to discourage people from going straight back out and committing the same crimes over and over again. The principal objection that I raised in the Justice 2 Committee's report and that I raise again today is that having carried out a major reorganisation of criminal justice social work in 2002, the Scottish Executive proposes yet another reorganisation. The ADSW and the Convention of Scottish Local Authorities have suggested that it would be better to evaluate the experience of the first reorganisation than to set up another one, and they proposed that more powers be given to people on the front line instead of to bureaucrats to police them.

As it has done in so many other debates, the Scottish Executive claims that the proposed legislation is one measure in a basket of measures, one tool in a toolbox, one sandwich in a picnic and one reform in a range of reforms. However, the bill simply shuffles the management structures without addressing the real problem. I dissented in the Justice 2 Committee report on the bill because I agree with the case that was put by ADSW and COSLA; insufficient time has elapsed to allow us to study the full impact of the previous reorganisation. For that reason, the Scottish Socialist Party has not been persuaded to support the bill this evening.

16:49

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

I join others in thanking the clerks of the Justice 2 Committee who, as usual, did an excellent job in supporting committee members during the bill's progress.

I begin by highlighting two of the lesser-mentioned areas of the bill, the first of which relates to the Criminal Injuries Compensation Authority. I realise that the minister talked about the authority at the beginning of the debate.

It is an extremely important achievement to get the bill through Parliament. I believe that it will be welcomed throughout Scotland and I shall be pleased to see it passed tonight. It is also important that we are tightening up the procedures relating to the release of certain sexual offenders. Again, that is most welcome, although it is a matter that has not received much attention in this debate.

On community justice authorities, it makes perfectly good sense that organisations that are connected with rehabilitation of prisoners should work together. That will help to ensure that people who have just been released from prison are given the opportunity to break free from the downward spiral that all too often ends with them back in prison. Jeremy Purvis cited statistics relating to that. To achieve what is envisaged, structures need to be in place to ensure that, on release, prisoners have a place to stay, assistance in staying clear of drugs and drink and help in obtaining work or training in order to give them stability and some hope for the future.

Despite the best efforts of many organisations, too many prisoners have slipped through the net of the existing system. If we are really serious about tackling the horrific reoffending rate in Scotland, a joined-up approach is crucial, and that is where CJAs will have an important role to play. As many members have said, structures alone do not improve situations; however, adequate resources and what is done with them can and will assist in determining the outcomes when combined with those new structures. The Executive must ensure that whatever resources are necessary are allocated to those front-line services to accommodate the extra responsibilities that will arise from that change.

The ADSW argued that

"the important issues were the provision of services to deal with the underlying problems of alcohol, drugs, housing and the other problems that existed before an individual entered prison."

I certainly agree with that statement, but if CJAs work correctly they will facilitate co-ordination of those services to the benefit of the individuals who most require them.

However, I also believe that it would have been helpful to the committee to have had the minister's response to the consultation exercise on the proposed CJAs somewhat earlier than yesterday. I received a copy yesterday morning from the clerks, but it would have been better if that information had been available to the Justice 2 Committee early enough for members to examine and report on the minister's response. As it was, we were unaware of some of the detail of the CJAs when the bill was going through stages 1 and 2.

The committee came to the conclusion—although not unanimously, as we have seen this afternoon—that there was merit in home detention curfews for certain low-risk offenders, as Bill Butler pointed out. However, the effectiveness of those curfews will be limited by the amount of support that is available. It is crucial to the success of HDCs that, when additional support services are required, they are included as additional mandatory conditions—a point that I made to the minister earlier—over and above the standard conditions, in addition to their being available as voluntary options where appropriate. The minister responded to my earlier intervention by saying that it is not a case of applying blanket conditions for everybody, but additional mandatory conditions would not be blanket conditions; they would be applied to individual cases and assessed on their merits. However, where additional conditions are necessary, appropriate and helpful, we think that they should be mandatory. That was discussed widely in the committee. It is vital that such additional conditions be properly resourced and in place before HDCs begin.

HDCs will be suitable only for a limited number of prisoners and some categories may benefit more than others. There are far too many women in prison, and the majority of them are inside for non-violent offences. An HDC would allow a prisoner who is the mother of small children the opportunity to rebuild her relationship with her family and to contribute to the well-being of her children in a way that would be impossible if she were still in prison. Surely that is to the benefit of our whole society. Many women prisoners have drug and other problems that HDCs, combined with appropriate conditions and their being properly resourced, could greatly assist with.

Overall, I can see benefits from the use of home detention curfews. Any problems that arise from them will be surmountable. However, neither HDCs nor the community justice authorities on their own will be enough to overcome the problems that prisoners face. The committee took the view that the inclusion of additional mandatory conditions would assist in allowing HDCs to succeed: we want to see HDCs in place, but we want to ensure that they succeed, which was why

we took that view. Although I support the bill, which has a lot of good stuff in it, I confess to being a bit concerned that the minister, in evidence to the committee and again this afternoon, has refused to commit to additional mandatory conditions for HDCs when they are necessary. That would have been an improvement.

16:54

The Deputy Minister for Justice (Hugh Henry): There has been an interesting exchange of views this afternoon. I thank members for that and I also thank everyone who has contributed to taking the bill through Parliament. I thank members of the Justice 2 Committee and the convener for their detailed work during the committee stages and also thank the clerks for their sterling work in support of those processes. I acknowledge that the process has not always been easy and I recognise some of the pressures that they faced. I also put on record my thanks to the many organisations that gave up their time to provide evidence to the committee and I thank them for their many contributions throughout the process. Those contributions have been valuable in helping to shape what has been a fast-changing process as we have moved forward.

As the Minister for Justice and many members have said during the course of the debate, the bill is about reducing reoffending and making our communities safer. Some specific questions were asked during the debate. I welcome Kenny MacAskill's support for the bill. He rightly said that the legislation alone will not solve the problem of Scotland's reoffending rates. It is important to re-emphasise that it will be the hard work of individuals within the new framework that will bring about the change that we all seek. I have high hopes for what we can achieve, given the positive comments that have been made.

Jeremy Purvis talked about the length of time it takes for cases to get to trial. We acknowledged in our criminal justice plan which was published last December, the importance of faster court processes. That is why we are pursuing landmark reforms to the summary justice system. I hope that that will stimulate some more significant debate.

It was interesting that in the course of the debate Colin Fox and Annabel Goldie came together in a Tory-SSP coalition—a coalition of innate conservatism—to say that there should be and will be no change. Annabel Goldie said that the case has not been made so we should leave the system alone. Colin Fox not only, in an innately conservative manner, supported the status quo, but has not stayed up to date with the changes that have taken place within COSLA and the ADSW. I refer Colin Fox to the ADSW, which

welcomes the opportunity to work with the SPS, and I also refer him to the statement from COSLA, which states:

"We are grateful that Ministers have responded positively to the"

case made by local government.

The statement continues:

"COSLA, along with colleagues from across local government, will now direct its energies and commitment to ensuring that the new arrangements are successful."

COSLA has left the innate conservatives behind and has moved forward. It is worth our while not only to remind Annabel Goldie and the SSP what they have done this afternoon, but to remind Parliament and the wider public exactly what the Scottish Socialists are opposing. They are opposing tougher measures against sex offenders, recovery of criminal injury payments from offenders, improved drug testing in prisons and improved ability for ministers to intervene in some of the tragic cases where failure takes place. That is shameful.

If I leave the innate conservatives aside, there is genuine good will for the bill in Parliament and among the many organisations throughout Scotland that want to work together to reduce reoffending. I believe that the bill will be a very useful way forward and I thank everyone for their work. I believe that Parliament will do the right thing and leave some of the dinosaurs behind.

Point of Order

16:58

Margo MacDonald (Lothians) (Ind): On a point of order, Presiding Officer. I refer to the matter that I raised last week about the accountability of this Parliament, which is impressed on us by the words on the mace and by our standing orders. We must achieve optimum accountability in the conduct of our business. I believe that to have been compromised yesterday with the Home Secretary's admission that he did not know the opinion of this Parliament, the Lord Advocate, the Solicitor General for Scotland or the Minister for Justice on the Terrorism Bill that is currently going through Westminster.

We owe it to our standing orders to debate the matter in order to report our opinion to the Home Secretary, because we will have operational responsibility—direct responsibility and accountability—for acting on the decisions taken in Westminster on the matter. I urge the minister who is responsible to ensure that we have a debate as soon as possible.

The Presiding Officer (Mr George Reid): That is, of course, a matter not for me, but for the Parliamentary Bureau. However, you have given advance notice of the issue, and I think that the Minister for Parliamentary Business—I am looking at her now—would confirm that she is willing to discuss the matter with you in advance of the next meeting of the bureau.

Decision Time

17:00

The Presiding Officer (Mr George Reid):

There are seven questions to be put as a result of today's business. For this morning's debate on the decline of the Scottish manufacturing sector, if the amendment in the name of Allan Wilson is agreed to, the amendment in the name of Jim Mather will fall.

The first question is, that amendment S2M-3490.3, in the name of Robert Brown, which seeks to amend motion S2M-3490, in the name of Lord James Douglas-Hamilton, on children with special needs, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 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, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)

McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 MacDonald, Margo (Lothians) (Ind)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)

Robison, Shona (Dundee East) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 73, Against 22, Abstentions 22.

Amendment agreed to.

The Presiding Officer: The second question is, that amendment S2M-3490.2, in the name of Adam Ingram, which seeks to amend motion S2M-3490, in the name of Lord James Douglas-Hamilton, on children with special needs, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 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, Mrs Margaret (Moray) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Sheridan, Tommy (Glasgow) (SSP)
 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)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Harper, Robin (Lothians) (Green)

Harvie, Patrick (Glasgow) (Green)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)

The Presiding Officer: The result of the division is: For 29, Against 80, Abstentions 8.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S2M-3490, in the name of Lord James Douglas-Hamilton, on children with special needs, as amended by Robert Brown's amendment, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 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, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 MacDonald, Margo (Lothians) (Ind)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 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, Mrs Margaret (Moray) (SNP)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 73, Against 17, Abstentions 27.

Motion, as amended, agreed to.

Resolved,

That the Parliament recognises that many children with additional support needs draw educational and social benefit from being educated in a mainstream setting; and that, prior to the enactment of the Standards in Scotland's Schools etc. Act 2000, many children were denied access to such benefits; acknowledges that meeting the needs of the individual child is of paramount importance and that a range of mainstream, specialist and mixed provision will always be necessary; notes that there has been a net increase of 28 special schools and units since 1997, which demonstrates the continuing commitment of local authorities and the Scottish Executive to specialist provision where appropriate, and believes that, following the Parliament's recent approval, the Education (Additional Support for Learning) (Scotland) Act 2004 will, when it comes into force on 14 November 2005, strengthen the rights of children and their parents to ensure that their additional support needs are met fully, whatever the school setting.

The Presiding Officer: The fourth question is, that amendment S2M-3497.3, in the name of Allan Wilson, which seeks to amend motion S2M-3497, in the name of Murdo Fraser, on the decline of Scottish manufacturing, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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)
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, John (East Lothian) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
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)
MacDonald, Margo (Lothians) (Ind)

Macintosh, Mr Kenneth (Eastwood) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
May, Christine (Central Fife) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
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)
Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
Wallace, Mr Jim (Orkney) (LD)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Byrne, Ms Rosemary (South of Scotland) (SSP)
Curran, Frances (West of Scotland) (SSP)
Davidson, Mr David (North East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
Fox, Colin (Lothians) (SSP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallie, Phil (South of Scotland) (Con)
Goldie, Miss Annabel (West of Scotland) (Con)
Johnstone, Alex (North East Scotland) (Con)
Leckie, Carolyn (Central Scotland) (SSP)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
Milne, Mrs Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Sheridan, Tommy (Glasgow) (SSP)
Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
Baird, Shiona (North East Scotland) (Green)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Harper, Robin (Lothians) (Green)

Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 67, Against 21, Abstentions 29.

Amendment agreed to.

The Presiding Officer: Therefore, amendment S2M-3497.1, in the name of Jim Mather, falls.

The fifth question is, that motion S2M-3497, in the name of Murdo Fraser, on the decline of Scottish manufacturing, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 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)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 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)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)

Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (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)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 66, Against 21, Abstentions 30.

Motion, as amended, agreed to.

Resolved,

That the Parliament notes the important role that manufacturing plays in creating a diverse and growing Scottish economy and supports Scottish manufacturers adopting innovative and modern approaches to face the challenge of global competition; supports the move to higher value and quality products, and further notes the range of measures brought forward by the Scottish Executive to support manufacturing: investing in transport infrastructure and the skills of our people, creating the right environment by reducing business poundage rates and establishing a Scottish Manufacturing Advisory Service to support and encourage Scottish manufacturing industry to adapt to the global competitive environment.

The Presiding Officer: The sixth and final question is, that motion S2M-3436, in the name of Cathy Jamieson, on the Management of Offenders etc (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)

Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)

White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Leckie, Carolyn (Central Scotland) (SSP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Tosh, Murray (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 96, Against 20, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the Management of Offenders etc. (Scotland) Bill be passed.

Air Pollution (Glasgow)

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-3461, in the name of Patrick Harvie, on air pollution in Glasgow.

Motion debated,

That the Parliament recognises that Glasgow city centre, now designated as an Air Quality Management Area, has the most serious air pollution problems in Scotland, with a 70% reduction of nitrogen dioxide levels required in some areas if the objectives set by the Scottish Executive are to be met; is concerned at the health implications for those who live and work in the city, such as breathing problems, chronic bronchitis and many premature deaths; accepts that this problem is overwhelmingly caused by increasing road traffic levels; is further concerned that Glasgow City Council's Air Quality Action Plan does not propose measures which will reverse increases in road traffic levels or prevent further increases, and believes that the Executive should work with Glasgow City Council to ensure that Glasgow's citizens and workers can breathe air which meets the minimum standards which are the norm in other European cities.

17:09

Patrick Harvie (Glasgow) (Green): I am grateful to the members who have stayed behind to debate with us the issue of air pollution in Glasgow, and to those who added their name and support to the motion. It has taken me about two and a half years as a member of the Scottish Parliament to get a members' business debate, so I have had a long time to pick a topic. I decided to debate air pollution in Glasgow for a number of reasons—partly because of the issue's importance and partly because of its timeliness.

One of the positive aspects of having regional MSPs in addition to constituency MSPs is that it should drag us towards a regional focus—that is my view; others might take a different view. Air pollution in Glasgow affects not only those who live in the city centre but those who work, socialise and shop there, enjoying what is an increasingly attractive city. In short, it affects millions of people across the region and beyond.

The air pollution in our city is one of the things that is undermining the attractiveness of Glasgow as a place to spend time, socialise, live, work and bring up children. If we are ambitious for our city—and for other cities that suffer from high levels of air pollution—we should not ignore the importance of improving the environment in which our citizens live their lives.

I have chosen to debate this issue now partly because of the decisive action that the Parliament and the Executive have taken on the pollution that fills our lungs when we are indoors by introducing a ban on smoking in enclosed public spaces. The

ban will come into force in a few months. Once it does, a bizarre situation will emerge in which I and other Glaswegians will be able to sup a pint in our favourite pub while breathing clean air but will expose ourselves to danger when we step outside into what can no longer be called fresh air. For example, stepping out of a pub in Hope Street will be to step into the worst air pollution crisis in the country.

It should be clear to us all that, in historical terms, big improvements have been made in air quality. However, it should be equally clear that those improvements have been driven by technology. The principle is straightforward: although improvements in technology are valuable, in short order, they will be overtaken by increasing traffic levels. I believe that Glasgow has already passed the point at which increasing traffic levels overtake the improvements in air quality that come from technology. In time, the rest of Scotland will experience that. If we place our trust only in the technological fix, we risk losing the improvements in air quality that we have seen in previous decades.

Members might recall a recent campaign by Scottish Environment LINK that involved postcards with an image of a car and the message that the rear end kills far more people than the front end. In fact, it is estimated that the exhaust pipe is responsible for five times more deaths than any other part of the car. In Scotland, around 2,000 deaths a year have been estimated to be attributable to air pollution, and traffic exhaust fumes are the overwhelming cause of that pollution. That is an intolerable number of deaths, but we must not forget the additional health consequences that, although they are less serious and are not fatal, impair many people's quality of life.

What is Glasgow City Council doing about it? Because the pollution levels are so high, it designated the city centre as an air quality management area and produced an air quality action plan, with a particular focus on nitrogen dioxide. The production of the plan is a legal requirement. It specifies the measures that will be taken but, unfortunately, it does not specify measures that will address the cause of the problem, which is the rising level of road traffic.

The Executive predicts that Glasgow can look forward to continued and dramatic increases in road traffic levels. To put it simply, unless the situation is turned around, we will have no reason to hope that Glasgow's air quality will somehow magically transform.

In the past—and today—I have been accused of not giving the Executive credit for its spending on public transport, so I will do that now. We like spending on public transport. It is a good thing.

We want more of it. Well done for what has been done. However, the objective should be nothing less than a modal shift away from the car and on to public transport for as many journeys as possible. If we have better public transport and rising traffic levels, we will still have chronic air pollution problems in places such as Glasgow, not to mention the contribution that that makes to climate change. Scottish ministers must sit down with councils, such as Glasgow City Council, that are not meeting the Executive's targets on air pollution and consider what measures are necessary to bring traffic levels down to improve air quality in the long run and to bring it up to the Executive's targets, to ensure that Glaswegians of the future have air that is fit to breathe.

When addressing the chamber this afternoon, the President of Malawi told us that a healthy population is a prerequisite for wealth creation. That principle applies all over the world. In the case of Glasgow, inequalities in health and wealth are equally serious concerns. Air pollution affects everyone in Glasgow, but I fear that its most serious impact will be on people living in poverty. The Executive accepts the principle of environmental justice and the link between pollution and poverty, so it should investigate the risk that the health effects of on-going problems with air pollution may compound the health consequences of poor housing, bad diet and smoking, and thus impact most heavily on people in poverty.

I thank members for staying. I hope that we have a useful debate, and I hope that it leads to greater action in the longer run to improve air quality in Glasgow.

17:16

Ms Sandra White (Glasgow) (SNP): I congratulate Patrick Harvie. I did not realise that it had taken him two and a half years to secure a members' business debate. Many people in Glasgow think that air pollution is caused by the many politicians who continually speak there. We can think about that for the future, but I assure members that I am not one of those politicians.

Quite rightly, Patrick Harvie mentioned the damaging health aspects that are associated with pollution, particularly its effect on the young, the old and the sick, who are the most vulnerable. There is no doubt that air pollution has dire chronic health consequences—not only do people suffer ill health, but they die sooner because of the terrible pollution in Glasgow city centre.

I will cite a couple of examples that we have all seen. How many times have we been in Glasgow—on Hope Street, Queen Street or around George Square—and seen 16 or more

buses parked next to each other in gridlock, belching out noxious fumes? What can be seen at the traffic lights? People with children in buggies that are level with the pollution that is coming out of the buses, which damages the children's health. Those kids have no choice, because they are waiting at the traffic lights and the buses are gridlocked. As politicians, we must give them a choice.

It is up to us to ensure that walking about Glasgow and its outskirts is safer with regard to air pollution. That is why I am concerned that Glasgow City Council has not made use of every possible piece of legislation. Reducing the number of vehicles in the city centre would go some way towards creating less pollution. Glasgow City Council is progressing with some measures. I welcome the exhaust emissions tests, under which people can be fined £60 if they are pulled over by the police and their vehicle's exhaust emissions are too high. However, that does not stop the worst pollution, which is the problem. Patrick Harvie mentioned public transport—it is true that we need more of it, but the vast majority of the pollution comes from the buses in our city centre.

The heilanman's umbrella has been mentioned many times, but pollution is a problem throughout the city centre. Charlie Gordon will be familiar with Scotstoun, which is outside the city centre; buses sit outside people's houses there and run their engines for 20 minutes or half an hour, yet there is no legislation to stop that. The council has brought in legislation regarding idling vehicles under which people can be fined £20, but it applies mostly to private cars.

Patrick Harvie: I accept entirely that public transport, including buses, is a contributor to the problem, but the fact that many people do not want to use the buses and would rather use their cars means that, as well as the cars, we often have empty or half-empty buses whirling round the place adding to the pollution. Modal shift away from the private car and on to public transport would improve the situation.

Ms White: I was not criticising the member, but there is a two-way situation. If we have good public transport, people will use it but we do not have good public transport, which results in 16 or 20 buses being crammed in together.

Local authorities are responsible for local air pollution, but will the minister say whether legislation is planned to give the regional transport partnerships, for which the Executive will have responsibility, the power to require buses not to sit idling outside people's houses or to do something about the emissions when buses are gridlocked in the city centre, as that is where most of the pollution comes from? Patrick Harvie has suggested a long-term solution, which is fine, but

in the short term we must do something about the gridlock in Glasgow. The Executive could go some way to doing that through legislation in relation to the regional transport partnerships, for which it will have responsibility.

I remind the Executive and Parliament that local authorities are not responsible for motorways and that air pollution from motorways is therefore the responsibility of the Scottish Executive. We have gridlock on the motorways round Glasgow, so pollution obviously comes into the city centre. The Executive has a role; it is not all about local authorities. The motion states that the Executive should get together with the local authority in Glasgow to resolve the situation. I echo that point; the Executive and Glasgow City Council are responsible.

I thank Patrick Harvie for the opportunity to debate the issue.

17:22

Bill Aitken (Glasgow) (Con): I congratulate Patrick Harvie on raising the issue and on successfully bringing the problem to the debating chamber—it may have taken him two and a half years, but it was worth waiting for.

Air pollution is a serious problem in Glasgow city centre and an issue of importance that needs to be addressed. As legislators, it is our responsibility to our constituents to look after their well-being, which includes considering how the areas in which they live affect their health. We all know that air pollution can have serious consequences for health. The nitrogen dioxide that is let out of running vehicles causes inflammation of the airways, which can lead to serious chronic health problems such as asthma. As well as causing health problems, the chemicals damage the ecosystem by reducing plant growth in the affected areas and promoting the formation of ground ozone. We are extremely concerned about the future of our environment and believe that it is of the highest importance that we ensure that we do not limit the ability of future generations to meet their needs or pass heavy environmental problems on to our children.

Glasgow City Council is taking measures to tackle this daunting problem. As Sandra White said, it carries out roadside checks to ensure that emissions are not a danger to the population. That is a major effort on which the council is to be congratulated. Vehicles that fail the test are driven to repair workshops—quickly, I hope—and drivers can be fined. However, the Executive needs to work with Glasgow City Council and other local authorities to find solutions to the traffic and air pollution problems. Patrick Harvie pointed out that it would be better to encourage people to use

public transport. In Glasgow in recent times, public transport has increased significantly, largely as a result of the Conservative Government's privatisation measures. However, there is still a problem, which he is right to highlight.

Patrick Harvie: I hesitated before I stood up, because I was merely going to suggest that the reregulation of buses in Glasgow might help to prevent the duplication of services in some areas.

Bill Aitken: I understand the point that Mr Harvie makes, but any time that I travel on the bus, which is fairly frequently, it is full. Therefore, it appears that we require the buses that we have. Nevertheless, there is a problem and he is right to highlight it.

I caution against trying to solve the problem by implementing a traffic management scheme to shut off the centre of Glasgow. That would have an adverse affect on businesses and it is not a feasible option. Barring vehicle access to that part of the city would inevitably have a negative effect on businesses and would therefore affect the city's economy. We must find a way of successfully balancing economic growth and environmental protection, so that the best interests of our constituents are looked after.

Patrick Harvie's motion is worthy. Obviously, it does not require a decision from the Parliament but it is correct that the motion should concentrate our minds on the best way forward. Air pollution is undoubtedly a problem. I hope that this debate will encourage all agencies to get together and find a solution.

In conclusion, Presiding Officer, I apologise to you and to the minister—I have already spoken to Patrick Harvie—for the fact that I must now leave the chamber. Unfortunately, in a week in which many things have happened, I now have to go and deal with some urgent parliamentary business.

17:26

Mr Mark Ruskell (Mid Scotland and Fife) (Green): I join colleagues in thanking Patrick Harvie, who has secured his first ever members' business debate. I am sure that it will not be his last.

When I lived in Glasgow for three months during a summer in the early 1990s, I commuted daily between Argyle Street and Cathcart on my bicycle. On days when I forgot my anti-pollution mask, the experience was extremely unpleasant.

Pollution is a traffic problem and it is a major public health problem. Patrick Harvie and others have spoken about that. People are dying out there; there are 2,000 deaths every year because of air pollution. It is a problem not only for Glasgow, but for other towns and cities across

Scotland. For example, it is a problem for Aberdeen and, surprisingly, for Perth, which is quite a small city. Perth is consulting on the designation of an air quality management area—primarily because it has failed to meet its 2005 pollution objectives. The reason for that, as Patrick Harvie and others have hinted, is the increase in traffic levels. Traffic has gone up by 22 per cent over the past decade. That is the story in Perth and it is the same story in many other towns and cities in Scotland.

Technology is improving and our cars are becoming more efficient and producing fewer particulates and less pollution, but that benefit is being cancelled out by the growth in traffic. I hope that Perth and Kinross Council will not take a narrow view when it comes to designate its air quality management area; I hope that the council will not simply focus its attention on the narrow area of Atholl Street and the Barrack Street junction. I hope that it will designate a much wider area to bring in parts of the city that are already close to the target limits. If traffic continues to grow in the years ahead, those parts of the city will become pollution hot spots as well and will start to breach the targets for air quality.

We must reduce traffic. Simply pushing the pollution around Perth—for example, by building a bridge over the Tay at Scone—will not tackle the problem and it certainly will not tackle the rise in greenhouse gases in the transport sector. The danger of solutions such as building the bridge at Scone is that they take money away from, for example, the four new railway stations that we need in Perthshire in the travel-to-work area—

The Deputy Presiding Officer: Mr Ruskell, may I remind you that this debate is about pollution in Glasgow. Please make your comments more general; you are being very specific about Perth.

Mr Ruskell: I think that my comments are relevant. Glasgow faces the same issues with public infrastructure projects such as the M74 extension. The relevance of Perth is that we have yet another demand for another bridge over the Tay at Scone. That will take money away from necessary public transport infrastructure such as the four railway stations in the Perth travel-to-work area.

The solution for Perth, as for many other towns in Scotland, is to have better integration between rail and bus services, better park-and-ride facilities, and better incentives for people to use those park-and-ride facilities. I do not believe that congestion charging is right for Perth, although in time it may be right for other cities such as Glasgow. However, the need for congestion charging in Perth will become inevitable if we do not start to tackle traffic growth and do not put in place the right packages to get people out of their cars and on to public transport.

I ask ministers to consider carefully how we use public money. Instead of spending money on fanciful proposals such as the proposed bridge at Scone, we should prioritise alternatives that will genuinely tackle pollution and reduce traffic.

17:30

Nora Radcliffe (Gordon) (LD): I, too, congratulate Patrick Harvie on securing the debate and I pass on Robert Brown's apologies—he would have been here if he could.

Thirty years ago, traditional and visible air pollutants had been successfully abated. In the late 1970s, the received wisdom was that the concentrations of ambient particulates in the air were unlikely to cause adverse health effects. Since then, air pollution has re-emerged as a major environmental health issue. Air pollution from the combustion of traditional fossil fuels may now be present in much lower concentrations than was the case 50 years ago, but other components have gained in prominence. Perhaps surprisingly, there is photochemical air pollution, which is characterised by high ozone concentrations during warm and sunny weather. There is increasing pollution from oxides of nitrogen due to increasing numbers of motor vehicles. Moreover, the size, distribution and composition of airborne particles have changed, altering their toxicity.

Colleagues will not be surprised to learn that I took that information from an authoritative source—in fact, from a review of air pollution and health that was published in *The Lancet* in 2002. The first rigorous estimates of mortality from individual pollutants in British cities were presented in 2000 in a paper by Walter and FitzRoy of the University of St Andrews. Using six years of daily data from 13 main cities, they estimated that, in the UK, between 12,700 and 19,500 deaths per annum are premature deaths that are attributable to total air pollution. They produced a table showing the standardised annual number of deaths per 100,000 people. In Glasgow there were 22 deaths per 100,000 people and in Edinburgh there were 53. It is no comfort to know that the proportions in Liverpool, Southampton and Swansea were considerably higher.

Whatever the numbers, there is no doubt that the problem is real and that it is taken seriously by politicians and professionals. Earlier this year, the National Society for Clean Air and Environmental Protection held a workshop on air quality management. Afterwards, it said:

"Integrating air quality with climate change, local transport planning and local planning processes remains a foreseeable challenge for all involved over the next few years, as new approaches to managing air quality are explored."

It is no accident that transport planning is mentioned immediately after climate change.

Modern vehicles emit vastly fewer pollutants than their predecessors, but there are many more vehicles on the road and people travel further and more often. Although both transport and industry contribute significantly to the volume of emissions, transport delivers pollution directly to the most populated areas.

Glasgow is one of three cities in Scotland that have identified air pollution levels that require the introduction of air quality management areas. The other two are Edinburgh and Aberdeen. In Aberdeen, the volume of transport-related nitrogen dioxide emissions and particles needs to be addressed and the local authority's plan to deal with the problem is being finalised.

City-centre traffic is not generated entirely by the city, so it has to be managed on a wider basis. I commend to Glasgow and other cities the effective work that has been done by the north-east Scotland transport partnership in developing a modern transport system with an integrated package of measures, including the promotion of walking, cycling and the use of public transport, as well as better traffic management. Furthermore, the proposed western peripheral route will ease congestion by taking traffic around the city rather than through it—flowing traffic is far less polluting than traffic that is stuck in traffic jams.

In conclusion, Scotland has good air quality but there is work to be done in improving it in pockets of our city centres. I will be a wee bit cheeky and mention another type of pollution, which is ubiquitous and which has adverse effects on health that are not always fully recognised—noise pollution. I hope that we will start to take noise pollution more seriously and that we will do more to alleviate it alongside other anti-pollution work.

The Deputy Presiding Officer: Before I call Charlie Gordon, I remind members that this debate is specifically about air pollution in Glasgow. The motion mentions that at least three times.

17:35

Mr Charlie Gordon (Glasgow Cathcart) (Lab): Air pollution in Glasgow city centre is a challenge that has to be faced. I am just about old enough to remember Glasgow's air quality problems in the late 1950s and early 1960s, such as the killer smogs, which were eradicated in due course by the clean air legislation.

The motion moves towards the conclusion that the root of the problem in Glasgow city centre is road traffic; it calls for a reversal in the increase in road traffic in Glasgow as well as the prevention of further increases. In facing up to that proposition, I make it clear that I am opposed to any reduction in access to the city of Glasgow and to the city

centre in particular. Glasgow is a great centre for retail, commerce and cultural activity and it would be wrong to stumble into measures that reduce access. When access to city centres is reduced, the beneficiaries are often out-of-town shopping malls, to which access is almost exclusively by car. That makes the overall environmental balance in the country worse.

In calling for a reduction in road traffic access to Glasgow, we have to bear in mind the fact that buses travel on the roads. Generally speaking, the streets in the centre of Glasgow that have the worst air quality are those that carry the most buses. There are difficulties with enforcement, because although anyone whose engine is idling can be asked to switch it off, once the enforcement officer goes away, they can switch it back on again.

We must not forget that, during the morning rush hour, more than 60 per cent of the people entering the city centre are using public transport. That modal share compares well with that in most European cities.

I have some regional expertise because a long time ago I was responsible for roads and transport in Glasgow city region. We need a balanced mix of measures and we should encourage walking, cycling, public transport access and park-and-ride schemes. We need measures to keep through traffic out of our city centres. During the past 15 years, I have looked at the same issues in 40 cities around the world. In my experience, cities with ring-road systems are successful in keeping extra traffic out of their centres. The completion of the M74 would assist Glasgow in that regard.

The motion is anti-car, but to be against the car is to ignore the fact that, in many parts of our country for the foreseeable future, there will have to be a role for the car in a truly integrated transport policy. The emphasis of the debate so far gives rise to the danger that we could come up with a cure that is worse than the disease.

17:39

Shiona Baird (North East Scotland) (Green): I congratulate my colleague Patrick Harvie on securing the debate. Now that—at last—we have legislation to protect people from passive smoking, it is particularly important that we should broaden our focus and consider other aspects of air pollution. The World Health Organisation report that was published this summer on the health effects of transport-related pollution serves as a wake-up call to us all with its stark account of the thousands who die each year throughout Europe from traffic-related pollution.

The effects of passive driving—people standing or walking alongside traffic—strike mostly at the

heart and not the lungs. Those effects are not clearly understood. According to the Westminster Government's Committee on the Medical Effects of Air Pollutants, either an inflammation of the lung makes the blood more likely to clot or the pollutants somehow change the autonomic nervous system's control of the heartbeat. Either way, the committee says, there is a convincing association

"between daily average concentrations of a number of classical air pollutants and the number of deaths occurring daily from cardiovascular causes".

Given Glasgow's particularly poor health record, it behoves us all to look at some of the effects that can be caused by the pollution that many people are required to face daily as they walk or cycle in the city or even just move from one form of transport to another.

Pollution can kill people who are already ill and so most vulnerable, but there is an argument that it also causes considerable harm to healthy people. Therefore, we need to consider the reports from around the world that detail the impact that nitrous oxide pollution has on people.

I would like to mention briefly the situation in Aberdeen—

Nora Radcliffe: As an example for Glasgow?

Shiona Baird: Yes. If it is permissible, I will mention the situation in Aberdeen as an example for Glasgow.

Although Aberdeen has good air quality, it is important to recognise that, as Nora Radcliffe indicated, the assumption in both Aberdeen and Glasgow is that building more roads will reduce pollution. Unlike the current plan for Aberdeen's western peripheral route, the M74 extension will be built not out in the countryside, but right in the centre of some of Glasgow's poorest areas. Building new roads simply moves the pollution from one area to another but, in the case of Glasgow, the pollution will be moved from one deprived area to another. We need to recognise the impact on those who will be required to live with that degree of pollution not just for a few hours each day when they are out walking, but each day throughout their lives.

Those issues need to be taken into account when we think ahead about the attitude that we should have towards public transport and the balance between public transport and road development in the Executive's budget. We cannot continue with our complacency and dumbly accept the poisoning of the air that we breathe in the name of rapid transport and economic growth. In addition to traffic pollution, we still need to heed industrial pollution and the effects of the individual choices that we all make in our daily lives.

17:43

The Deputy Minister for Environment and Rural Development (Rhona Brankin): I add my congratulations to Patrick Harvie on securing his first members' business debate, which has been on an important issue. I also thank the other members who stayed to contribute to the debate.

Air quality in Scotland is generally good. In recent years, there have been significant improvements as new policy measures to reduce emissions from industry and transport have taken effect. The Executive intends to ensure that that positive trend continues.

At the same time, I acknowledge that pockets of poorer air quality still exist in some of our towns and cities. I recognise the effects that air pollution can have on the health of vulnerable members of society. People rightly expect to be able to breathe clean air. We are determined to tackle hot spots in partnership with local authorities, the Scottish Environment Protection Agency and others.

Public health is, as always, a top priority for the Executive. The action that we are taking to ban smoking in public places is the clearest possible illustration of our intentions in that respect. We also take seriously the views of our expert health advisers. Their advice plays a central role in developing our policies on and targets for air quality. The message that is conveyed by the latest evidence is that we cannot afford to be complacent and we must take action to reduce pollution levels even further. We intend to do that.

Central to the Executive's efforts to address poor quality is a system of local air quality management. All local authorities in Scotland are required regularly to review and assess air quality in their areas and to take action where the air quality objectives are unlikely to be met within a set timescale. That gives us access to a comprehensive record of air quality throughout Scotland. The vast majority of authorities will be able to meet all eight objectives. Even in hot spots, most objectives will be achieved.

Where objectives are unlikely to be achieved, the local authorities concerned must declare air quality management areas and draw up action plans that indicate how they intend to address the problems that have been identified.

Patrick Harvie: We all agree with the minister about the process for declaring management areas and producing action plans. Does she accept what Glasgow City Council says in its action plan—that even with the actions that it proposes to take it does not expect to meet the Executive's targets on NO₂? If so, what measures does she think would be enough for the city to achieve the Executive's targets?

Rhona Brankin: The air quality management plan that Glasgow has developed has been agreed with the Executive and with stakeholders. We recognise that the air quality issues that we face in Glasgow are particularly challenging. However, the city is not alone; Aberdeen and Edinburgh are in a similar position, as are many places elsewhere in the United Kingdom. Glasgow compares relatively favourably with other similar cities. However, there are particular issues that face Glasgow, and we need to continue to work closely with it. What we are doing to develop a Scotland-wide transport strategy should support efforts to improve air quality and to reduce emissions from vehicles by 2020. It is important to remember that we face a fairly unique situation in Glasgow, as the M8 runs through the city centre. That presents us with a particularly challenging set of circumstances. We are working closely with Glasgow City Council to address air quality.

The review and assessment work has shown that nitrogen dioxide levels exceed the relevant air quality objective. By far the largest contributor to those emissions is road transport. We know that high levels of nitrogen dioxide are significant for human health. They can cause lung inflammation and may exacerbate the symptoms of people with asthma, as members have mentioned this evening. Members have noted that the issue is particularly significant for vulnerable groups, such as children, people with health problems and the elderly.

The council has declared an air quality management area in the city centre and has produced an action plan that outlines a comprehensive set of measures aimed at reducing nitrogen dioxide emissions. Sandra White asked a question about buses. As Charlie Gordon mentioned, buses can be fined for emissions caused by their engines idling.

I will give one or two examples of the measures that Glasgow is taking. Glasgow is introducing eight new quality bus corridors across the city. The Larkhall to Milngavie rail link is now operational. The council is also participating in the vehicle emissions testing scheme that is funded by the Executive. Reports suggest that that is having a positive effect in raising public awareness of air quality issues. Significant funding is being invested in upgrading cycle path and footpath networks. We and the council are confident that the plan will deliver significant improvements in air quality to the people of Glasgow, as those and other measures take effect.

Research that compares air pollution to cigarette smoking has been referred to. It is important to bear in mind that those are two entirely separate public health issues. In each case, different combinations of pollutants are involved. The ways

in which those pollutants enter the body and their effects vary, as do exposure levels of individuals and groups. Therefore, we are not comparing like with like.

Both ambient air pollution and cigarettes—whether for the smoker or for those breathing second-hand smoke—are damaging to health. Population exposure to each is being addressed in Scotland.

I want to touch on transport issues and the M74. As members are aware, the Executive is investing more than ever in major transport projects such as new rail lines, airport links and improvements to bus services. We now spend more than two thirds of our transport budget on buses, trains, ferries, cycling, walking and other forms of public transport, yet at the same time, we cannot neglect our road network.

Targeted road improvements reduce congestion and travel times and make vehicle operation more efficient, both in terms of fuel economy and reduced emissions.

The completion of the M74 will provide an important missing link in the network. It will remove more than 20,000 vehicles a day from the M8 and city centre streets—the areas where we face the biggest air quality challenges. That reduction in congestion and the removal of through traffic from city streets will improve air quality in the centre of Glasgow. It will also ease congestion on the M8 and other roads, contributing to improved economic competitiveness in the west of Scotland. In addition, it will deliver health and quality-of-life benefits to residents in the vicinity of the new road, as traffic is removed from shopping and residential areas. Ministers remain convinced of the benefits that the project will bring not only to Glasgow but to the wider area.

The Executive is committed to tackling poor air quality. Policies introduced over recent years are taking effect and will continue to do so. New measures in the future will provide further momentum, but there is still work to be done if we are to reduce further the detrimental effects of air pollution on health.

The initiatives that I have outlined in Glasgow and the rest of Scotland signal the Executive's determination to continue delivering cuts in air pollution levels and to improve the health and well-being of all our communities.

Meeting closed at 17:51.

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