

MEETING OF THE PARLIAMENT

Wednesday 3 May 2006

Session 2

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Scottish Parliament

Wednesday 3 May 2006

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

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. The first item of business, as it is every Wednesday, is time for reflection. Our time for reflection leader today is Bhai Sahib Mohinder Singh.

Bhai Sahib Mohinder Singh (Guru Nanak Nishkam Sewak Jatha): Brothers and sisters, it is a privilege and an honour to be here. I will talk about leadership and service.

In these extremely challenging times, our most important national and international institutions are being challenged as people demand committed and dynamic leadership that effectively serves the interests of the citizens of the world. There is a growing call for those institutions to be people led and value centred, and an ever-increasing recognition of the importance of dialogue and co-operative action.

One needs for leadership growth of character and the complete cultivation and growth of human nature. The spirit needs the help of the body as much as the body needs the help of the spirit. Spiritual awakening, or general enlightenment, is the first and foremost factor. Godliness that is practised in the midst of worldly duties can make the difference. One must have a personal example of pure life. Truth is higher than everything, but truthful living is higher still. The recipe for personal character building is purity, patience, fear of God, love, suffering and connection with divinity. Humility is equally important. By sinking the pride of self, one learns to love others; doing so generates unity with which one acquires a sense of other people's rights. As a result, true democracy begins.

Obedience is important for those who know best how to command and who have known how best to obey. Equality for all, service for others, self-sacrifice, sternness of justice tempered with mercy and coolness of judgment are the factors that are most needed for leadership.

Leaders who have left an indelible mark on humanity in recent times include Nelson Mandela, whose name is inseparable from forgiveness and reconciliation; Mahatma Gandhi, because of his advocacy of non-violence; Kenneth Kaunda, because of his deep humanism; and Martin Luther

King, because of his relentless commitment to social justice. Each of those leaders embodied a vision, a passion and, above all, a commitment to serving the people. The qualities that we most revere are associated with the divine power.

Similarly, the qualities that the major religious leaders, such as the Prophet Jesus, the Prophet Mohammed, Guru Nanak and Guru Gobind Singh Ji, showed and advocated—eternal vision, commitment, compassion, truthfulness, humility, selflessness, contentment, altruism, charity, responsibility to others, a relentless capacity for selfless service and an abundance of love—were immense. Those leaders were motivational and had the capacity to bring the best rather than the worst out of people. Without a doubt, they fundamentally altered the course of history.

Effective leadership must be imbued with the spirit of Nishkam Sewa—selfless service—and must be approached in utter humility. Effective leadership aimed at selflessly serving the community begins in the mind. The human mind is immensely powerful, with the dual capacity to be either one's best friend or one's worst enemy. It is only through constant prayer and humble, selfless service that it becomes one's most treasured friend and ally. When allowed to be one's enemy, it can propel one towards greed, cruelty, lies, selfishness, arrogance, hate and condemnation. Prayer is the greatest asset available to assist the mind. The cultivation and empowerment of the friendly mind generates an inner peace that pervades and impacts on the individual, the family and the community, as well as nationally and globally.

When leaders operate by subscribing to a higher moral code, they become accountable not only to the communities that they serve, but to the divine power. Trust and credibility are essential prerequisites to being able to build and unleash the potential inherent in the communities that leaders serve. Such leaders are inherently aware that they are responsible ultimately to God and have to be particularly vigilant about governance and accountability. They carry out their work with considerable zeal and passion, which gives them credibility and the capacity to demonstrate, through practice, the ideas and ideals to which they are committed.

Effective leadership must be enhanced through a comprehensive education strategy that breaks down the seemingly insurmountable divide between us and them. That education needs to begin at home, within families, and continue through schools and institutes of higher education and, ultimately, through politicians, legislators, Governments and multilateral organisations. Such an education strategy must have both a secular and a spiritual dimension to instil in us the values

and responsibilities that ensure that we are able to serve the creator and his creation.

Leaders must be at the forefront of educating members of their faiths as well as members of other faiths about the commonalities between the faiths and the need to love and serve all humanity. That will ensure not just that we are tolerant of others, but that we are prepared to accept, respect and love both our and others' beliefs—indeed, that we are able to sacrifice the self for the other. Such a deep spiritual bond is the best way to ensure that this becomes the century in which leadership, instilled with a commitment to service, alters the very course of history.

Affirmation

14:38

The Presiding Officer (Mr George Reid): The next item of business is the making of an affirmation of allegiance by the new member for the Moray constituency, Richard Neilson Lochhead.

The following member made a solemn affirmation:

Richard Lochhead (Moray) (SNP)

Scottish Commissioner for Human Rights Bill: Stage 1

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-3908, in the name of Robert Brown, that the Parliament agrees to the general principles of the Scottish Commissioner for Human Rights Bill.

14:41

The Deputy Minister for Education and Young People (Robert Brown): It gives me great pleasure to open the stage 1 debate on the general principles of the Scottish Commissioner for Human Rights Bill. It is a long way from the day, back in 1999, when those organisations and individuals with an interest set up the cross-party group on human rights of which I was chair during the first session of Parliament. The bill has also had a long gestation through two consultation papers.

Many things have moved on during that time, not least the Parliament's confidence and maturity. We have more experience of providing remedies to people in Scotland for things that go wrong and harm them or deprive them of the services to which they are entitled—not least those who are vulnerable or who live in deprived communities or circumstances. Perhaps we also have more experience of the limits of such remedies. Some of that experience and the wider agenda have fed into the issues raised by the Justice 1 Committee and the Finance Committee, to which I will return shortly.

Today's debate is a chance to remind ourselves of the high aspirations on which the Parliament was founded: a belief in equality of opportunity and the worth of every individual in our society; the need to respect other people, particularly those who are victims or who do badly out of the system; and the way in which human rights are woven into the very fabric of our constitutional settlement.

When I gave evidence to the Justice 1 Committee in January, I made the point that human rights have a double function. They provide individuals with rights that are declared and enforced daily in our courts. They also provide a basis for qualitative improvement in the performance of public authorities. That is why the European convention on human rights was enshrined in our domestic law. It creates a legal framework against which the actions of public authorities can be judged, and so helps to make authorities more accountable to the people whom they are there to serve.

However, that is not enough by itself. Human rights have not yet become embedded in our

society in the way that many had hoped. Research shows that public bodies in Scotland and throughout the United Kingdom are not always sufficiently aware of what human rights mean for them. They need more support and assistance to make sure that human rights are properly reflected in their policies and practices. That point was echoed specifically by the chief commissioner of the New Zealand Human Rights Commission in her evidence to the committee. New Zealand public officials, she said, prior to the establishment of the commission, had little concept of human rights, despite the statutory duties ostensibly placed on them.

There is another, more insidious problem, in that ordinary people are often not sufficiently aware of what human rights really mean.

Alasdair Morgan (South of Scotland) (SNP): If local authorities are falling down on those duties, why does the Executive not do something about it? If they were falling down on any other aspect of their performance, the Executive would be in there sorting it out. Surely those duties are just as much the responsibility of the Executive as any other part of a local authority's duties.

Robert Brown: That is, of course, why we are establishing the commission in the first place. *[Interruption.]* Nevertheless, the member raises an important point. We aspire, as we do in so many areas, to the highest standards and the commissioner will play a reasonable and sensible part in helping to bring that about. I am not talking only about public authorities in the sense of local authorities; I am talking about bodies that provide public services right across the board.

We introduced the legislation to raise awareness of the benefits that a human rights culture can bring, to challenge misconceptions, and to show that human rights are about not just litigation but everyday life, and that they are of particular importance to ordinary people in ordinary communities across the land.

Mr Bruce McFee (West of Scotland) (SNP): Will the minister take an intervention?

Robert Brown: I would like to make some more progress.

I am grateful to the Justice 1 Committee for its thorough consideration of the bill. The process of engagement with the issues that the committee raised has led us to propose significant improvements in the architecture and governance of the commissioner proposal, which were outlined in summary in my letter to the convener on Friday. The committee's stage 1 report recognised that an independent human rights body, properly constituted and empowered, could deliver significant benefits. As the submission in favour of the bill from the equalities commissioners—who

are knowledgeable in this area—pointed out, the Equality Act 2006 that establishes the Great Britain-wide commission for equality and human rights was designed to take account of our proposals for a Scottish commissioner, without which there would be a significant shortfall in human rights promotion and protection in Scotland.

Mr John Swinney (North Tayside) (SNP): Will the minister take an intervention?

Robert Brown: I will take John Swinney's intervention after I have finished this point.

One of the committee's main concerns was about architecture, by which I mean how the commissioner would relate to Parliament and the structures within which the body would carry out its work. We propose to meet that concern by reverting to the idea of a commission, rather than a commissioner, and by linking the commission's work to a strategic work plan.

Mr Swinney: The minister said that, if the bill was not passed, the absence of a commissioner in Scotland would be a major pitfall. Is he suggesting that, without the bill, there would be no focus on the promotion of human rights on the part of the Scottish Executive and local authorities?

Robert Brown: I am not suggesting that at all. I am slightly surprised at the line that SNP members have taken this afternoon, particularly given the support that Roseanna Cunningham, Linda Fabiani and other SNP members gave when the consultation paper was debated back in 2000.

I want to dwell further on how the proposed arrangements will work. The commission's strategic plan will be reviewed at regular intervals, published for consultation and laid before the Parliament. That should ensure that the commission's work is anchored in a common understanding of what is needed and is not at the whim of an individual with particular hobby-horses to ride. It will also help to make it clear that, although the commission will be rightly independent of both the Executive and the legislature, its work plan will be able to be debated and influenced by both the Parliament and outside bodies. The commission will have up to five members. It is envisaged that it will have a full-time chairman or chief commissioner—we are happy to discuss with the committee what the title should be—and that its other members will be part time. The change could, therefore, result in administrative cost savings.

As it is important that all institutions that exercise statutory powers and spend public funds are properly held to account, we want to strengthen the governance arrangements in line with the committee's report. We propose to include an express requirement to the effect that the Scottish

Parliamentary Corporate Body must approve the commission's budget. That will make it clear that the final say on how much money the commission can spend will rest with the parliamentary authorities. We will remove the explicit requirement for the commission to have a chief executive and provide for the corporate body to appoint the commission's accountable officer. We also agree that the bill should specify the grounds on which members of the commission might be dismissed. Our proposed changes echo wider concerns that have arisen in other comments that have been made on not just the proposed new commission but commissioners more generally. We will also introduce amendments to define the commission's law review function. The amendments will make it clear that that function will be discretionary rather than mandatory and will be subsidiary to the commission's core promotional and awareness-raising role. Finally, we will remove the need for the commission to give prior notice before exercising its right to enter places of detention.

The commitments that I have outlined are wide-ranging and stem directly from the Justice 1 Committee's deliberations. I hope that they will provide assurance that we are responding appropriately to the concerns that have been expressed. Nevertheless, I believe that the overall case for a new human rights body remains strong. As the Justice 1 Committee report pointed out, a number of bodies in Scotland already deal with human rights issues, but no single body in Scotland is charged specifically with promoting awareness and understanding of, and respect for, human rights. The bill is aimed at providing such a body. The new commission will not replace or duplicate the functions of existing bodies and it will not purport to be the single authoritative voice on human rights. Rather, it will provide a source of expertise in human rights law and practice, which is relatively underdeveloped in Scotland, and it will work with existing bodies and the public to help to secure respect for human rights across the board.

In creating such a body, we are following the lead that has already been taken by many other countries. Human rights institutions do not exist only in countries troubled by conflict and division, and I had hoped that the SNP would have recognised that. Such institutions also make an invaluable contribution in confident, vibrant western democracies such as Canada, Australia and New Zealand, by helping to address issues such as people trafficking, the rights of the elderly and other vulnerable groups, challenges to telephone masts in local communities, and the vindication of land rights. Our commission will add substantial value to the quality of our public administration, by helping public bodies to recognise and deal with human rights

shortcomings in advance and in a cost-effective way that helps to avoid expensive and unnecessary legal challenges. The standing, influence and success of the commission will flow from the quality of its work and contribution.

Margaret Mitchell (Central Scotland) (Con): I ask the minister to consider the fact that there will be huge disappointment from the general public when they realise that, despite £1 million per annum being spent on the creation of the commission—or commissioners—it will have no power to take up individual cases.

Robert Brown: That issue was raised in committee, as Margaret Mitchell is well aware. It was mentioned against the background of there being a number of other recourses already available through the legal system and the Scottish public services ombudsman, who can take up individual issues in that way. I accept, however, that there remains controversy about that aspect of the bill.

One of the issues that exercised the Justice 1 Committee was the interrelation with other commissioners and similar bodies. The provisions in the bill encouraging the use of protocols to avoid duplication and the debate about co-location with the GB commission and/or the ombudsman recognised that. However, I can tell members that, although the detailed decisions are for the Scottish Parliamentary Corporate Body and the commission itself, we have discussed the matter with both the GB commission and with Professor Alice Brown, so that co-location options are available—for example, in Glasgow, where the Scottish office of the GB commission is to be housed. We entirely support, and have supported from the beginning, that kind of approach to matters, as well as the idea of a one-stop shop that goes with it.

I would like to return to what I said about the other parties. When the matter was debated, at some length, back in 2000, there was substantial all-party support for the commission from leading spokespeople from the two Opposition parties: David McLetchie, Lord James Douglas-Hamilton, Roseanna Cunningham, Michael Matheson and Linda Fabiani in particular, most of whom are lawyers.

Margaret Mitchell: Will the minister give way?

Robert Brown: No, I have already given way to Margaret Mitchell. Most of those members are lawyers and people with experience in the field.

Margaret Mitchell: That comment is a misrepresentation.

Robert Brown: All that I can say to Margaret Mitchell is that she should read the debate.

Margaret Mitchell: The context was different. That is important.

The Deputy Presiding Officer (Murray Tosh): Order.

Robert Brown: With great respect to Margaret Mitchell, I remind members that the context was very clear. It was to do with the consultation document on the bill as it was then proposed. I hope that, despite what appears to be a fairly negative reaction from some Opposition members, the bill will attract all-party support today.

Human rights are the basis of social justice. When they are breached, we all suffer, but the poor and the powerless suffer most. Human rights should be the drivers for public services that we all want to develop and improve, such as the protection of children, empowering adults with incapacity, raising standards in care services and much more, and the aim must be to ensure that the right balance is struck between the rights of individuals and the interests of society. The Scottish human rights commission will help to achieve that. It is a necessary and important part of our democracy, not as a partial advocate for any particular interest group, but as a champion of high standards and good practice for us all.

I would like to pay tribute to the work of the hard-pressed bodies that have campaigned for the commission, particularly the Scottish Human Rights Centre—which unfortunately was recently forced to close—Amnesty International Scotland and the Scottish human rights forum. I hope that our proposals, with the changes that I have described, will be supported by the Parliament, and I look forward to further constructive discussions and engagement with the Justice 1 Committee, and with other members with an interest in the matter, at stage 2.

I move,

That the Parliament agrees to the general principles of the Scottish Commissioner for Human Rights Bill.

14:54

Stewart Stevenson (Banff and Buchan) (SNP): I start by telling the minister that there are no sceptics of any kind on the SNP benches when it comes to the importance of human rights. The consensus to which the minister referred was genuine, based on the statement that I have just made. However, only the title of the bill that we have before us today—if we are to be cynical about it—relates to that previous consensus. The content is the issue that we are discussing today, and it was the content and detail of the bill that exercised the Justice 1 Committee—other members of which will no doubt express their views during the debate—when, for the first time since the Parliament was reconvened in 1999, the

committee failed to recommend to Parliament that an Executive bill be supported. The committee has not, of course, said that the bill should be voted down, because we hope that the minister can rescue the bill from the sloppy thinking that currently characterises it.

Some of my SNP colleagues do not take the softly, softly approach that I have just outlined, as they see little merit in the bill. However, we must move forward. The SNP will not support the bill at decision time. We will abstain and wait to see whether the minister can construct a bill that is worthy of support. One million pounds or so is allocated for the bill, but we see little value in what it is intended to spend that money on, so we will not support the financial resolution either.

We have several concerns. First, much of what we think the bill will do appears to be the job of members of this Parliament. The minister referred to people trafficking and land rights, subjects with which this Parliament has engaged and which touch on human rights.

The "Code of Conduct for Members of the Scottish Parliament" places upon us as parliamentarians a public duty

"to act in the interests of the Scottish people and their Parliament".

That is but one of the duties. The fourth paragraph in the key principles of our code of conduct outlines our "Duty as a Representative". In that regard one of our roles is to assist people to exercise their human rights.

A challenge that the minister faces as the bill goes through the parliamentary process is to persuade members of the Parliament that he is not simply trying to take a burden off our shoulders and place it on another's so that our life as MSPs is simpler and less involved with human rights. It is fundamental to what we do as members of the Parliament that we carry the burden of human rights on behalf of our constituents and others.

Mr Jim Wallace (Orkney) (LD): I appreciate that Stewart Stevenson was not in the Parliament at the time, but he might recall that the first legislation ever presented to it was the Mental Health (Public Safety and Appeals) (Scotland) Bill, to block a loophole in mental health legislation. I was responsible for that bill. We had to be careful, given the nature of the legislation, that it was ECHR compliant. I remember that representations came from his party about the fact that there was not an independent body to which it could go to check whether the Executive's claim that the bill was compliant with human rights was accurate. Does the member not think that a human rights commission could be a useful resource that would enable the Parliament to improve and enhance its

work rather than, as Stewart Stevenson suggests, substitute for it?

Stewart Stevenson: I understand why Jim Wallace might say that, but I am not at all clear that that is the purpose of the bill. The commission is being created to book advertising space and to guide and mentor public authorities. Incidentally, it will not guide and mentor private authorities and private companies, although they may arguably be responsible for more human rights abuses than public services, which generally achieve high standards.

Mr Swinney: Will the member give way?

Phil Gallie (South of Scotland) (Con): Will the member give way?

Stewart Stevenson: John Swinney asked first, but I will come back to Phil Gallie.

Mr Swinney: In response to Mr Wallace's point, will Mr Stevenson reflect on the fact that our own Presiding Officer has a responsibility, in respect of the Parliament's legislative process, to guarantee that all our legislation is ECHR compliant? Does that not give us an assurance with regard to our legislation of which we should not only be proud but which we should vigorously defend?

Stewart Stevenson: Mr Swinney makes a good point. Of course, our Presiding Officer bases his decisions on the legal advice that he receives.

Phil Gallie: I want to make a point similar to John Swinney's. The fact is that the legislation to which Mr Wallace referred is still with us. It was shown to be compliant without the need for a human rights commissioner.

Stewart Stevenson: One of the interesting things that the minister said in his opening remarks was that the courts are the first recourse. The Justice 1 Committee also comments on that in its report. With European developments, 38 Scottish cases have touched on the matter of human rights since 1999.

I wish to pose a genuine question. What are human rights? That is perhaps not yet fully understood. A variety of people have commented that one of the roles of the human rights commissioner—or the commission as it now appears to be—might be to disabuse the public of their belief that certain things are human rights. One example that has been much debated recently is the "human right" to smoke in a pub, and thus contaminate the air breathed by people who are not smokers. To talk in terms of the commission or commissioner downplaying what people think of as their human rights is perhaps to turn the argument on its head. It would be useful to hear more of the positive advantages of such a body. In paragraph 90, the committee talks about

the promotional and awareness-raising role, saying:

"Members of the Committee have concerns that the laudable aims which lie behind the Bill may be outweighed, in practice, by a number of unwelcome consequences."

That is what I have been talking about. What is this human rights culture? The public simply do not know what human rights they have.

There is also the difference between what Westminster is doing and what is happening in the bill. For a variety of reasons, the two will be unhappy bedfellows. Getting our commission and the Westminster commissioner located in the same building will be a useful way of moving forward and of ensuring that we at least have some good working relationships.

The minister said that at the core of the bill is support and assistance in policies and practices for public authorities. If that is all that we are doing, we are simply not lifting our eyes high enough or being ambitious enough. A million pounds' worth of advertising will not change the human rights culture in Scotland; it will not make a real difference, if the Executive believes that we have to make one. The Scottish National Party is withholding its support from the bill in its present form. The minister has every opportunity to lodge amendments that will cause us to support it at a later date but he has a long road to travel before that happens.

15:03

Margaret Mitchell (Central Scotland) (Con): It is important to put today's debate in context and to say at the outset that the reason why the Scottish Parliament is discussing the bill and why the decision was made to use precious parliamentary time to legislate for the creation of a Scottish commission—or commissioner—for human rights is not because of any pressing need to do so due to abuses or failure properly to acknowledge or act on human rights issues in Scotland. Even before the ECHR was incorporated into Scots law and before the Scotland Act 1998 and the Human Rights Act 1998 were enacted, Scottish courts had an excellent record on human rights issues. Evidence of that is borne out in the lack of challenges to court decisions on human rights. Even if that had not been the case, the incorporation of the convention directly into Scots law has necessitated not just courts' adoption of a common-sense approach to human rights issues but their slavish adherence to the convention's provisions.

As has been pointed out on a number of occasions, principally by the Scottish Conservatives, the rush to incorporate the convention directly into Scots law, without proper

consideration of the effects, has had a number of unintended and undesirable—if not downright disastrous—consequences, including for the appointment of temporary sheriffs, sentences for life prisoners and the presumption against bail for certain categories of offender.

Clearly, the issue is not that human rights or the convention's provisions are not acted on in Scotland. The Scottish Executive is using prime Scottish parliamentary time to legislate for the introduction of a Scottish commission or commissioner for human rights purely and simply because, in drafting the United Kingdom Equality Bill, a reference was made to the creation of a statutory body that would grant permission for the UK's Scottish commissioner to become involved in devolved issues—generally where those issues overlap with reserved issues.

Robert Brown: That is simply not so. I already explained what a lengthy process there has been. There is a commitment in the partnership agreement and there have been two consultation papers. The Great Britain commission has overtaken the Scottish one but has left a gap in the light of our long-standing commitment to legislate as we are doing.

Margaret Mitchell: I do not accept that and I will explain why as I continue.

Failure to create such a statutory body will result in an absolute prohibition on the UK commission for equality and human rights acting in relation to devolved matters. As the Equality Bill has now received royal assent, there is no prospect of altering the provision. The Justice 1 Committee has continued to ask one central question while it has considered the Scottish Commissioner for Human Rights Bill: what, if any, added value will there be in creating the post of a commissioner, with up to two deputies, at the staggering cost of £1 million a year? Having taken evidence from a host of witnesses, the committee is firmly of the opinion that any gap in provision is a narrow one in relation to awareness raising.

Having identified that gap, the committee deliberated at length on how it could best be resolved. Opinions varied. For my part, I remain firmly of the opinion that the gap would best be met by extending the role of the Scottish public services ombudsman—a pre-existing statutory body that already deals with alleged breaches of human rights in the delivery of public services. Legislation should be introduced to extend the role of that office holder, who would build on existing experience and take on a promotional role.

Giving additional powers to a pre-existing body would be more cost-efficient than establishing posts for new office holders and would mean that more funds could be spent on the promotional role

and—more important—on supporting non-governmental organisations and the voluntary sector, so that they could take up individual cases using the expertise and experience that they have gained over a number of years. That is something that the proposed Scottish commission or commissioners for human rights will have no power to do.

When considering human rights issues, there is frequently no right or wrong answer; in effect, a decision is based on a value judgment. In such instances, elected politicians should make the decision. They can be held accountable by the public; an Executive appointee cannot.

I want to clarify a point that the minister made, because the same argument applies to the creation of a commission for human rights to provide guidance on the incorporation of the European convention on human rights into Scots law. The idea was first mooted in 1998 and, at the time, enjoyed all-party support. However, we have moved on considerably since then. Seven years later there is no such need. A plethora of commissioners with watching briefs on human rights in their remits has been created; the ECHR has been incorporated directly into Scots law; and a UK commission is now being set up.

The creation of a commission with up to five commissioners, or a commissioner with up to two deputies, would be a total waste of £1 million a year. Its main function would almost certainly be to create more bureaucracy and undertake unnecessary paper pushing—which is why the Scottish Conservatives reject the principles of the bill.

I genuinely regret that opportunities are being lost to introduce new legislation to extend the role of the Scottish public services ombudsman to include awareness raising and promotion, and to fund voluntary organisations and NGOs to utilise their experience and expertise to take up individual cases. Even at this late stage, I urge the Executive to think again.

15:10

Mrs Mary Mulligan (Linlithgow) (Lab): Let me be clear from the outset that despite any doubts I may voice about the format of the bill, I have no doubts about our responsibilities as politicians and legislators to promote and uphold human rights.

As someone who has been a Labour Party member for many years, I have often stood alongside other party members and fellow trade unionists to ensure that human rights would not be ignored. However, the term “human rights” must mean something to the whole population. It cannot be some difficult-to-define notion that appears to apply only to certain people.

It is easy to see how the human rights of a prisoner or an asylum seeker could be violated, but people should also understand how human rights are important in areas such as health and education, for which the Parliament has responsibility. As has been mentioned, we do people no favours if we mislead them about what a human rights issue is. Policy issues are not human rights issues as such. We must give people a true understanding of what we are talking about.

I believe that all members of the Justice 1 Committee were keen for someone or something to be established to take on that role—members will note that I wrote my speech before I listened to Margaret Mitchell's. During the preparation of our stage 1 report, we strove to consider the bill positively. We were acutely aware of the proposal to establish a commission for equality and human rights that was being considered at Westminster. I was sorry that I was not able to join my colleagues on their visit to meet the MPs and Lords who were working on the Equality Bill. When we examined the bill, we wanted to know what added value it would provide, whether there was a gap that needed to be filled and whether the bill would fill it. I will refer to those points again later.

First, I will address three issues that caused me some concern. A number of commissioners and bodies responsible for public service issues have been established over the past few years. In addition, there are long-established roles, such as that of the chief inspector of prisons. My concern was that the establishment of a Scottish commissioner for human rights should not replicate their work. It is clear that there will be overlaps in respect of children and prisoners, for example, which to a certain extent can be dealt with by the establishment of protocols. However, it would be better if the bill could minimise the duplication. That would reduce the possibility of individuals or groups being uncertain about who the appropriate contact is and would cut down inconsistencies. We should not leave the resolution of such duplication to the good will of the individuals involved.

Similarly, I have concerns about the interface of the commissioner with legislators. When the Justice 1 Committee spoke to the New Zealand chief human rights commissioner by videolink, it found out that, originally, there was a clear view of what the New Zealand Human Rights Commission would do. However, the commission's role seems to have grown and I do not think that it would be an exaggeration to say that it appears that there is now a tension between the commission and the political parties and the Government in New Zealand. That situation is unhelpful, at best. As politicians, we have a legitimacy that is given to us by the people who go to the ballot box to use their

vote. Ultimately, human rights issues will be decided by legislators and interpreted by the courts. That is central to our democracy.

Alasdair Morgan: The member has spoken about taking evidence from another commissioner, to which the minister also referred. Is she surprised that she has never heard from any commissioner for any subject who has thought that their job is unnecessary?

Mrs Mulligan: No.

My third concern is about the budget, which is an issue that has already been raised. It is fair to say that, after a couple of evidence-taking sessions, the committee wondered whether £1 million would be enough. However, once we began to go into the discussions—

Stewart Stevenson *rose*—

Mrs Mulligan: Hang on a minute, Stewart. Once we did that, we became a little clearer that, if we provided the right roles, £1 million would be more than enough.

Mr McFee: Will the member take an intervention?

Mrs Mulligan: Well, since it is you, Bruce.

Mr McFee: Should we not model the role of the commissioner around the budget?

Mrs Mulligan: No, absolutely not. I was about to move on to say that.

For example, we do not need a chief executive, which is in the bill, or duplicate administration officers. There are ways to save money, which we could reinvest in the work that the commission or commissioner would do. We should consider the work of the commission and then the budget, not necessarily the other way round.

I am one of the committee members who believe that we should agree to the general principles of the bill, but that it should be substantially amended at stage 2. The fact that three views were expressed in the committee's stage 1 report—even without our SNP colleagues taking a view—shows the diligent way in which we considered the bill. As I said, with the right amendments, the bill will fulfil its remit. As I said at the outset, the commission or commissioner will both add value to the bodies that exist at present and fill the small gap that will be left after the creation of the CEHR at Westminster.

From his most recent letter to the committee, I note that the minister is beginning to respond to our concerns and to understand where we are coming from. It is not good enough for us to agree to a bill that sounds good and ticks boxes but does nothing for the people whom we represent. The bill should ensure that public sector bodies know their

obligations under HR legislation and that people in general know their rights. A strong community focus will ensure that human rights really mean something.

The Deputy Presiding Officer: I call Pauline McNeill to speak for the committee.

15:17

Pauline McNeill (Glasgow Kelvin) (Lab): I begin by thanking the committee clerks and committee members. I also give a special thank you to our adviser, Jim Murdoch, who is a well-respected academic in the field of human rights. Of course, I also thank the Joint Committee on Human Rights and the Department for Constitutional Affairs with which we met as part of our consideration of the bill. We considered the bill with a great deal of care—not that we do not do that with all bills. However, if members have read the committee report, they will have seen that although there was a great deal of consensus, we parted three ways at the end of the process.

The committee identified a small gap in the work of the existing bodies and organisations that deal with human rights, which is that none of them has a statutory function to promote human rights. That is the main function of the Scottish commissioner for human rights, as set out in the bill. As other members have said in the debate, the committee was concerned about the number of commissioners and other bodies that deal with human rights issues—bodies and organisations that the Scottish Parliament has created. It is absolutely crucial that we do not add to the confusion and that we avoid all duplication.

It is unprecedented in the Parliament that a committee has not endorsed the general principles of a bill. We were not willing to support the bill because it requires substantial amendment for the various reasons that members have set out and that I will move on to address.

The European convention on human rights came into force in 1953 and was primarily concerned with political and civil rights issues. As members know, although the ECHR is the main source of human rights legislation, we now have other sources, including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Convention on the Rights of the Child. A Labour Government adopted the ECHR into United Kingdom law, but we in Scotland were the first to adopt and enshrine it in Scots law. Devolution placed on the Scottish courts the responsibility of policing the exercise of devolved powers. There have been only three challenges to the Scotland Act 1998 to date, none of which has been successful.

The Scottish courts have been successful in addressing questions of human rights; they do that every single day. We have a good record in Scotland and we should not be slow in saying so. Before we go any further in assessing the need for a commission or a commissioner, it is essential for us to recognise that we live in a devolved Scotland; our existing individuals and organisations must apply the law.

The bill as introduced does not set the legislation in the context of Scottish courts enforcing human rights and members of the Scottish Parliament arguing for good human rights and considering day and daily, for every single bill that is put before us, whether legislation breaches human rights law. We must be accountable for every judgment that we make in that regard.

It is fundamental that we should not subscribe to the idea that only a human rights commissioner or commission can protect the people whom we represent from human rights abuses. It is important that we acknowledge that human rights institutions are not the sole guardians of human rights, although all the committee witnesses gave the impression that if we did not set up a human rights institution, we would fail in our duty to protect human rights.

A body that was constituted to suit the circumstances of a devolved settlement could have the critical role of promoting human rights, on condition that it operated alongside the elected members of the Scottish Parliament, all levels of government and the non-governmental organisations that contribute to civil liberties. In that context, I agree with Robert Brown that we should pay tribute to the Scottish Human Rights Centre—the former Scottish Council for Civil Liberties—which has played such a role in the past.

The powers and functions of human rights institutions vary from country to country, but we should not imagine that there is a league table of human rights institutions—there is a danger that we are measuring ourselves in that way. In some countries, human rights are breached daily and we should not ignore our responsibility to campaign for change. What is right for Scotland is different from what is right for the UK as a whole, New Zealand or Northern Ireland and I strongly object to the notion that we should simply import an approach from another country and say that it will work—it will not work. I cannot accept the bill if it does not make that clear and I cannot accept the bill if it does not make the duties of a human rights commission or commissioner clear, thereby avoiding the duplication of activity that members have described.

I commend the Executive for its response and its decision to delay the process and to take time to

consider the conclusions of the Justice 1 Committee. If the general principles of the bill are agreed to, we will not consider the bill at stage 2 until September, which is a welcome decision given the variety of views that are being expressed in the Parliament. Robert Brown outlined significant changes to the bill in his letter to the committee and I support the move away from having a single commissioner towards setting up a collegiate body. I am not convinced that a commission is needed, but a body could bring individuals together from various backgrounds. Trade unionists, academics and other people with an expertise could contribute.

Margaret Mitchell talked about the model of the Scottish public services ombudsman, which has been rejected. I was sympathetic to the idea, although it would require consideration of various matters. What would the structure be? Which staff would exercise the human rights function? What powers would the Scottish public services ombudsman have?

The bill should require that the public's view should inform anyone who works in the human rights field. There should be a duty to work on human rights in areas of deprivation and social exclusion. If we are to spend resources on a human rights commission or commissioner, we must be sure that the activity of that body or person is meaningful to Scottish people, as Mary Mulligan said. The strategic plan is essential and I welcome that approach, because I will not support a body that does not tell me how it will make its decisions. I want to know that the body—or person, if that is what is decided—will take a long-term, strategic view of what human rights are. I reject the notion that we should appoint a person or body who would think it their job simply to consider whether the legislation that the Parliament passes contravenes human rights.

Further consideration must be given to technical issues. The committee has discussed with the Executive the judicial review function and whether a GB commissioner would be able to exercise power with the consent of the commissioner for a devolved area.

The bill would place a duty on the proposed commission or commissioner to keep the law under review. That is a fundamental issue, because it is the Scottish Parliament's job to keep the law under review and to ensure that legislation complies with human rights. The provision should be removed from the bill or substantially changed.

The Justice 1 Committee commissioned work from MORI that indicates that the public support the idea of a human rights body. It was interesting that women and people from the poorest backgrounds supported the idea. If we set up such a body, it will be our job to ensure that we shape

an institution that will suit the devolved settlement in Scotland. If we tailor such a body to our needs, it might fulfil a useful function.

15:24

Alasdair Morgan (South of Scotland) (SNP): I admit that I was sceptical when I first saw the title of the bill some time ago. That was prompted by a more general concern about the vast increase in the number of executive agencies and commissioners and the increasing extent to which the Executive and perhaps the Parliament seem to put their responsibilities at one remove. That is not a party-political point, because most of us have signed up to pieces of legislation that have done that, many of which have been good. However, we should not always proceed unthinkingly down the road of passing out everything that ministries should do to agencies and everything that the Parliament should do to commissioners.

As Stewart Stevenson said, the bill made me wonder what on earth members of Parliament and members of the Scottish Parliament are doing. Who sticks up for human rights, looks for human rights abuses and thinks about our direction on human rights more than members of this Parliament?

Patrick Harvie (Glasgow) (Green): The concept of mainstreaming equality is important to us, too. We have a duty as parliamentarians, and the Executive has a duty as the Government of Scotland, to promote equal opportunities. Does that mean that we should do without the Equal Opportunities Commission?

Alasdair Morgan: Perhaps at some stage, if we are successful. Clearly, the UK Parliament had not addressed some of those issues successfully. We must take every issue on its merit. Some commissions are necessary, but we must consider each one carefully and ask whether it is necessary and whether it will do something that we cannot do. With the proposed human rights commissioner, there is a serious argument that that is not the case.

I want to consider why the Executive thinks that we need him or her or them or it—I am not exactly sure what the proposal is for. The Executive's explanation is in paragraphs 7, 41 and 42 of the policy memorandum. Paragraph 7 states that although the attention to human rights in the media has

"raised the public profile of human rights issues, unfortunately some of the comment has been ill-informed and has created misleading impressions in the minds of people as to what 'human rights' actually means".

The Executive argues that

"a human rights commission could have a significant impact in dispelling those impressions".

That is translated into the objective in paragraph 41 of

"Increasing general awareness so that everyone in Scotland understands their rights"

and responsibilities. Even if that were necessary—although members would not inevitably be led to that conclusion from reading the Justice 1 Committee's report—where does it come in the list of vaguely desirable things that the Parliament should do?

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I am a bit confused by the Scottish National Party's approach. Stewart Stevenson said that the SNP does not support the bill because, in effect, it is not strong enough, whereas Alasdair Morgan says that his party does not support the bill because we do not need it. Which is it?

Alasdair Morgan: There are many reasons why I cannot support the bill, so I am pushed to know where to start. Personally, I am not convinced that the bill is needed. One of my main reasons is that I am not sure that we need a commissioner to fill the small gap that the Justice 1 Committee said had to be addressed. The bill is a sledgehammer to crack a very small nut. The policy memorandum states that the commissioner will have a promotional role and will work to increase the awareness of human rights. To be frank, that is not needed. It strikes me that awareness of human rights in Scotland is on an inexorable upward trend and is high in many areas. I cannot envisage a commissioner changing that or reaching parts that MSPs or agencies and other individuals have failed to reach thus far.

The minister listed issues with which a commissioner could help us. Among other issues, he talked about people trafficking, the rights of elderly people and mobile phone masts. On that description, the commissioner seems to be the answer to all our prayers. It is a wonder that anyone has been able to survive this long without them. Such a body would hardly be designed to address a small gap. Given the Justice 1 Committee's major criticisms, one has to have serious concerns about the bill.

My final point relates to the £1 million cost of the commissioner. Let us make no mistake: once a commissioner is set up with a budget of £1 million a year, it will be difficult to disestablish that body, so we would be making an on-going commitment to provide at least £1 million every year. Could we tell our electors that the commissioner was the best value for money that we could find for the £1 million? I challenge any member to go back to their constituents, whether they are suffering human rights abuses or not, and say that the best

thing that can be done to address their problems is to spend £1 million in that way.

Among the opponents of this institution are the right-wing columnists and their readers—those who glory in listing all the ways in which this Parliament is allegedly wasting its time. They are of course deliberately and malevolently wrong about nearly everything that we do, but I would hate to give them what I think would be a genuine piece of ammunition.

15:31

Des McNulty (Clydebank and Milngavie) (Lab): Just before I rose to speak, I was handed a note saying that the House of Lords has handed down a ruling that means that compensation for mesothelioma sufferers who were exposed to asbestos and for their families will be cut, which I think is a real human rights issue. The question whether the bill will do anything to address such issues should be at the front of our minds.

I start not from the position of talking about the bill but from the more logical position of asking what commissioners are for, what kind of commissioners we need and how the bill fits in with that. The Finance Committee, which is conducting a review of commissioners, had interesting research evidence presented to it a couple of weeks ago that looked at international comparisons and the logical positioning of commissioners and tried to establish criteria.

As far as we could tell, New Zealand, to which the minister referred, exhibited best practice. It has decided that there should be only two commissioners—an audit commissioner and an ombudsman/human rights commissioner. That represents an appropriate balance between the independence that is required to achieve something that adds value to the Parliament and the logical role.

It has been pointed out that the Justice 1 Committee identified a narrow gap that a human rights commissioner could fill. I accept that there is a narrow gap for a commissioner to operate in. From my perspective as a member of the Finance Committee, I ask whether we need to spend £1 million or more on a commissioner—or, indeed, on five members of a commission, which I understand is the minister's current proposal—to fill that narrow gap.

In New Zealand, it was decided that a balance needed to be struck with the number of commissioners and that their functions could be combined. I expect that the Finance Committee will consider that explicitly, not in the narrow context of the human rights commissioner, but in relation to commissioners more generally. There is a public mood that we have too many

commissioners and that their role in relation to the Parliament is not properly defined—it is not clear whether they add value. There is the genuine question—which it is perhaps unfair to put to the minister, but which it is correct to put, from the public's point of view—whether we are going ahead with a bill that will add to the problem rather than sort it out and provide greater consistency and balance.

Marlyn Glen (North East Scotland) (Lab): For the record, New Zealand has a chief commissioner and up to eight other commissioners with various responsibilities. I can pass further details to Des McNulty if he wishes.

Des McNulty: That issue is not a particular problem. If the ombudsmen were to take on the role of the human rights commission, different individuals would handle different parts of the work. The problem is to do with how many separate statutory arrangements we should put in place and whether the public will get confused.

One of the problems with the bill is that, in adapting to some of the criticisms that have been made of it, we are adding to the ad hocery and diversity of the arrangements. Rather than create yet another model that we will have to deal with, I suggest that it would be better to pause, think about what we want to do, and decide to do something that is fit for purpose and which meets the requirements.

I know that the minister and his party are set on the proposal and that it is one of their policy objectives. I respect that—people should be able to go before the electorate and say that they want to do a certain thing. However, the Parliament needs to think about how we can give effect to that policy. One of the problems is that the public mood has changed and the space for a human rights commissioner has become crowded by other creations. We know that there needs to be a rationalisation. Inevitably, there will be one either before or after the election. The problem is that, nevertheless, we are proceeding to create a set of institutions and put in place individuals who will necessarily be affected by a rethink process. I question whether that makes sense.

I could go on to say that this proposal might just be a job creation scheme for lawyers—

Gordon Jackson (Glasgow Govan) (Lab): What is wrong with that?

Des McNulty: Gordon Jackson might think that that is not a bad thing, but others might think that it raises one or two questionable issues.

If the minister is saying that the proposed human rights commission could deal with telephone mast decisions or problems associated with rubbish collection, it might recommend itself to people in

East Dunbartonshire who wish to raise issues with the Liberal Democrat-run council. However, my view is that the way to deal with that situation is to vote those buggers out, not to set up a commission.

15:37

Phil Gallie (South of Scotland) (Con): As many members who date back to day 1 of the Parliament know, I had grave doubts about the incorporation of the ECHR by the Scotland Act 1998. The fact is that, historically, human rights in Scotland have always been protected by our national law. There should have been no need for incorporation. Nevertheless, that was done and we have to live with it. However, we should minimise the impact on the Scottish people and their pockets.

To that extent, I welcome the report of the Justice 1 Committee, which recognises that the appointment of a commissioner is unnecessary and unwise. I emphasise what Pauline McNeill said, particularly about the narrow gap that would be filled. The Executive's proposals go well beyond simply filling that narrow gap.

Because of Liberal Democrat pressure, the partnership agreement requires the appointment of a human rights commissioner and, consequently, the Executive has been forced to follow a line that is most unwise. I would like to have seen Labour members of the Executive taking a stronger line and identifying with some of the views that have been expressed by Labour members of the Parliament in the debate.

That said, I welcome the Executive's response to the Justice 1 Committee's report. However, the step-back reaction that that response represents is nothing but a patch-up that is designed to ensure that the Liberal Democrats' interest in the partnership agreement is not lost. I suggest again that it is time for the Executive to put the interests of the people of Scotland before those of the Liberal party and the partnership agreement.

Given the UK Human Rights Act 1998, my strong belief is that the Scottish public services ombudsman should be recognised as the individual with whom the UK commission for equality and human rights should liaise and work—a suggestion that Margaret Mitchell made and which Pauline McNeill viewed sympathetically. That would be a simple matter of adjusting the ombudsman's responsibilities and it should fulfil the requirements of the Human Rights Act 1998.

Pauline McNeill: I and others have been sympathetic to adjusting the public services ombudsman's responsibilities, but the nature of the ombudsman's work at the moment is that she takes individual complaints. Is Phil Gallie

suggesting that the ombudsman would similarly take individual complaints on human rights? He needs to answer that question, because the human rights function would still have to be structured, even if the public services ombudsman held it.

Phil Gallie: The terms under which the ombudsman works are set by ministers—Alasdair Morgan referred to ministers' and members' responsibilities—so we could think about that and set the rules for the ombudsman's human rights function, perhaps with the benefit of the ombudsman's knowledge on the matter.

I point out that this devolved Parliament is, to some degree, trying to fulfil the wishes of the UK Parliament. The narrow gap about which we are talking and the need to liaise with the UK commission were created by legislation from the UK Parliament which is, to some extent, intent on imposing a charge on our budget of £1 million a year. I would have thought that all the keen devolutionists in the Parliament would feel somewhat strongly about that and that it is an imposition that we should not have to suffer. To be honest, Robert Brown's pathetic response to Margaret Mitchell's comment earlier suggested to me that he was clutching at a straw when he said that that was not so.

When I consider some of the things that happened in Scotland over the weekend—the deaths and violence that we have experienced with our young people—and the way that human rights extend to young people in particular, I am led to think that human rights might have been taken a little bit too far in protecting them. We should inject responsibility into our younger people as well as inject it into their heads that they have rights that stand above others' rights.

I identify entirely—although I am horrified to say so—with Alasdair Morgan's speech, which was excellent, apart from its final phrases. I go along with everything that he said about the plethora of commissioners that the Parliament has created. We should learn the lesson of the mistakes that we have made, move back and not repeat our mistakes by agreeing to the bill. I wish that he had joined the Tories in the past when we voiced such opinions when it mattered, but at least he has seen the light now, and I welcome that.

15:44

Gordon Jackson (Glasgow Govan) (Lab): It is rather strange how attitudes towards human rights have developed of late. Everyone believes in human rights as a good thing, but at the same time they are referred to in disparaging terms, almost as if they were too much of a good thing. It reminds me of the way that people used to use the

term do-gooder, as if doing good had somehow become a bad thing.

I recently went to a conference of parliamentarians from many different places. Human rights were on the agenda all the time and, more often than not, they were referred to in a slightly cynical and disparaging way. Criticism of the concept of human rights was hinted at—at least Phil Gallie is direct.

I found myself wondering why we have a jaundiced view of human rights. It may be feared that the pendulum is swinging too far—that is what Phil Gallie is on about—and that human rights have been preserved when common sense has sometimes gone out the window, which can happen. At times, people have a sense that our system is being interfered with. My impression is that some judges think that the ECHR is unnecessary. They would say that we are Scottish after all, that we have our own instincts and that we look after people well enough. Of course, there is a bit of truth in the claim that we in Scotland have a sense of fair play.

People feel that the bill will introduce yet another commissioner—that was Des McNulty's point. It is felt that we are overregulated and that the bill might introduce yet more regulations and advice. I understand that. I think that we are overregulated. However, none of that should take away from the correctness of formally giving human rights a clearly recognised place in our system.

The truth is that, although most people think that all individuals have rights, under the surface many of us are often selective about the rights that we think people should be afforded. We are all guilty of letting our own prejudices play a larger part in that than we care to admit. For example, if people in a pub are asked what rights a prison inmate should have, most of them will eventually answer, "Not much." They will certainly not suggest that they should have as many rights as I believe they should have in a civilised society.

Discrimination on the basis of gender, race, colour or disability, for example, still occurs often. In effect, that represents a failure properly to accord every individual the rights that they are entitled to expect.

Everyone believes in human rights as a good thing, but definitions of what is appropriate and to whom can vary so widely that the term becomes almost meaningless. That is why I have always been, and still am, in favour of the ECHR and its application in the Scotland Act 1998 and thereafter in human rights legislation. I have no sympathy whatever with those who want to repeal human rights provisions because they create problems and make it difficult to strike a proper balance at times. Of course that might be true, but this is one

baby that I would hate to throw out with the proverbial bath water.

From the standpoint of being a huge supporter of human rights legislation, I support the establishment of the commission and the commissioner. They are the obvious and logical outcome of formally adopting human rights legislation. If I am honest, those who do not wish to have a commissioner take that position because, deep down, they are not happy about the whole idea of human rights legislation—those views go together. Others will disagree: some say that they have other reasons for not wanting a commissioner.

Margaret Mitchell: How does the member see the proposed promotional role working with the five commissioners?

Gordon Jackson: I certainly see a promotional role. I am not avoiding the question; I will come to it.

I see Jackie Baillie shaking her head, but many of those who do not want a commissioner—I exclude her from this suggestion—dislike deep down the idea of human rights legislation. I am back to Phil Gallie as my embodiment of that principle.

Notwithstanding what has gone through Westminster, it would be plain daft not to have a commissioner in Scotland. What sense would it make formally to promote human rights in relation to reserved matters in the UK but not devolved matters in Scotland? I put my hands up to the fact that this is just a stage 1 debate. I have listened to lots of my Labour Party colleagues and I accept that the bill does not represent the finished article and that a lot of work might need to be done. The Justice 1 Committee has suggested that and I do not pretend to know anything like enough detail to argue with it.

Having said that, I like some of the specifics. I like the fact that the commissioner will be accountable to Parliament and that their role will be promotional rather than investigative—Margaret Mitchell talked about that. It is to do with changing the culture. What could be better than section 2, which says that the duty is

"to promote awareness and understanding of, and respect for, human rights"?

That might be too woolly for some.

I have only half a minute to say how human rights would be promoted. It would not happen by enforcement—our courts would still be the arbiters of when human rights are breached. However, having a commission and a commissioner who bring an increased understanding of what human rights are about, as section 2 says, must be good.

We are talking about a culture change. The bill is about changing culture. Those of us who believe not only in human rights in a vague sense but in our recent legislative approach to human rights should welcome in principle, with all the caveats about things that the experts know we need to change, the bill at stage 1.

15:50

Mike Pringle (Edinburgh South) (LD): I could not agree more with Gordon Jackson's closing comments.

The Justice 1 Committee is grateful for all the evidence on the bill that it received. As several members have said, much of it gave us serious food for thought. The majority of the written submissions were strongly in favour of establishing a Scottish commissioner for human rights. However, as we have heard, the committee could not agree on whether to support the principles of the bill. Indeed, it is the first time in my brief experience as a parliamentarian that we have ended up with three options in a stage 1 report. I firmly agree with option 3 which, as the report states,

"is favoured by Members who are, in principle, sympathetic to the establishment of a Commissioner but who have a number of concerns about ... detail relating to how the Commissioner would operate."

Des McNulty: I do not want to be cruel, but how does Mike Pringle feel that the human rights of the four Scottish Criminal Record Office members were served by his intervention earlier today?

Mike Pringle: That is completely irrelevant.

The Liberal Democrats have always been strongly in favour of the establishment of a human rights commissioner. I am sure that my colleague Jim Wallace will say more about that in his winding-up speech.

I have three concerns about the bill, all of which relate to what it lacks. Before I outline those concerns, I thank the minister, who has been responsive to the Justice 1 Committee's concerns. There has been a positive response to and acceptance of many of the criticisms that the committee made in its stage 1 report.

I return to my three concerns. I agree with many organisations that stated in their written evidence that the commissioner—there will, of course, now be a commission, but that does not change the opinion—should have greater powers than those that are proposed in the bill.

My first concern is that the Scottish commission will be unable to raise legal actions in Scottish courts on devolved matters, but that following the passing of the Westminster Equality Bill the

commission for equality and human rights will be. Page 32 of our stage 1 report states:

"The CEHR may raise a legal action in its own name in connection with an alleged breach of human rights in relation to a reserved matter in the Scottish courts"

and that

"The CEHR may raise a legal action in its own name in connection with an alleged breach of human rights in relation to a devolved matter in the Scottish courts *if the Scottish Commissioner consents to such an action.*"

There is a major inconsistency between the powers that are available under the Westminster legislation and those that are proposed for the Scottish commission.

Robert Brown: Does Mike Pringle accept that there will be several differences between the two commissions? For example, our commission will have a right of entry into premises, which the Great Britain commission does not have. That is a stronger power.

Mike Pringle: I accept that, but the Scottish commission should have similar powers to those of the British commission in some respects.

My second concern is about the ability of the Scottish commission to conduct inquiries and investigate individual complaints. I agree with the Disability Rights Commission, which said:

"The Commission will be restricted to consideration of an individual organisation only if another organisation carries out the same functions."

That means that the Scottish commission will not be able to examine a local authority or health board. The Disability Rights Commission has concerns about that. It is also concerned that the Scottish commission should be able to conduct inquiries into any matter that it regards as a serious breach of human rights.

That leads me to my third concern, which relates to funding. I have outlined my concerns about the inability to conduct inquiries, to which the lack of budget seems to be directly related. Inquiries are, of course, likely to be expensive. The commission's estimated budget is £1 million, with additional estimated non-recurrent set-up costs of £208,000. The apparent lack of any input from the Scottish Parliamentary Corporate Body before the financial memorandum was drafted was of considerable concern to the Justice 1 Committee—perhaps the convener of the Finance Committee could have commented on that. The Finance Committee has said that the SPCB will be responsible for any shortfall, but the SPCB should have been consulted before the final budget was fixed upon.

We were given some costings as to how the £1 million would be spent, which were based on a single commissioner and two deputies rather than

what is now proposed. The fact remains that the £75,000 that has been allocated for the top job is not sufficient to attract someone who has a substantial background in the law. That view was supported by many people who replied to the consultation.

One small matter that concerned the committee—when I first read the bill I regarded it as a complete anomaly—relates to section 8, which deals with powers to enter, inspect and conduct interviews in places of detention. Under the bill, the commission will have to give 14 days' notice before it can enter such an establishment. It is generally accepted that that is not the way forward, and I am glad that the minister will give the matter further consideration.

The bill is a child that is about to be born. I hope that, in the years to come, it will grow into an adult with considerably increased powers. I strongly support the bill.

15:56

Patrick Harvie (Glasgow) (Green): I have been slightly disappointed by some of the comments that have been made in the debate. My mood changed for the better, however, when Gordon Jackson got to his feet—it would be very welcome if he did so more often. Like Gordon Jackson, Robert Brown gave a clear expression of the value of human rights legislation in our society. Human rights are part of the moral basis of a modern society, and we should not lose sight of their importance. Robert Brown also spoke of the need for a truly independent body. I will go on to focus on the principle of the independence of the body that we need to establish.

Robert Brown mentioned the cross-party group with which he was involved in the first session of Parliament and with which I have been involved in the current session. The organisations that have been working long and hard for a commission to be created are impatient to see that done. They are insistent on the independence of the body and remind us that the issue cuts across all Government departments—it is not just about justice, but about education and health, and it concerns many other Executive departments. I welcome the fact that the minister is prepared to consider what improvements can be made. I think that significant improvements should be made to the body that is proposed at the moment, and I look forward to that happening.

I know that there are concerns about accountability and the precise structure and format of the body that we are creating, but this is not rocket science. We are not dealing with new, insoluble problems that no legislature has ever encountered; we are dealing with questions to

which we can find the answers if we only put our minds to it. The question is whether we have the will to do that—and some people do not. As Gordon Jackson reminded us, there are those who would prefer the concept of human rights to be undermined or taken out of our legislation altogether. We should not allow concerns over the precise format of a bill to be used as a pretext for that objective. I take on trust the assurances of members who have spoken about their commitment to human rights as an idea. Today's vote will be an opportunity for them to put that into practice.

Pauline McNeill: I do not disagree with much of what Patrick Harvie says; however, for me, the detail is important, and I do not want to set that aside. In giving the evidence that we heard, none of the witnesses ever talked about the role of Parliament, local authorities or trade unions. I cannot sign up to the creation of an institution unless we all agree. Enforcing human rights is not just the duty of the HR institution; it is about working alongside the elected bodies. I have not heard about that so far, and that worries me.

Patrick Harvie: As Pauline McNeill has pointed out, an HR institution is not the sole defender of people's human rights. I agree with that. Nevertheless, it is an important part of the mechanism.

Many members have mentioned the legislative process and our responsibility, as MSPs, to pursue that on our own. I am not convinced that that is enough. That is an important responsibility that we have to bear, but it is not enough to see the Executive's human rights statement on a bill. I do not want to see the Executive's view every time; I want to hear about the shades of grey. I want to hear the other side of the story. It is not enough to know that the Presiding Officer, who I am sure takes the responsibility very seriously, assures us that the bill, as introduced, is compliant with human rights legislation. I want to hear the arguments from both sides, and I also want there to be an independent voice who will advise me about a bill as it is going through Parliament.

I remember that the provisions of the Family Law (Scotland) Bill, which went through Parliament not so long ago, had been widely trailed and consulted on, especially those on the reduction in the waiting time for the dissolution of a civil partnership or for divorce. At almost the last minute, amendments were agreed to that would have meant that the bill was not compliant with human rights principles. The Executive eventually had to lodge amendments to seek to increase the waiting time for the dissolution of a civil partnership just in case the amendments that sought to increase the waiting time for divorce were agreed to. The process was cobbled

together. That shows that it is important that we have an independent voice to help us with our scrutiny of legislation.

Gordon Jackson also talked about the cynical and disparaging language that is used when some talk about human rights. When we use the term “political correctness”, we are almost not allowed to use it without the suffix “gone mad”, and there is a danger that references to “human rights” will go the same way.

I have spoken about some of the improvements that I would like to be made to the bill. We have more time to discuss what those should be. I would like there to be a body that can protect as well as promote human rights. I would like some of the CEHR’s powers to be brought into our commission.

I am very much opposed to the idea that we should roll together the commissioners and the ombudsman. The human rights agenda and the public services maladministration agenda are separate and should remain so. It is not appropriate to lump them all together along with children’s rights and freedom of information, as some members have suggested. They are separate and important agendas.

We should take Alasdair Morgan’s advice that commissioners do not often advise that their own jobs should be abolished, but some Governments would not advise the creation of a truly independent body to hold them to account. We should take this opportunity to create the strongest body to operate along those lines that we can.

16:02

Jackie Baillie (Dumbarton) (Lab): Like many members in the chamber today, I speak in support of the general principles of the bill. I do not think that any of us could have put it any better than Mr Singh did during time for reflection when he spoke about rights being an essential prerequisite of democracy. I will shock Patrick Harvie by agreeing with him that human rights should be central to what we consider to be a modern Scotland.

However, I will now depart from my agreement with Patrick Harvie. I genuinely believe that there are concerns about the detail, and I am delighted with the minister’s commitment to reflect further on that at stage 2. I say to Gordon Jackson that being concerned about the detail does not mean that I am against embedding a human rights system in Scotland.

I turn to the Labour Party’s and this Parliament’s record on human rights. We have a very good record of building a society based on equality and respect, the cornerstone of which is the delivery of social justice. Whether it has been about

challenging disability discrimination, closing the pay gap or tackling racism, we have been at the forefront of the thinking. It is now acknowledged that the UK has the most comprehensive anti-discrimination legislation in Europe; our commitment to an equal and inclusive society is also enshrined in the Human Rights Act 1998.

I welcome the further proposals that are contained in the Equality Act 2006, such as the establishment of the UK commission and the appointment of a specific commissioner for Scotland along with a specific committee that will cover Scottish interests. I recognise that the Scottish commissioner and the Scotland committee will cover equality issues on a reserved and devolved basis. However, I am also clear that we will have to think carefully about the role and function of the Scottish human rights commission in relation to the UK commission and the other public bodies identified by the committee, such as the public services ombudsman, the commissioner for children and young people and Her Majesty’s chief inspector of prisons for Scotland, to name but a few.

Like Mary Mulligan, I am concerned about overlap. For me, the key questions concern the added value that we will get from the new commission, whether its function could be carried out by another agency and what works for the people whom I represent who will benefit from the body. I believe that the Justice 1 Committee is to be congratulated on its stage 1 report, which was interesting because it pursued exactly those questions.

Widening the debate just a little, I want to mention that, as part of its consideration of the Police, Public Order and Criminal Justice (Scotland) Bill, the Justice 2 Committee has recently considered how an independent police complaints commissioner should be established. I believe that we need an independent police complaints system just as I believe in promoting human rights, but I also believe that the architecture of how we deliver such things should exercise our interest. Pauline McNeill was right to say that the detail is important.

We have a plethora of commissioners with different functions, different governance arrangements and different levels of financial accountability. All our commissioners do valuable jobs—I do not take that from them—but there is a genuine concern that we are in danger of creating institutional clutter. The challenge is to capture the laudable policy intention in a way that avoids overlap and is clear to the people who need help most.

I remind members that, when we created the Scottish public services ombudsman in 2002, we did so because we wanted a complaints system

that was open, accountable and easily understood. More important, we wanted a system that would have the trust of the Scottish public. The Scottish public services ombudsman was designed to be a one-stop shop that would replace four separate ombudsmen. That was—I say this with the benefit of hindsight—absolutely the right thing to do at the time.

It strikes me that we need to consider whether we require more commissioners to cover different issues or whether we could take an imaginative approach by using the public services ombudsman as a model and providing for a body that both proactively considers rights and responds to complaints. In that regard, Alice Brown's submission to the committee was instructive, as it confirms that the ombudsman's role is not simply to take up complaints but to make connections. She stated:

"Human rights are fundamental to the concept of good public administration. Although the legislation governing the SPSO's remit makes no direct reference to human rights, some of the complaints we deal with are in fact issues of breaches of human rights"—

Robert Brown: Will the member give way?

Jackie Baillie: I will do so once I have finished the quotation.

The submission continues:

"maladministration may involve more general inconsistencies with human rights concepts, for example when a public authority fails to give adequate information regarding rights of objection or appeal."

Robert Brown: Jackie Baillie is absolutely right to make some of those comments, but does she accept that there is an important distinction, which has been blurred somewhat in the debate, between the ombudsman's powers in relation to maladministration and the broader human rights agenda? I accept that an element of overlap exists, but maladministration is nevertheless a relatively narrow concept that relates to the tackling of complaints, whereas human rights is a much wider concept or method of analysis that involves a whole series of different issues.

Jackie Baillie: I accept that, but I think that we have an opportunity to consider how we can get more from the existing regime by taking what is partly a reactive service and making it more proactive. That would be a desirable objective for the Executive.

In conclusion, if it was right to consider a one-stop-shop approach in 2002, we should consider whether such an approach would not also be right today. I agree that the gap that the committee identified exists and I believe that we need a body that promotes human rights to others. Gordon Jackson is right that consideration of human rights should be embedded within our system, but I

reiterate that we can perfectly legitimately consider whether a commission is the right vehicle for that without being against the desire to embed human rights in Scotland. I have not often been associated with Phil Gallie and I have no intention of being so now. My concern is to ensure that the body that promotes human rights works well. I want us to have a human rights regime that is powerful.

I will support the general principles of the bill, but I hope that we can improve it at stage 2.

16:09

Mr Bruce McFee (West of Scotland) (SNP):

Although there were many divergent opinions among committee members about the need for a Scottish human rights commissioner and what added value a commissioner would bring, there was an even wider divergence of opinion about what functions such a commissioner would have and whether the commissioner's role as outlined in the bill—because that is what we were dealing with—was practical, avoided duplication and could actually be achieved as envisaged in the bill. I have to say that, from the outset, the Executive failed miserably to establish clearly what added value a commissioner would have outwith the vague promotional role that was being suggested.

A strong current of opinion ran through the debate in committee to the effect that we were basically being obliged to create a post that would deal with devolved issues in the context of the creation of the commission for equality and human rights, which was being established by a bill at Westminster. It was felt that we were being required to create the post so that it could be the trigger mechanism that the Scottish Parliament was required to establish.

However, there was general agreement about one role that a commissioner would fulfil—the commissioner would be a figurehead around which human rights issues could revolve. Essentially, it was a role for a human rights expert, and evidence on that was given by several witnesses. However, the figurehead role also brought with it its own problems, not least the possibility that creating such a figurehead or central body would, in practice, narrow the perception of the general responsibility of Parliament, its members and non-governmental organisations to uphold human rights. It would now be somebody else's job to do that, and the individual so identified would have sole responsibility for fulfilling that role. That, at least, is how the proposal could be perceived.

A number of organisations are involved in the development of human rights, in raising awareness of human rights and in increasing

respect for human rights, and that diversity should be encouraged whether or not the bill goes ahead.

Robert Brown: Does Mr McFee accept that, from the beginning, there has never been any suggestion from the Executive or any of its spokespeople that the bill represents the sole way in which human rights could be advanced? It would be part of the architecture, as people have said, but it would not be the only way. That is a fundamental issue.

Mr McFee: I think that that is a fundamental issue, but I have to say, with all due respect to the minister, that it was the Executive that put the emphasis on the creation of the commissioner to fulfil that role, whereas many members of the committee were saying that other bodies could fulfil it. I concede the point, but it is perhaps a pity that the minister did not elaborate on the Executive's position at the time. The Executive now concedes that a commission, not a commissioner, is desired.

It became evident during evidence taking that there is a plethora of organisations, commissioners and ombudsmen whose remit incorporates basic human rights. That was one of the reasons why one of the committee's recommendations was that there should be

"a review of all existing Commissions, Commissioners and Ombudsmen including consideration of their respective remits, the degree of overlap in their functions and prospects for co-location and improved co-operation."

The minister has now told us in his latest response that the possibility of co-location with the CEHR ought to be considered, but that Parliament itself would have to carry out any review of commissioners and ombudsmen. No doubt, that will happen—after the passage of the bill and after we have created another commission.

In his letter to the committee, the minister accepted the committee's concerns about the general duty to monitor law, policy and practice, as one or two other members have said. Perhaps he was persuaded by the evidence of the Law Society of Scotland, which commented on the inachievability of that aim by saying that

"even the law reform committee of the Law Society of Scotland has 10 people working in it—six qualified people and four support staff. We cannot look at everything. Even with the assistance of the office in Brussels, it is an impossible task to cover every aspect of change that is being made to the fabric of our law on a daily basis".—*[Official Report, Justice 1 Committee, 11 January 2006; c 2606.]*

What we are left with is a promotional role for the commission, and the question is how that can best be delivered. However, I do not believe that the Executive has put the answer before Parliament today. For those of us who believe that human rights are important—the vast majority of

people in this Parliament—that is a big let down. The Executive has left us unclear about the nature of the commission and its role, about whether the commissioner model is appropriate, about how added value can be achieved, about how co-location can be achieved, and about how duplication can be avoided. The Executive is also non-committal on a review of commissions, commissioners and ombudsmen.

I suggest that the bill has a long way to go and that the minister has a long way to go to make it acceptable to the Parliament. The best description of the committee's decision—unique, I believe, in the history of this Parliament—is that good old Scottish verdict of not proven.

16:15

Marlyn Glen (North East Scotland) (Lab): I will concentrate on the bill instead of feeling the need to be defensive about the fact that we are lucky enough in Scotland to have much more than a basic level of human rights. However, I appreciate Gordon Jackson's and others' robust defence of the principles of the bill.

I remind members of the origins of the bill and of the separate approach to dealing with devolved human rights issues.

The Equality Act 2006 will lead to the establishment of a single commission to deal with equalities and human rights. It will bring together the currently separate Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission. The single commission will deal with human rights in relation to reserved issues only, unless it is given express permission by a Scottish human rights body to deal with devolved issues. The 2006 act was deliberately drawn up in that way from the outset to allow the establishment of a Scottish institution, which many people in many organisations wanted and still want.

I welcome the useful briefing from the three existing equality commissions on the history of the legislation and the reasons for the establishment of the single commission. As has been said, the UK equality body will have a Scottish commissioner and a Scotland committee, which will meet in Glasgow. I mention the fact that the Scotland committee will be based in Glasgow because, in committee, we discussed the possibility of co-location and resource sharing. The idea of having a one-stop shop for human rights was also mooted, as that would enable a member of the public—the legislation is about members of the public—to seek help at one place instead of being sent from one office to another. However, as has been said, as several commissions have been established in different

locations across Scotland, such a step would be very difficult. I press the minister to give a commitment to review the situation with regard to commissioners, ombudsmen and so on within a period of three to five years. Such a review should clarify not only their location and their finances but their remit.

The bill rightly requires the commissioner

“to ensure, so far as practicable”

that activity is not duplicated unnecessarily. Although that could prove difficult with so many organisations working in the field, it is my belief that it would be much worse if gaps remained in the protection of vulnerable people. The briefing from the equality commissions gives examples, including the education of disabled children, decisions about medical interventions, difficulties faced by Gypsy Travellers and so on—members can read the list.

An example of the thorough job that the Justice 1 Committee has done—as usual, if I may say so—in its stage 1 scrutiny of the bill is that as well as holding discussions in London, which Mary Mulligan mentioned, we had a videoconference on 11 January with Rosslyn Noonan, the chief human rights commissioner in New Zealand. As I said in my intervention on Des McNulty, because the New Zealand commission has a range of functions, there are eight commissioners, of which Rosslyn Noonan is the chief.

There is a New Zealand action plan for human rights. The remit and responsibilities of the New Zealand commission are different because the Government of New Zealand is not a devolved Government. However, one example of the New Zealand commission's inquiry work is its inquiry into accessible public land transport for people with disabilities. That inquiry covered some of the same ground as the Equal Opportunities Committee's current inquiry into disability, and I agree with Jim Wallace that a Scottish commission for human rights would improve and enhance the committee's work; it would not be a substitute for, or a challenge to, that work.

When the Equal Opportunities Committee scrutinised the Equality Bill, it wrote to the Justice 1 Committee about its concerns over the proposed powers of the Scottish commissioner. The Equal Opportunities Committee was worried that those powers would not be sufficiently strong, rather than the other way round.

I return to the point that one of the difficulties with scrutiny of this area of legislation is that one single committee was not allowed to run with it the whole way, from beginning to end. The Equal Opportunities Committee took a great deal of evidence from the three equality commissions, the Scottish Human Rights Centre, the Equality

Network and the Scottish Inter Faith Council, among others, and established the need for a commission in the first place. Such evidence was lacking from the Justice 1 Committee's scrutiny.

I welcome the proposed review of the structure of what will be a commission, particularly as that may give the body the required capacity to allow the approach suggested by the convener of the forum on discrimination, Jalal Chaudry, that, because there will be a general duty to promote awareness and understanding of and respect for human rights, one of the commission's members should be given a proactive media role. Press regulation is a reserved matter, but we have our own lively media in Scotland, which should be monitored and encouraged to respect human rights. This may be a crowded field, but there is agreement that there is a lot of work to do and a long way to go yet.

16:21

Frances Curran (West of Scotland) (SSP): I welcome the debate on the establishment of a Scottish commissioner—or commission—for human rights. There is no doubt that Scotland needs a human rights champion. The children of asylum seekers who are dragged from their beds daily need a champion. The innocent people who touch down at Prestwick, having been abducted by the Central Intelligence Agency, need abuses of human rights to be exposed. Parents of special needs children need a champion to enforce the right of their children to equality in education. The rights enshrined in the European convention on human rights are of profound importance to the lives of everyone in Scotland, but are we discussing setting up a commission for human rights to commentate on human rights in Scotland, or are we setting it up to enforce and uphold those rights? That question goes to the heart of the discussion.

At Westminster, the new commission for equality and human rights will have the power to initiate judicial review proceedings and will be able to assist individuals in bringing their cases to court. The way things are at the moment, a new Scottish human rights commission will not have those powers in relation to devolved issues; therefore, Scots will have second-class access to justice and human rights protection compared with people who live in the rest of the UK.

At the moment, a Scottish commission will be able to investigate public bodies, but its conclusions will not be binding. The Executive argues that reports from a Scottish commission for human rights will get plenty of media coverage and that a commission will have strong moral authority. So what? Big wow! Amnesty International and the Scottish human rights forum

do that type of work and, as Gordon Jackson argued, there are many other organisations that produce reports, get publicity and attempt to change views and attitudes.

There is a mismatch between the legislation at Westminster and the discussion here about setting up a commission. The legislation in England is a step forward; the bill in Scotland is a step back. I am sure that Scottish National Party members will be chuffed to hear me say that the Human Rights Act 1998 needs to be amended. In relation to devolved issues, we need to give to a Scottish commission the same powers that are being given to the CEHR commissioner. That is the only way in which we will have equal access. The CEHR has such powers in reserved areas, but it is prohibited from having them in devolved areas. Who will have powers in devolved areas, or will we not have any rights in devolved areas?

The Executive is always getting Sewel motions through to help its pals in Westminster. Surely it is time for a little reciprocal love. The truth is that the Executive does not want a human rights commission with teeth; it wants a toothless commission. The Executive does not want a commission that has independence and the legal authority to challenge our record and the record of other public bodies in Scotland on human rights. What is it afraid of? If such enforcement powers are good enough for England, why are they not good enough for Scotland? The situation does not fill me with confidence in the Executive's intentions. I hope that the bill is amended, because Scotland needs a human rights champion and we need to enforce human rights in law.

16:25

Mr Jim Wallace (Orkney) (LD): It will come as no surprise to members that I support the general principles of Scottish Commissioner for Human Rights Bill, as I was the person who published the two consultation papers that paved the way towards it. When I foresaw the need for a human rights commission, I wanted to help to build a genuine human rights culture in this country. Through education and guidance and the promotion of awareness, a balance was needed for what in the early days, after the incorporation of the European convention on human rights into Scots law, was a close focus on litigation.

Parts of this debate have been disappointing. When I embarked on the process, the idea had cross-party support. Indeed, the first debate on a human rights commission was brought to the floor of the Parliament by the Conservative party in March 2000. David McLetchie, in moving the motion, said that he

"would welcome the establishment of a human rights commission or similar body to act as a point of reference or guidance on a consultancy basis."

Speaking as the Scottish National Party's spokesperson, Roseanna Cunningham said:

"The SNP wants a commission which would fulfil a wide range of functions. It should promote good practice, and public authorities and private bodies would be covered by human rights legislation."

In summing up for the Conservatives, Lord James Douglas-Hamilton said:

"Public authorities in Scotland need a body to which they can refer for expert guidance on action to iron out any difficulties that the incorporation of the European convention on human rights may impose."—[*Official Report*, 2 March 2000; Vol 5, c 308, 318, 350.]

Later in his speech he appealed to the Minister for Justice and the Lord Advocate to give "serious and genuine consideration" to what he described as a "modest, commonsense proposal". We did. We acted and this bill was at long last introduced.

Margaret Mitchell: Will the member take an intervention?

Mr Wallace: I will be happy to correct anything among the many things that have already been said wrongly by Margaret Mitchell.

Margaret Mitchell: The difference is that those comments were made seven years ago. Since then, the convention has been directly incorporated into Scots law and many different commissioners have been created. Human rights are part of the remit of all those commissioners. The bill is simply not necessary now.

Mr Wallace: Margaret Mitchell has been wrong on a number of factual issues. She displayed her ignorance of the background to the issue in her speech. The debate was not seven years ago; it was only six years ago—and it took place after the incorporation of the European convention on human rights into Scots domestic law. It was already in place. I understood that to be one reason why the Conservatives were calling for a commission.

In her speech, Margaret Mitchell seemed to suggest that the bill we are discussing today is simply a reaction to what has happened south of the border. In fact, for much of the time, we have been ahead of what has been happening south of the border. I remember parliamentarians from the Lords and Commons coming to Scotland to find out what we were doing. The fact that they have since leap-frogged over us should be an incentive to us to close the gap. Others have said that the gap is small, but Michael Matheson described it in the 2000 debate as "a massive vacuum". It would be unthinkable for human rights facilities and awareness in matters that have been devolved to us to be available south of the border but for similar provision not to be available north of the border.

Human rights are not mystical. Alasdair Morgan spoke about how the right-wing press like to beat us with the issue, but human rights include the right to life, freedom from torture, freedom from slavery or forced labour, the right to liberty, the right to security, the right to have no punishment without law, freedom of thought, freedom of conscience, freedom of religious expression, the right to free elections—all things that we take for granted but which we will secure only if we are eternally vigilant. Margaret Mitchell seemed to suggest that everything in the garden is rosy and that we really do not need to do anything.

Human rights are applied without distinction, and without regard to a person's beliefs, religion, culture or politics. That is why we should take the culture of human rights very seriously.

Margaret Mitchell: Will the member take an intervention?

Mr Wallace: I have already given way.

Margaret Mitchell: But my name was mentioned specifically.

The Deputy Presiding Officer: Order.

Mr Wallace: I do not want to hear any more ill-informed comment. We have had enough of that and I do not want to waste more time correcting other mistakes.

The law takes us only so far. For example, the European convention on human rights was incorporated into the Scotland Act 1998, but other human rights instruments exist and the Scottish Commissioner for Human Rights Bill says that a commission would have to have regard to them. In addition, the United Nations Paris principles encourage independent national institutions to have regard to the promotion of human rights.

On promotion, education and awareness raising, we want to promote a general awareness of rights and responsibilities. Stewart Stevenson said that the public do not know what their human rights are. If they do not know, is that not a cast-iron reason for having a commission to do a better job than has been done up until now?

The briefing from the Scottish human rights forum gives useful examples of what the commission might be able to do. The commission will not be a £1 million advertising campaign, as has been suggested. It can give written guidance on human rights issues; maintain a website; participate in and speak at meetings; and develop a commission library, which would be a resource for lawyers, academics, researchers and the public.

Let us consider the provision of guidance and support. In 2001, the Scottish Executive's central research unit conducted research that found that,

in many cases, Scottish public authorities did not understand their responsibilities and duties under the Human Rights Act 1998 and believed that more information and guidance should be provided. There was a perception that human rights was simply about advancing the principle of fair treatment rather than about having specialist knowledge of the 1998 act. At the time, that piece of research was highly influential in persuading ministers that there was a need for a commission that could provide training courses for public authorities, undertake awareness-raising campaigns on particular issues and disseminate best practice. I do not believe that the Parliament can discharge those functions.

Although the Executive and the Parliament have human rights responsibilities that they must discharge, there is a need for an independent body that will hold us to account and keep us to the mark. I am not advocating that we should abdicate our responsibilities to the proposed commissioner. The commissioner will be able to make proposals and to examine issues, and it will be up to the Parliament and the Executive to respond.

The principles of the bill are sound, although a number of suggestions have been made about improvements that could be made. I do not wish to go over them in detail, but there is one that I will highlight. The minister will correct me if I am wrong, but the word "responsibilities" appears nowhere in the bill. I believe that responsibilities go hand in hand with rights. We must foster a culture that not only takes account of human rights, but emphasises the importance of civic responsibilities and rights. To that end, it might be useful to amend the bill so that it incorporates a reference to responsibilities. Implementing the Human Rights Act 1998 can be awkward—I know that because I was on the receiving end of its provisions very early on—but I would much rather live in a country in which the Government is subject to the implementation of the law on human rights by the judiciary than live in one in which the Government can ride roughshod over the human rights of individuals.

16:32

Bill Aitken (Glasgow) (Con): The proposed Scottish commissioner for human rights is not the most burning issue that the Parliament has discussed or is likely to discuss, but the debate has been interesting nonetheless. Unless I am very much mistaken, there will be a democratic deficit in this afternoon's proceedings because the bill is likely to be agreed to at stage 1, even though the vast majority of those who have spoken in the debate do not believe that it will work. Some, such as Alasdair Morgan, have excoriated the bill, while

others, including a succession of Labour members, have been apologetic in their advancement of the case for a commissioner. Only the Liberals—who, to be fair, have always stressed the importance of human rights—have been at all enthusiastic in their support for the bill.

The position was summed up by Gordon Jackson's speech. He is a man who has immense—and highly paid—experience of defending the indefensible. Although his speech was extremely erudite and articulate, he deliberately evaded the issues at hand because he knows that what is proposed is indefensible.

Let us consider some of the other speeches. In opening the debate, Robert Brown said that we should have the confidence and maturity to go ahead with the establishment of a commissioner. He highlighted some serious issues, such as people trafficking, but how on earth will the evils of that practice be combated by the bill? We have a problem with people trafficking, but we need to know what the police and the Executive are doing about it. Robert Brown sold the bill to us on a false prospectus; the fact of the matter is that what should be happening is not happening, and the bill will not make a whit of difference.

Margaret Mitchell underlined the problem and stated that the costs of the commissioner would grow. That was denied by some members, but the game was given away by Mike Pringle when he said that he hoped that the commissioner's powers would increase considerably. A considerable increase in powers would bring a considerable increase in costs. Although £1 million might not be all that much in the great scheme of things, what will the commissioner cost at the end of the day when, like Topsy, the body's role will grow and grow?

One of the other things that is wrong with the bill is that it attempts to persuade people that individual cases will be dealt with. We had to pare away the various skins of the argument before we got to the bottom of that one. Members who came new to the bill, as I did, eventually got to the point at which it became clear that the proposed commission cannot deal with individual cases. It is quite wrong that that impression was created.

Pauline McNeill: Mr Aitken talks about peeling away the skin. It would be helpful if at some point he could outline whether Margaret Mitchell's position on the bill is the Conservative position. Are the Conservatives voting down the general principles of the bill or should someone—an ombudsman or another person—hold the human rights function?

Bill Aitken: We will vote against the general principles of the bill for a number of reasons. The Executive has more commissioners than it knows

what to do with and more tsars than the Romanov dynasty. The fact of the matter is that a halt has to be called at some point. The commission will not do us any good.

The case that Robert Brown put forward is arguably correct: there is a slight shortfall between the Westminster legislation and the provision that he would like to see introduced in Scotland. However, there is a bottom line in all of this: from the body language of the Labour members who contributed to the debate, it is as clear as the nose on our faces that the Labour dog is being wagged by the Liberal tail. How much longer can the guys in the Labour Party take this sort of thing? Labour members know that the proposal is totally and utterly wrong.

I will now address some of the points that Jim Wallace made. I acknowledge freely and frankly that both he and his party have taken a consistent line on this matter. We Conservatives have changed our attitude from the position that we took seven years ago. First, advice that may not have been available at that time is freely available now. I am sure that Gordon Jackson could introduce Jim Wallace to a number of human rights advocates up the road who would be very pleased to provide advice, for a consideration. I also have little doubt that it would be totally and utterly sound.

Again, even from Jim Wallace's perspective, is there any better way of overselling a case than to exaggerate it? If the bill is not passed today, what aspects that he raised will materialise? Will it be torture? Will we lose the right to free elections? Will there be wrongful imprisonment? Jim Wallace narrated a long litany of what human rights is all about, but if the bill goes through today, nothing will change.

Patrick Harvie: Will the member give way?

The Deputy Presiding Officer: No. The member is in his last minute.

Bill Aitken: We in Scotland have an excellent human rights record. Indeed, it has always been so and I am sure that, insofar as any of us in the chamber are concerned, it will always be so. The bill is irrelevant and unnecessary. Put simply, it is Liberal party posturing at the expense of the taxpayer.

16:38

Mr Kenny MacAskill (Lothians) (SNP): The debate has been excellent. A great number of excellent speeches have been made from all parts of the chamber. Indeed, I found myself agreeing with members with whom I would not normally be bracketed.

We have, however, to remind ourselves what we are dealing with today. As with any of our stage 1 debates, we are looking at the general principles of a bill. At some points, a parallel debate seemed to emerge. Indeed, it was kicked off by the minister, who focused, to some extent, on the general principles of human rights.

I am not against the general principles of human rights—I see that Conservative members are nodding—but we have to address the general principles of what we are asked to address, and today that is the general principles of the Scottish Commissioner for Human Rights Bill. I found myself agreeing with Jackie Baillie when she said that a member could oppose the detail of the bill without necessarily disagreeing with its wider aspects. The SNP disagrees with the bill as it currently stands, but we have no doubt about our support for the principles of human rights and for the principle of a commission to address human rights. We need one because of the society in which we live.

Human rights is an evolving concept. Phil Gallie and Jim Wallace mentioned that. The latter said, correctly, that we have to address responsibilities.

Robert Brown: I am interested in the support the member is giving the idea of a Scottish human rights commission, which is essentially at the heart of the bill. Will he develop that idea and give us the benefit of his guidance as to what should be different about the form in which it is set up?

Mr MacAskill: We would start off by saying that the bill that is before us is entitled the Scottish Commissioner for Human Rights Bill. The nomenclature of the bill does not matter to the minister, but we have to get some of the fundamentals right.

We heard the points that Mike Pringle made. If we are to allay legitimate concerns that the bill is no more than advertising blurb, the proposed commission must be given powers. The Scottish legal system has a tradition of *amicus curiae* and I have no difficulty in supporting an approach in which a commission would have the right to participate in certain circumstances. Such participation would be perfectly legitimate, but the bill provides for no powers in that regard. The bill lacks detail in a variety of ways.

We have debated not the general principles of the bill but the general principle of human rights, which we fully support. The minister tended to take such a line in his speech. We tend to agree with Pauline McNeill and others. Stewart Stevenson clearly set out our position. Mary Mulligan made the valid point that we must educate people about human rights. As Gordon Jackson and other members said, there is a perception that human rights is a field for do-gooders and is politically

correct nonsense run wild. Patrick Harvie mentioned such attitudes. It should be possible to regard human rights as a matter not just for the prisoner who must endure the indignity of slopping out but for the old biddy who is entitled to dignity and respect in their old age and who is often not treated with such respect. Human rights are about not just the cases that Tony Kelly and other such solicitors take on—good luck to them—but the daily lives of individuals.

Understanding of human rights is evolving. We should acknowledge that responsibilities are a corollary of rights and vice versa. During recent years the perception has grown that we have rights but others have responsibilities. Society is much more complicated than it used to be and although in some ways the state is receding, in others our interaction with the state is increasing and ever present. We live in a world in which people travel to other countries, communicate through the internet and have identity cards, for example. I support the establishment of a commission that would decide what constitutes human rights and how far such rights extend. Some matters are self-evidently human rights: the right to life; the right to liberty; the right to education; and the right to water and sanitation.

Pauline McNeill: The Justice 1 Committee noted that the bill would provide no checks and balances in that the proposed commissioner would not be required to present their objectives to the Parliament. The Executive has conceded that a strategic plan should be drawn up. Does the member agree that it is important that the organisation or person who is charged with defending human rights should take a long-term or thematic view on what human rights means, to avoid the response that is constantly given on such matters?

Mr MacAskill: A strategic plan is important. The person or organisation should have two functions: first, to react to and address instances of injustice that arise; secondly, to peruse our evolving society so that such matters can be addressed. An approach that is appropriate in 2006 will not necessarily be appropriate in 2016. We must build the organisation round what we want and not simply round a soundbite or slogan.

Des McNulty: Does the member agree that the functions that he outlines are the job of the Parliament and not of a human rights commissioner?

Mr MacAskill: The roles would not be mutually exclusive. The Parliament has a specific role, but parliamentarians cannot attend to every issue at all times. It could be argued that a commission of the great and the good could take time over the matter, because the Parliament is not the fount of

all wisdom, even though we hope to get things right every time.

We must address the concerns that Mr McNulty and Mr Morgan expressed. The focus of the bill is wrong and we must ensure that we find the right focus. We cannot simply build a bill round a wish list; we must decide what we want and give a commission the remit and powers that will enable it to deliver those objectives. The bill does not do that, which opens it to criticism from members such as Mr Morgan and Mr McNulty. Such criticism will become a cacophony from the public if the bill is passed unamended—we ain't seen nothing yet.

Our position is simple. We accept absolutely the general principles of human rights, but we absolutely do not think that the bill as it stands is the best vehicle for delivering human rights. We will not support the general principles of the bill but, if the minister amends the bill appropriately, our position will be reviewed.

16:45

The Minister for Justice (Cathy Jamieson): I thank the members who have spoken in today's debate, which has been a constructive and useful discussion. As I have said before, the Parliament is at its best when it deals with difficult issues. We should never be afraid to debate and try to resolve difficult issues. The Executive should always be prepared to listen to what committees say on proposed legislation and to try to improve it.

I will respond to the particular points that members have made, but first I would like to say that several members have questioned the need for a human rights commissioner or commission and that many have stressed how well we deal with the issue in Scotland, either through our courts system or in the Parliament. That is absolutely true and we should acknowledge that work, but it may be worth remembering that awareness of human rights is relatively new in some parts of the western world.

It is just more than 60 years since the end of the second world war, during which absolute atrocities were committed. There was massive discrimination against ethnic and social groups, which at that stage some people considered acceptable. It is only 12 years since the Rwandan genocide and 12 years since the fall of apartheid. We live in a world in which it is still considered acceptable in some areas for women to be denied education, for young children to be sent out to work, for industries to pollute the environment, for people to be imprisoned on account of their religious or political beliefs and for the state to have the power of life and death in relation to infringements that we consider relatively minor.

We might think that those matters are far removed from Scotland and from the matters that we are considering but, as many of my Labour colleagues and some Liberal colleagues have mentioned, the price of human rights is eternal vigilance. Over the years, I have been involved with many members of the Parliament in campaigns on some of the issues that I have mentioned to try to promote human rights and deal with international and national situations. We must maintain that eternal vigilance; we can never be complacent or take it for granted that we will not slip or that human rights will not be eroded.

Phil Gallie: I have every sympathy with the difficulties that others experience, but does the minister acknowledge that the purpose of the bill is to appoint a commissioner to fill what the Justice 1 Committee decided is a very narrow gap?

Cathy Jamieson: I will come to what the committee said. During the debate, members have acknowledged the involvement of various people in ensuring that human rights issues were embedded in the Scotland Act 1998.

Phil Gallie talked about the Justice 1 Committee's report. It is unprecedented that the committee did not take a view on whether to support the general principles of the bill. During the debate, we have heard the reasons why the members of the committee came to their conclusions. Generally speaking, all members, including those who have said that they will not support the bill or are waiting to find out what we do with it, have spoken of their commitment to human rights. We heard a powerful speech from Gordon Jackson, who was not in any way trying to defend the indefensible, as Bill Aitken suggested.

Gordon Jackson put on record why all of us should take an interest in human rights. If members take on board those comments and believe in the principles of human rights, they have a responsibility to ensure that the bill is amended at stage 2 in a way that allows us to tackle in the best interests of the people of Scotland the issues that have been raised today.

I noted that the SNP said that it will abstain, although there seemed to be a bit of a difference of opinion—perhaps it was just a nuance—between Stewart Stevenson's opening comments and Kenny MacAskill's winding-up speech. Kenny MacAskill seemed in many ways to be arguing for supporting the general principles of the bill, with the opportunity to amend it at stage 2. In the spirit of cross-party co-operation, I would certainly welcome Kenny MacAskill's close interest in the process of amending the bill.

We know where the Tories are coming from: we heard that from Margaret Mitchell and Phil Gallie. Despite the fact that they say they are generally

supportive of the principle of human rights, they seem to have made a bit of an about-turn or flip-flop, given where they were previously. However, we have come to expect that from the Tories. I hope that, if the general principles of the bill are agreed to today, the Tories will commit to considering how best it can be amended.

It is important to acknowledge that the Executive has taken account of the points that Pauline McNeill and others made during the committee's deliberations. To counter some of the criticisms that the Conservatives made, I say that although the bill is a partnership agreement commitment, for which we make no apology, it is right and proper that all members, including members of the Labour Party, have raised their concerns about it, as Mary Mulligan, Pauline McNeill and Des McNulty have done. We have taken account of some of the points that the committee raised. Robert Brown has written to the committee to pick up on some of the points that were made, which it is important to put on the record.

We have made a commitment to consider creating a commission instead of a commissioner. The committee felt that it was not right and proper for one individual to have such power vested in them that they would cut across the powers and duties of the Parliament or would simply take on their own agenda, rather than have a particular focus.

Patrick Harvie: Will the minister explain why, given the partnership commitment to establish a commission, the Executive came to the view that it wanted only a commissioner—a position that it is now having to reverse?

Cathy Jamieson: Hindsight is a wonderful thing. The important thing is that we believe that there is a gap—albeit the committee suggested that it was fairly narrow. It is important that we get a process and structure that will deliver on the promotion of human rights in the way that was first envisaged and discussed throughout the consultation process. If, rather than having one individual, there is the opportunity to draw in the expertise of a wider range of individuals, I hope that we will be able to deliver a better quality of service for some of the people who most need attention to be paid to their human rights.

It is easy for us to stand up in Parliament and say that everything is all right: we all enjoy a considerable number of human rights. People in disadvantaged communities and people in a minority who feel that their particular conditions are not being recognised and that they have no voice must benefit from the process. That is why the commitment to consider how we should amend the bill to make clear the types of situation that we want to tackle is important.

It is important to put it on record that we intend to consult during stage 2 on amendments that would require the commission for human rights to publish a strategic plan on which it would have to consult before laying it before Parliament. We will also consider the requirement for the commissioner to give notice when seeking access to places of detention. Those are things that the committee asked us to consider.

A plethora of commissioners has been referred to during the debate and many valid points have been made about how commissioners work together and how various bodies avoid duplicating work and ensure that they bring some added value to the process. We need to consider such issues during stage 2.

It is important to state, as Robert Brown said in his response to the committee, that the Executive is more than willing to consider suggestions that have been made this afternoon and any other points that are raised regarding changes that might further improve the bill.

I hope that we have given an indication that we are willing to make some of the specific changes that the committee requested in its report. We have lengthened the timetable to allow more time to consider issues that will be raised and to ensure that we can continue to consult the individual members who have concerns about the bill. I hope that that will enable members to support the general principles of the bill at stage 1.

Scottish Commissioner for Human Rights Bill: Financial Resolution

16:55

The Presiding Officer (Mr George Reid): The next item of business is consideration of a financial resolution. I ask Cathy Jamieson to move motion S2M-3948, on the financial resolution in respect of the Scottish Commissioner for Human Rights Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Commissioner for Human Rights Bill, agrees to any expenditure of a kind referred to in paragraph 3(b)(ii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.—[*Cathy Jamieson.*]

16:56

Meeting suspended.

16:59

On resuming—

Business Motion

The Presiding Officer (Mr George Reid): The next item of business is consideration of motion S2M-4326, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 10 May 2006

2.15 pm	Time for Reflection
<i>followed by</i>	Scottish Parliamentary Corporate Body Question Time
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Stage 3 Proceedings: Scottish Schools (Parental Involvement) Bill
<i>followed by</i>	Housing Corporation (Delegation) etc. Bill Legislative Consent Motion — UK Legislation
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 11 May 2006

9.15 am	Parliamentary Bureau Motions
<i>followed by</i>	Scottish National Party Business
11.40 am	General Question Time
12 noon	First Minister's Question Time
2.15 pm	Themed Question Time— Finance and Public Services and Communities; Education and Young People, Tourism, Culture and Sport
2.55 pm	Executive Debate: Drugs and Hidden Harm
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Wednesday 17 May 2006

2.00 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Stage 1 Debate: Planning etc. (Scotland) Bill
<i>followed by</i>	Financial Resolution: Planning etc. (Scotland) Bill
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions

5.30 pm Decision Time
followed by Members' Business
Thursday 18 May 2006
9.15 am Parliamentary Bureau Motions
followed by Executive Business
11.40 am General Question Time
12 noon First Minister's Question Time
2.15 pm Themed Question Time—
Health and Community Care;
Environment and Rural Development
2.55 pm Executive Business
followed by Parliamentary Bureau Motions
5.00 pm Decision Time
followed by Members' Business.—[*Ms Margaret Curran.*]

Motion agreed to.

Parliamentary Bureau Motions

16:59

The Presiding Officer (Mr George Reid): The next item of business is consideration of two Parliamentary Bureau motions. I ask Margaret Curran to move motions S2M-4319 and S2M-4320, on approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the draft Planning and Compulsory Purchase Act 2004 (Commencement No. 2 and Consequential Provisions) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Joint Inspections (Scotland) Regulations 2006 be approved.—[*Ms Margaret Curran.*]

Decision Time

16:59

The Presiding Officer (Mr George Reid):

There are three questions to be put as a result of today's business. The first question is, that motion S2M-3908, in the name of Robert Brown, on the general principles of the Scottish Commissioner for Human Rights Bill, 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)
 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)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (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)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)

Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 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)
 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)
 Brownlee, Derek (South of Scotland) (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)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Petrie, Dave (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)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 69, Against 18, Abstentions 25.

Motion agreed to.

That the Parliament agrees to the general principles of the Scottish Commissioner for Human Rights Bill.

The Presiding Officer: The next question is, that motion S2M-3948, in the name of Tom McCabe, on the financial resolution in respect of the Scottish Commissioner for Human Rights Bill, 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)
 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)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (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)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Watt, Ms Maureen (North East Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (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)
 Hyslop, Fiona (Lothians) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Petrie, Dave (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Presiding Officer: The result of the division is: For 70, Against 21, Abstentions 24.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Commissioner for Human Rights Bill, agrees to any expenditure of a kind referred to in paragraph 3(b)(ii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: Unless any member objects, I propose to put a single question on motions S2M-4319 and S2M-4320, on the approval of Scottish statutory instruments. There being no objections, the next question is, that motions S2M-4319 and S2M-4320, in the name of Margaret Curran, on the approval of SSIs, be agreed to.

Motions agreed to.

That the Parliament agrees that the draft Planning and Compulsory Purchase Act 2004 (Commencement No. 2 and Consequential Provisions) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Joint Inspections (Scotland) Regulations 2006 be approved.

Voluntary Sector Funding

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-4284, in the name of Donald Gorrie, on funding the voluntary sector. The debate will be concluded without any question being put.

Motion debated,

That the Parliament is concerned about the funding problems faced by many voluntary organisations, including groups involved in youth work, caring, and advice and support-giving services in Central Scotland, to which the general method of public funding contributes, with its over-emphasis on funding mainly innovative projects for no longer than three years; welcomes some useful funding initiatives by the Scottish Executive and local authorities, imaginative new ways of deciding on the distribution of funding set up by the Big Lottery Fund and other grant givers, some progress towards better targeted funding of community enterprises and the social economy, and full cost recovery in project funding; believes, however, that the funding system should concentrate first on providing successful voluntary organisations with continued core funding, guaranteed so long as a group fulfils its remit of public benefit, and second on providing continuing funding for proven successful projects rather than insisting that projects have to be reinvented to claim that they are innovative, and considers that the Executive, local authorities, other public and charitable grant-giving bodies and the Big Lottery Fund should co-operate in developing policies along these lines.

17:05

Donald Gorrie (Central Scotland) (LD): First, I declare my interest: I am the honorary president of two youth organisations and two athletics clubs.

The purport of the motion is not just to have yet another debate about the voluntary sector but to point out that, although the Executive has excellent intentions and warm words in some of its nice documents and does some things right, unhappiness is widespread in the voluntary sector about the sector's funding system. The point of the motion is that the present voluntary sector funding system is largely inefficient and wasteful. The system is ruinous to the voluntary sector, because it goes in for short-term funding of new projects. It creates a huge load of bureaucracy in organisations that apply for funding, which must constantly reinvent themselves to qualify for ever-newer projects.

Instead, the funding system should concentrate on sustaining successful organisations with core funding, however that is described—there is a problem with the term. The basic administrative costs of good organisations that deliver good work for the community should be sustained. Organisations should receive funding to continue successful projects, rather than having to invent new projects.

I have raised the issue for six years or more and nobody has paid much attention but, since I raised it more recently, I have received a wide range of comments from voluntary organisations that agree with what I have said. The comments come from across the board, so it is not a question that involves just one ministry—I am in no way getting at the minister who will respond on the Executive's behalf. The failure is of the system. Whether organisations must deal with departments that are responsible for communities, education and young people, health, the environment, lifelong learning, culture and sport or finance and local government, they all have the same complaint about the lack of core funding and the lack of funding to keep projects going.

I have received responses from organisations from Caithness to Dumfries and Galloway and from Argyll to Dundee. They cover the full range of Executive activities from the cradle to the grave. Responses have been about babies, children, difficult teenagers, learning support, community health, mental health, housing support, the elderly, recycling, young people in all sorts of ways, young people's sexual health, the environment, the arts and sport. How we fund our local and national voluntary organisations is a problem.

We must keep voluntary organisations going. Most receive no funding for basic administration. They receive a cocktail of small grants that they must put huge effort into gaining. They receive funding only for new projects; very little funding is available to continue existing projects. There is huge bureaucratic pressure on volunteers to try to qualify for the new projects.

Virtually nobody produces funding to keep an existing project going. Often, the people who start a project with funding for the first two years say that continuing funding will have to be found, but nobody wants to fund existing projects.

Some of the responses that I have received illustrate the concern and despair of some voluntary organisations. It is said that it appears that new and shiny is good and tried and tested is bad, and that there is big funding for some newish organisations. People talk about a cocktail of funding or a jigsaw of funds. I have been told that people have to reinvent a project, repackage it and then resell it. There is a continual process. Because pilot schemes are so prolific, there is a jibe around that there are more pilots in Easterhouse than there are at Glasgow airport.

People have said that they have found it easier to secure funding to begin new ventures than to sustain projects that are running successfully. They have said that it would be best to collapse the organisation in question and restart under a new name; that having constantly to reinvent projects to get funds is extremely stressful; and

that the Executive encourages local authorities and health bodies to partner only national initiatives that are a paper exercise for a short period of time and to which large staffing budgets are attached. It has also been said that continuity of funding would allow voluntary organisations to plan for the future and concentrate on the project in hand, rather than worrying about funding for administration in the years ahead.

It has been suggested that the word "innovative" should be banned from the English language. I do not support that suggestion because innovation of the right sort is good—I am referring to local, bottom-up innovation such as that which the Big Lottery Fund is trying to support through the new fund that was launched yesterday. We do not want top-down innovation that involves some department deciding that we must have a new scheme that is the flavour of the month.

We are making some progress towards full-cost recovery, but there is still a long way to go in that respect. People waste a huge amount of effort in bidding unsuccessfully for grants that they do not receive. There is more and more red tape and forms are becoming more and more complex, which discourages volunteers. Organisations are losing their volunteers at the higher level because they simply cannot stand the pressure.

The grant system is too complex—grants often arrive late—and there is uncertainty. Sometimes people receive only three months' funding or grants are not agreed before the start of the financial year. The administrative complexity is increased by the disclosure work that people must carry out.

Funding organisations have different funding and reporting regimes. An organisation that receives funding from several sources will therefore spend all its time working to submit reports on different dates. Systems are different and there are different age groups, categories and so on.

The Executive and the voluntary sector have agreed a compact, which the Executive largely ignores. Much of the funding that people used to get has been turned off. Funds such as the supporting people fund and the futurebuilders fund are changed so that the voluntary sector can hardly get anything out of them. The voluntary sector needs a lot of training so that it can provide its services in a professional manner and cope with all its problems, but training is totally underfunded.

Councils face huge financial problems and therefore will not replace lottery, Executive or trust funding that is not to be continued. We will also lose European funding, so there is a big problem.

On the positive side, if we had the right system, we would learn from success and spread best

practice. There could be a one-stop shop, which would mean that people would learn from one another.

A funding stream is needed that involves representatives of local and national bodies at the national level and local volunteers forums in which councils, local organisations and bodies such as the councils for voluntary service and donating organisations come together and work out what the community needs and what should be funded. Good core funding and good project funding could then be developed for existing projects that work well. They would also work up peer review and monitoring processes, setting outcomes that each project and organisation was to achieve, with those projects and organisations being assessed by their peers on how they did that.

The Executive may not like that proposition, but if it does not, it must work out some proposition of its own. At the moment, the position is totally unsatisfactory and the voluntary sector is suffering greatly. We risk losing the whole thing or seeing a big decline in the voluntary sector unless we get the funding system right. The voluntary sector needs more money, and the money that we invest in it needs to be directed correctly. That is my aim. I hope that the minister will take some notice—if she does, she will be the first minister for six years to do so.

17:15

Christine Grahame (South of Scotland) (SNP): I commend Donald Gorrie for his motion, for the tenacity with which he has pursued the matter, and for his comprehensive sweep of the issues. At the risk of giving him a sleepless night, I endorse everything that he has said. He knows perfectly well that I have said a lot of that stuff myself in previous debates.

Much that Donald Gorrie has said is self-evident. From our days on the Justice 1 Committee, I remember when we went round looking at alternatives to custody and diversions from prosecution. Many of the good examples that we saw of various voluntary sector interventions were undermined by exactly the issues that Donald has raised. He called it a jigsaw of funding, with different funding streams and different timescales, in which if someone has a new idea, they seem to be at the top of the queue and if they have been around for a while, they are jettisoned. All those issues have been around for seven years. It is not a party-political issue; it is a commonsense issue. It is not like trying to solve the Iran-Iraq war; the issue could be resolved simply by considering how we fund our voluntary sector.

Often, we come across an organisation that has secured funding for three years from, for example,

LloydsTSB, only for the plug to be pulled on it because the company says that it expects the Government to supply the core funding. If that does not happen, the organisation and the work that is done come to an end. The people who were dependent on that voluntary organisation are left with nowhere to go—they are left in the lurch.

The voluntary sector is not, frankly, the icing on the cake; quite often, it is the cake—it is the sector that provides direct on-street help to various people who need help. Whether they are citizens advice bureaux, specialist services for single mothers who are having difficulty, services for the elderly, or whatever, big or small, voluntary sector organisations have found a niche that they serve. If they are serving that niche well, the burden of trying to get funding should be taken off their management. When we visit them, that is what we are told needs to happen. Small organisations spend big swathes of their time working out how to get funding, while big organisations employ somebody to do that for them—all of which seems to be a complete waste of time.

Let us get things into perspective. There are 50,000 voluntary organisations in Scotland, which employ 1.2 million volunteers. In 2004, the voluntary sector's annual income was £2.4 billion. This is a big issue that requires to be dealt with properly. I do not want to repeat much of what Donald Gorrie said about the unnecessary red tape and the reapplications. I commend him for keeping going and I hope that he succeeds before he leaves the Parliament. That would be an achievement.

When local authorities have to find savings, the first thing that they cut is their voluntary sector contributions. In the Borders, CAB services are being cut even in the vulnerable areas, which I have mentioned in debates before—they are being cut in places such as Hawick, which has areas of great deprivation. The people of Hawick have a collective debt of £9 million, yet the town is losing its CAB services. That is not spending to save; that is making cuts that will cause greater problems down the line.

I hope that, along with her team, the minister can find a resolution to the problem. I am sure that that would get cross-party support in the Parliament. No one is blaming anyone in particular. The problem is not insoluble, and the solution is worth delivering. I commend Donald Gorrie once again and hope that he sleeps well tonight—this consensus might not happen again.

My final point is that Donald Gorrie referred to the word “innovative”. Can someone tell me what “old innovative” is? I keep hearing people use the term “new innovative”. Something is either innovative or it is not, so could we just scrap the term “new innovative”?

17:20

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Presiding Officer, I apologise in advance to you, the minister and members for departing after my speech. I have to host a reception shortly.

On the whole, voluntary sector funding in Scotland is in a good state. I make no bones about it: I have received positive feedback from the charities to which I have spoken. However, there are certain policies—not necessarily from the Executive—that hamper the effectiveness of some organisations and they need to be addressed. It is important to take stock of such issues to ensure that the funding system is as effective as possible and that the funding reaches those whom the Executive intends it to reach.

The Scottish Council for Voluntary Organisations has identified legislative compliance and red tape as one of the issues that divert funds from where they are most needed. Today, my intern spoke to Crossroads (Scotland), which provides support and local services to carers throughout Scotland; the charity runs approximately 48 schemes, which provide 1 million hours of care and short breaks for Scotland's carers. In my constituency, Mr John Duncan, who is the chairman of Crossroads (East Sutherland), has made clear his opinions about the cost of registration with the care commission, which is the charity's governing body. To put it in perspective, the cost of obligatory registration is £3,467 over two years; that very high cost diverts funds that otherwise would equate to no less than 273 hours of respite care. In fact, payment of the fees forced the organisation to suspend its befriending scheme until further funds could be secured. I am sure that that was not the Executive's intention.

David Milliken, the director of Home-Start Scotland, is, on the whole, very satisfied with the funding structure in Scotland—that is a tick in the box for ministers. He believes that it has helped his organisation to expand during the past few years. He also believes that it is important that the evaluation of projects is encouraged in an ever-changing society. However, he suggested to me that, particularly for local charity branches, there is a risk that organisations are forced to chase the cash and, in doing so, lose sight of their reasons for being. The tendency for short-term planning and three-year funding schemes is the root of the problem. Three years is a relatively short period of time in the scheme of things. During the first year, projects are mostly getting going; during their second year, they are delivering; and in their third year, people have to reinvent the project to secure further funding. We can see that the process consumes time and energy and leaves organisations with fewer resources to focus on delivering their core activities.

The single most important point in my short speech concerns water rate exemption. If the Presiding Officer does not mind, I will read from a letter that I received from one of my constituents in Caithness:

"As you may be aware the scheme, which runs at the present time, only applies to charities which have been in existence since AND in occupation of their premises since 1999. This quite unfairly excludes a lot of voluntary organisations, all doing valuable work in their communities, and most of which will be modest consumers of water.

The Caithness Branch of the Multiple Sclerosis Society has two therapy groups that meet in Wick and Thurso. Until about three years ago they were meeting in premises occupied by Westminster Homes in Wick and Thurso, but following Health and Safety reviews we had to seek alternative premises. They now occupy premises in Wick and Thurso where they face water bills, which, even if metered, are, due to the fixed charges, disproportionate to the usage."

That important service has to meet a heavy cost.

Volunteers are the foot soldiers who make much of Scotland's hidden machinery run. If there is anything really good in the human psyche, it is surely the spirit of volunteering. Volunteering is a kind of selfless giving and our volunteers are a gift to this country. We ought all to recognise that. In addition to tackling the problems that I have outlined, it is our duty to assist, support and encourage volunteers in their laudable endeavours.

17:24

Karen Whitefield (Airdrie and Shotts) (Lab): I congratulate Donald Gorrie on securing tonight's debate and I acknowledge his long-standing commitment to the voluntary sector in Scotland.

Donald Gorrie has rightly highlighted the issues of voluntary sector funding. The perennial arguments about core funding and the continued drive for innovation have been around at least since the days of the old urban programme. In many ways, the funding debate highlights some of the core problems that face the voluntary sector. On the one hand, a substantial but ultimately limited amount of funding is available for the sector from local and central Government, the Big Lottery Fund and the vast array of other funding organisations and there will always be strong competition for limited funds. On the other hand, the ever-changing society in which we live means that the voluntary sector must change and innovate in response to evolving needs.

Donald Gorrie is correct in identifying as a problem the need for continued innovation to obtain funding. There is no doubt that many projects and voluntary organisations do great work in our communities and just need the money to continue doing so. However, it is probably also true that those same projects and groups were

once new and highly innovative and would never have obtained funding if all funding had been directed only towards long-standing organisations.

There is no easy answer to the funding of the voluntary sector. We need to try to support the core costs of our best voluntary organisations and projects, but we must also ensure that funding is available for new ventures that respond to new needs within communities. We must also recognise that funding is provided by a wide array of different organisations, each of which has its own aims and objectives. It is understandable that those organisations will want the funding that they provide to address the specific goals that they consider important. It is neither possible nor desirable for all such funding to be centrally controlled.

Having said all that, I suggest that the Executive nevertheless needs to lead the way on the criteria that should apply to voluntary sector funding. For example, it should ensure that the funding that is provided to voluntary organisations actually makes a difference to the people of Scotland and improves the lives of people in our communities. I also believe that certain key voluntary organisations require stability in their funding. In particular, I refer to local councils for voluntary service, which play a key catalytic role in the development and sustenance of the voluntary sector at local level. In North Lanarkshire, the newly formed council-wide CVS receives core funding of £125,000 per year from the community regeneration fund and £30,000 from North Lanarkshire Council. That is a great use of Executive and council funding that provides much needed stability for the new CVS.

However, funding also needs to be made available for new projects. We must be realistic about that. Limited funding necessarily means that difficult decisions must sometimes be made. As I mentioned, voluntary groups that receive funding—especially those that receive money from Government agencies—must be able to demonstrate that they are still relevant and that they still meet a need. Funding should not be provided merely because a voluntary group or organisation has always been funded.

I have no doubt that funding has been, and will continue to be, a problem for voluntary organisations. I ask the minister to do all that she can to ensure a steady and dependable stream of funding for our best and most needed voluntary organisations. I welcome the use that is being made of the community regeneration fund to support the voluntary sector in our most deprived communities. I also welcome yesterday's announcement on how the Big Lottery Fund will change the way in which it funds the sector in the future. Both those things will help to ensure that

we improve the lives of ordinary men, women and children throughout Scotland with the help of the voluntary sector.

17:29

Carolyn Leckie (Central Scotland) (SSP): I congratulate Donald Gorrie on securing the debate and on making a speech that covered the issues exhaustively. I am happy to lend my support to his motion.

The work of voluntary organisations is often praised in this chamber. Indeed, the quality of their work is sometimes used to justify the shift from the public sector to the voluntary sector. At the same time, we see funding being threatened. No matter whom I speak to, I often hear concerns about the issue of core funding.

Obviously there is pressure across the board, but when we look behind the funding we see that there is an inequality in the voluntary sector. More than half of all United Kingdom voluntary organisations—56 per cent—have an annual income of less than £10,000. They are small organisations, but they make a difference to people's lives, and their funding has been cut by 10 per cent in the year 2003-04 alone. At the same time, the 10 super-charities have seen their funding increase by less than the rate of inflation, but the disparity between their funding increase and the decrease for the smaller charities is quite stark. I question whether that manifestation of the philosophy that big is better is backed up by research. Is it Government policy that big is better? Why has that disparity occurred? Is it deliberate or accidental, and what is being done to redress it?

Other issues relate to priorities. Karen Whitefield mentioned the Big Lottery Fund. That definitely concerns me and I do not welcome the changes to the National Lottery funding of charities, because I do not think that it will address the inequality, particularly in relation to small organisations. When I consider the fact that the Big Lottery Fund will provide £1.5 billion merely to fund the London Olympics, I wonder how many small community organisations will suffer as a result. I am thinking of organisations such as Caledonia Youth in Glasgow, which will have to shut. It provides a tremendous service, which should be provided by the public sector, but there is a gap that that organisation fills. Given the poor sexual health record of areas such as Glasgow, it is horrendous that that dedicated youth service, which has been shown to be innovative in tackling young people's sexual health issues, is being closed down.

That brings me to the relationship between the cuts in funding and the councils. Of course, councils can claim that they are not enforcing

compulsory redundancies. Perhaps they are not enforcing redundancies for those who are directly employed by councils, but they are enforcing compulsory redundancies in the voluntary sector, and they are using the excuse that they are funding equal pay compensation claims—which are inadequate in any case—to justify closing down those voluntary sector organisations. That is another argument in favour of the minister, who has some responsibility in that area, releasing core funding to settle the equal pay situation in local authorities.

I support Donald Gorrie's motion, but there has to be a big debate in society as a whole about the accountability of the public services that we deliver, whether through the public sector or the voluntary sector. The absence of democratic community accountability for those services allows funding to be decided by the whims of managers in funding organisations or by the whims of ministers, and that leaves a huge gap in accountability, particularly in the communities that will be punished by the withdrawal of those services.

17:33

Dave Petrie (Highlands and Islands) (Con): I am pleased to speak in my first members' business debate, and I congratulate Donald Gorrie on bringing a worthy topic to our attention.

I am delighted to have the opportunity to address a topic that is close to my heart, as I know it is to the hearts of other members. In my past life, I was chairman of the Oban Round Table and president of the Oban Rotary Club. Accordingly, it saddens me to see that numbers in such organisations are dropping. In fact, the Round Table as an international organisation is looking extremely vulnerable. Although they are not defined directly as fundraising agencies, I know from personal experience that such organisations raise substantial sums every year for worthy causes.

Volunteers and the voluntary sector bring enormous value to a service and play a vital role in ensuring that we all live in a strong and cohesive society. The presence of active voluntary bodies in a locality goes some way to renewing the bonds of community involvement, but it seems that despite the fact that the Executive targets £400 million at the voluntary sector each year there is a continuing problem of voluntary sector funding being scarce and precarious.

I welcome the work of the Big Lottery Fund and the investing in communities funding that is being driven into deprived areas of Scotland. However, lottery funding appears to be directed on too many occasions to functions that the Government should

support directly. For example, the Big Lottery Fund award for the Edinburgh-based active futures project is welcome as it encourages activities for young people, but I would hope to see more Executive-driven initiatives for successful projects, particularly as we look forward to the London Olympic games and, I hope, the Glasgow Commonwealth games, although the most important aim is to encourage our young people to lead active and healthy lives.

A number of diverse voluntary bodies, many of which perform proven and worthy work, have recently highlighted how the continual need to look towards the next reviews and the next settlement undermines their good work.

There is no doubt about the value that volunteers bring to a service or about the enormous personal benefit that volunteers can gain from volunteering. The Scottish Conservatives have consistently acknowledged the role of the voluntary sector and of people throughout Scotland who understand their responsibility to help the less fortunate. Our view is that that vital role should not be hindered by excessive Government interference and unnecessary red tape.

I am pleased that David Cameron has put volunteering high up on his national political agenda and that his policy review at Westminster is considering such policies as offering longer-term contracts for the provision of services. That would allow the voluntary sector to grow. His plan for a youth community action programme is an original and fresh way to encourage public involvement in the voluntary sector and it could bring genuine benefits and confidence to young people as well as addressing community needs. The Scottish Conservatives are at the start of a consultation process for the 2007 Scottish parliamentary elections and we welcome the priority and focus that Mr Cameron has given.

I would welcome further initiatives that serve to encourage greater participation in voluntary work by people throughout Scotland. Statistics that the Executive provided for my colleague Nanette Milne show that Scotland-wide rates of volunteering fell from 27 to 23 per cent between 2002 and 2004.

In 2005, which was the year of the volunteer, the Executive's Charities and Trustee Investment (Scotland) Bill was passed. Following that legislation, I hope that the Office of the Scottish Charity Regulator and the Executive will provide guidance and support to voluntary sector organisations to give them financial stability and allow them to grow. I hope that we will see a welcome upturn in the volunteer rate as more and more people are given the necessary information about volunteering and opportunities to volunteer.

It gives me great pleasure to offer the motion my full support.

17:38

Mr Andrew Welsh (Angus) (SNP): I congratulate Donald Gorrie on securing a debate on a major and specific problem that affects Scotland's voluntary sector.

In our modern age, in which balance sheets are examined and financial gain is considered to be the only desirable end result, Scotland's volunteers play an immense and immeasurable role in everyday life throughout the land. Such volunteering should be both valued and encouraged.

Scottish volunteers assist in a vast range of activities, from parents who are involved in parent-teacher associations, scouting, local football clubs and community events to the army of volunteers in hospitals, charity shops, the Salvation Army, rural village halls and the like who undertake a range of activities that benefit individuals and society as a whole.

The motion directs our attention to the funding problems and insecurity that are faced by youth workers, carers, advice centres and other supportive services in the face of a financial allocation system that is scored on innovation and that has three-year or shorter funding terms.

The lack of assurance on funding and continuity for proven, successful projects can lead only to short-termism, lack of security and lack of consistency in meeting what are, by definition, continuing needs. There must be greater co-operation among funding bodies to develop a longer-term sustainable financial strategy.

Although I welcome progress towards better targeting of community enterprises and the social economy, there is also a clear need to concentrate scarce funding resources on existing successful volunteer organisations that work for the public benefit and to ensure continued funding for proven, successful projects.

A more efficient use of scarce funds would also address the sub-problem of extending successful pilots into longer-term projects through core funding and making temporary three-year successes more permanent, based on continuing need and best use of resources. The motion rightly points out that volunteers cover a wide and varied range of activities and that the current funding of volunteer organisations overemphasises one-off projects and limited timescales. Without volunteers, there would be either limited or no additions to core services, for example those at the superb Erskine hospital, where volunteers accompany residents on

outings, assist with mobile library services, fundraise and offer general help.

Recently, care 21 produced a report for the Scottish Executive entitled "The Future of Unpaid Care in Scotland", which highlighted the huge contribution that unpaid carers make to the Scottish economy in general and to the lives of their families in particular. The report demonstrated that unpaid carers are the largest group of care providers and, as such, the largest component of the Scottish care workforce, making an enormous contribution to our society. In 2002, 12 per cent of people in Scotland were carers; 63.4 per cent cared for up to 19 hours a week and 24 per cent were caring for more than 50 hours a week. All of that is unpaid and emphasises the direct impact that volunteer organisations have on day-to-day living in Scotland.

The interlocking, diverse nature of those organisations can also be seen in our village and community halls. They are not large, but in rural areas they are the backbone of community life, supporting a vast range of local activities, from education classes and Scottish dancing to Scottish Women's Rural Institute meetings, the scouts, youth clubs and other organisations—all of them essential to the well-being of the local communities that they serve. Many halls have tiny budgets. Indeed, according to the Angus Federation of Village Halls, its investment in village and community halls through local fundraising, lottery grants and Scottish Executive funding is threatened by problems of compliance burdens, forcing it to change its operating procedures, enforce training on volunteers and spend its limited monetary resources on complying with reams of new Government legislation and regulation. The Government should get its act together on that.

Last week, Parliament debated the Executive's Scottish rural development plan, according to which vibrant, rural communities play a key role. I raised the problem caused by that plan not fitting into any larger framework. Today's debate highlights that lack of an overall framework, too. I call on the Executive to implement a new strategy for the long-term survival of volunteer organisations that recognises the importance of volunteers and acknowledges the innumerable ways in which the volunteer sector interfaces with every other aspect of life in Scotland.

I support the motion, which calls for a voluntary organisation funding system that allows such organisations to concentrate on providing successful community enterprises and matches and rewards proven success with continued core funding. That is at the heart of the matter raised by Donald Gorrie.

17:43

Margo MacDonald (Lothians) (Ind): I apologise for being late in joining the debate—I had an appointment outside Parliament.

I thank Donald Gorrie for bringing this matter to a members' business debate. This is the first layer of something important and I hope that there are main party debates on the subject. Karen Whitefield talked about community regeneration and where volunteering fits into that, and in the latter part of his speech Andrew Welsh talked about the importance of village halls. The motion goes right to the heart of the matter when it talks about core funding. I agree with Carolyn Leckie, who spoke about the effects of cuts, some of which may well be occasioned by the amount of money that is being diverted to the London Olympics. I, too, have been concerned that some of the smaller sports clubs and voluntary organisations—not just in Scotland but particularly here—might suffer as a result of money having to be found for the Olympic games and changes to lottery funding.

It is quite ironic that I should appear to be carping about the Olympic games, because I want to speak up for sports club volunteers. The issue is fresh in my mind. At the weekend I was at a swim meet organised by City of Edinburgh Swimming. It was marvellous. About 800 swimmers were there, as were 60 volunteer officials and about 40 volunteer helpers. The event could not have taken place without those volunteers.

All the young people who were there, and not hanging about aimlessly round street corners and getting up people's noses, were doing the best thing that they could do—they were getting fit and were channelling their energy into reaching targets and standards. They were absolutely terrific, and the amount of voluntary effort showed what the voluntary sector is all about. The voluntary sector is right at the core of community life.

However, the scoreboard did not work and the heating was all to pot and could not be controlled. Those problems were to do not purely with voluntary sector funding but with the way in which many services that used to be provided by the leisure and recreation departments of councils are now provided by companies. In Edinburgh, that company is Edinburgh Leisure and it has to operate as a company and attempt to show a profit. Therefore, it cannot look on volunteering more kindly than it looks on other, commercial enterprises.

As a result, people who had come from all over Scotland, England, Wales, Ireland and the Isle of Man, at their own expense, were not treated as Jamie Stone suggested that volunteers should be

treated—with great respect and with genuine community thanks for the way in which they had gone about their volunteering. I am sorry if I sound a little het up but I was very het up when I saw the amount of effort that went into the event and then saw that effort being undervalued.

I would also like an extension of the idea that the grannies and grandpas whom I saw at that event can be chaperones, coaches and supporters for all the young swimmers. I would like the voluntary sector, or the voluntary sector in combination with a community regeneration drive, to offer training courses for grandparents so that we can get them involved in the supportive volunteering that I associate with swimming clubs, cycle clubs, boxing clubs and all sorts of sports clubs. We sometimes forget that the people who make all that effort often do not really have the money to do it. Therefore, their volunteering is undervalued and the potential for the development of young people in sport and other areas is diminished.

I thank Donald Gorrie for bringing this debate to the Parliament.

17:48

The Deputy Minister for Communities (Johann Lamont): I, too, thank Donald Gorrie for lodging his motion and ensuring that this subject has been debated today.

Margo MacDonald has touched a raw nerve with me: I think that I am the only minister in the Scottish Executive who regularly does her ministerial papers at the swimming pool at Tollcross in Glasgow at half past five in the morning. We want to acknowledge the role of parents in supporting their families in swimming, and I bow to no one in my admiration of volunteers. I speak as the mother of a fiendishly sporty daughter. She is only 10, but we have already come across fabulous work done by volunteers.

I say to Margo MacDonald that we cannot explain the desire to volunteer, or say that somehow the state should do that work, but we should certainly celebrate the desire to volunteer. I also say that, in my family, the impact of the Olympic and Commonwealth games bids has been felt. At local athletics clubs and swim meets, we see the enthusiasm that has been generated. I do not think that the results of the bids are all bad. Margo spoke about valuing volunteers and about how local authority swimming pools would be different from those run by arm's-length organisations. Here is a huge opportunity for social enterprises in the social economy, and for trusts that have to be businesslike but can nevertheless have social goals.

Although this evening's debate is important, I issue a note of caution to Donald Gorrie. I acknowledge the seriousness with which he lodged his motion, but there is a danger that we will offer a counsel of despair.

In my job, I have the privilege of going around the voluntary sector. Recently, I went to S2S, which was a social enterprise trade fair in Perth; I was at the launch of the Office of the Scottish Charity Regulator; and I attended a local voluntary organisation event in East Dunbartonshire. The voluntary sector faces challenges, but being at those events was not a miserable experience; it felt wonderful and exciting to be at them because people recognised the opportunities that were available. There is always the argument about whether the glass is half empty or half full, but I contend that it is simply not true to say that nothing has changed in seven years. I am not given to bestowing warm words on anyone, so I hope that Donald Gorrie will acknowledge the sincerity with which I say that we understand that the voluntary sector faces huge challenges on funding. However, progress has been made, which we can develop further.

There are interesting debates to be had about the role of the voluntary sector, and I do not think that opinions divide across party lines—there are disagreements within parties about where the role of voluntary organisations fits in. I do not regard the purpose of the voluntary sector to be simply to fill in the gap in local authorities' services. Sometimes voluntary organisations can provide better services than councils can. However, the voluntary sector should not only deliver services; it has a crucial role to play in shaping Government policy and priorities.

Compliance and the challenge of regulation have been mentioned. There is often consensus among members about the need for compliance with regulation. We must be thorough about the consequences of the action that we take and how it impacts on the voluntary sector. That is why it is so important that we continue to have dialogue on that. Donald Gorrie said that we should not have top-down initiatives but, at some point, all of us will have argued for ring fencing of the money that is provided to local authorities to ensure that the voluntary sector gets a share of it.

In his motion, Donald Gorrie welcomes useful funding initiatives, acknowledges that imaginative new approaches to grant distribution have been adopted and notes that progress has been made towards more effective targeting of funding for community enterprises and the social economy. I welcome that recognition of the achievements that have already been made. The approach of the Big Lottery Fund is commended, which we, too, welcome. Through the funders forum, we are keen

to ensure that funding is tackled coherently and that we collaborate on planning and delivery.

The motion is right to call for joint working across funding agencies. I can confirm that that is already happening in the development of policy and best practice. As I have said, a funders forum has been established, which will bring together Government, local authorities, wider public sector bodies, lottery distributors and grant-making trusts so that they can take a strategic overview of the funding environment; give them the space to debate approaches to funding; and serve as a crucial arena for discussion of many of the issues that have been raised.

More generally, we have provided the voluntary sector in Scotland with the highest level of funding that it has ever received. In 2005-06, the Executive, its agencies and the non-departmental public bodies distributed £523 million to organisations in Scotland. That figure, which represents an enormous £119 million increase on the sum for 2004-05, illustrates clearly our commitment to and support for the voluntary sector. If it is said quickly, £523 million does not sound that much, but it should be recognised as a significant commitment to the sector. That is not to say that we do not need to address the challenges that people face in accessing that funding.

It is clear that, in funding the voluntary sector, the Executive must support infrastructure and pilots. The challenge is to ensure that we work with other agencies and delivery organisations on how they treat voluntary organisations. Donald Gorrie mentioned the idea of bringing together groups at national level and at local level. We have the compact; the challenge is to make it real by achieving mutual respect both locally and nationally.

The motion advocates the provision of support to voluntary organisations that operate in the areas of youth work, caring and advice, and refers to the need to offer continued support to successful organisations in the form of core headquarters funding. Our children and young people unified voluntary sector fund provides core headquarters funding for many national organisations that work in the fields that Donald Gorrie mentioned. From its total annual budget of £7.2 million, it also provides time-limited grants towards project and capital costs.

We provide 32 headquarters grants and two project grants to national youth organisations, which in 2006-07 will total almost £1.5 million. On top of that, we give £1.2 million per annum to voluntary sector family support organisations and a wide range of other bodies, including some that work to improve children's health and to support families who suffer from the effects of drug misuse. In addition, we have invested £18 million

in the futurebuilders programme through Communities Scotland. We recognise that we must address sustainability.

Local social economy partnerships are being established across Scotland with a remit to strengthen local support for social economy organisations. Key partners are being signed up, notably local authorities, enterprise companies and the CVS network. In total, 23 social economy partnerships either have been established or are under development. Those partnerships are critical to taking forward that work.

At the social enterprise trade fair, it was clear that the combination of being businesslike and having social goals is a powerful one. Social enterprises do not want to be stuck with grant dependency, as some characterise the situation, but want to be given the opportunity to develop their business. We have to help them to do that. The strong message that is coming from the voluntary sector is that they are not simply coming cap in hand for more money.

On lessening the burdens on voluntary organisations, we are working towards streamlining our funding procedures. We have introduced a common grant application pack that will be of help to voluntary organisations. We have reviewed our grant conditions, in consultation with the voluntary sector, to ensure that the material that organisations have to submit is consistent, irrespective of the funding source in the Executive. We have started work on a pilot lead funder initiative—in effect a one-stop shop in the Executive—the aim of which is to achieve an evenness and consistency of approach. We understand the powerful nature of giving out that message. We are also looking to develop good-practice guidance on funding for use by Executive divisions. We would encourage others to do the same.

The motion expresses concern about the provision of funding for three-year periods and claims that there is an overemphasis on the funding of innovative projects rather than organisations with good track records. I absolutely recognise that position, but would say to the chamber that there has been progress and movement. The Executive has in hand robust plans for moving forward on funding issues that will allow the voluntary sector to forge ahead with increased confidence and capacity. We have published “A Vision for the Voluntary Sector: the Next Phase of our Relationship”, which concludes by saying that Executive funding should focus on organisations that can deliver outcomes and improvements in the lives of people and communities in Scotland. That vision has been welcomed by the voluntary sector; indeed, it was

shaped by the sector, working alongside the Executive

There is a challenge for the Executive and other funders, but there is also a challenge for the voluntary sector. It has to demonstrate not only its financial expertise but an ability to think longer term and to identify the ways in which it can generate income. That is a test of the sector's professionalism, robustness and ambition.

I accept that there is an issue that has to be addressed to do with three-year funding and innovation. However, I do not want members to think that the Executive does not provide longer-term funding. I could give the chamber a significantly long list of voluntary sector organisations that have been supported for more than five years. It is important that we acknowledge the critical role that those organisations play.

However, organisations should not expect funding in perpetuity as a given. No matter how high the level of funding that is made available to the voluntary sector, it will always be finite. We have to look at how we get organisations to support the work that we recognise is important. It is important not to lose sight of the fact that the Executive is not always, and should not always be, the source of funding for organisations in Scotland. Organisations should always attempt to widen their net of funders. We would like to see buy-in at the local level from local authorities, health boards, enterprise companies and other public agencies. By definition, if they are engaged at the local level, they understand better than the Executive does how best to support work at the local level.

An important point was made in the debate on the role of local government, its core business and the way in which it treats and values the voluntary sector. I do not want to see local government driving out services into the voluntary sector but not valuing that sector or funding it appropriately. The issue is to do with the compact and mutual respect.

There are big issues to be considered about the challenges that we face. What is the core business of Government at the United Kingdom, Scotland and local levels? Where does the voluntary sector fit in? We would have a range of views on the matter. Should the voluntary sector do what it does because the Government cannot do it, or because—as I think—the sector can do it better? To what extent can the state intervene to shape and regulate the sector without destroying it? I think that we all share that concern. How can we make a real compact between Government and the sector locally and ensure that there is mutual respect, despite the fact that one party funds and the other party delivers services? How do we

strike the right balance in funding between supporting and sustaining organisations that do good work and creating opportunities?

Pilots might be a problem, but the best projects in my community started as pilots, when people had the imagination and the opportunity to test their ideas. No one was going to offer such projects long-term investment, but the situation changed because the pilots were effective.

We must also consider how we ensure that the added value that the voluntary sector brings and the way in which things are done in small organisations are not destroyed by our professionalising the sector as we support it. The point about big charities and small organisations is important. The test for using and supporting the voluntary sector requires us to consider the added value that the sector offers. Should conditions be placed on activity that simply pick out good work and deliver services as a substitute for local government delivery? There are big questions for us all.

We take seriously what the sector tells us about funding. We will continue to work within the Executive and with other delivery organisations to make it as easy as possible for people who have imagination and want to volunteer and deliver something for their communities to pursue their ideas untrammelled by red tape.

The bigger question about where the voluntary sector sits in our view of how services are delivered locally requires a great deal more work. Although some people celebrate the voluntary sector, others regard the sector's work as privatisation. Whatever the weaknesses of the Parliament and the limitations of the Executive might be, it is clear that we have engaged with the voluntary sector in shaping and delivering on priorities. There is respect for the sector, but a great deal remains to be done. I am sure that members of all parties will take the opportunity not just to do the nitty-gritty hard stuff around funding but to consider the bigger picture about where the voluntary sector sits. Those are not warm words that do nothing; a great deal of action is going on, which we can take forward together.

Meeting closed at 18:01.

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