

# **MEETING OF THE PARLIAMENT**

Wednesday 16 June 1999

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## Scottish Parliament

Wednesday 16 June 1999

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

### Business Motion

**The Presiding Officer (Sir David Steel):** The first item of business this morning is the consideration of a business motion from the Parliamentary Bureau, setting out a revised business programme. As there is no amendment to this motion, the debate will be restricted to 10 minutes, with one speaker for the motion and one against. Before Tom McCabe moves the motion, will anyone who wishes to speak against the motion please press the request button now.

**Dennis Canavan (Falkirk West):** On a point of order, Mr Presiding Officer. Last Wednesday, the Parliament decided unanimously to meet today at 2.30 pm. Since then, the Parliamentary Bureau seems to have changed that decision so that we meet at 9.30 am. I have no objection in principle to meeting in the morning, provided that we are given adequate notice. The business bureau seems to keep chopping and changing the agenda and the timetable, and I wonder if you could use your good offices to ensure that all of us, including those of us who are not represented on the mystical business bureau, are informed officially and punctually about any changes to the agenda and the timetable.

**The Presiding Officer:** I remember that you raised the same point of order last week. In fairness, I must point out that, when the business motion was moved last week, notice was given that this change would be made—those who were present in the chamber heard that announcement. We are still trying to accommodate business; for example, there was a general wish to have a debate on Holyrood, and it was made clear last week that the Parliament would meet this morning.

09:32

**The Minister for Parliament (Mr Tom McCabe):** The motion before the Parliament today is in recognition of the need to allow members the opportunity to express a view on their Parliament. I explained when I moved the business motion last week that I would come forward on behalf of the Parliamentary Bureau with an amendment to the business programme proposed for this week.

I will say a few words tomorrow on some of the changes about which Mr Canavan has expressed concern and on some of the reasons for those changes. I am here on behalf of the Parliamentary

Bureau—it is unfortunate to hear it described as mythical.

**Dennis Canavan:** Mystical. [*Laughter.*]

**Mr McCabe:** There is nothing mystical about it. You made the point yourself, Mr Presiding Officer, that the chamber was informed last week of the changes that would be proposed this morning.

I can confirm that it has been agreed, subject to the Parliament agreeing to the motion, that the business for the remainder of this week will be as follows. Today, the First Minister will make a statement on the Executive's legislative proposals and priorities. The remainder of today's business will be a debate on that statement. On conclusion of the debate, there will be a debate on the subject of David Mundell's motion on employment in Dumfries and Galloway.

Tomorrow's business will commence at 10.30 am with a debate on the First Minister's motion on the Holyrood project. That will be followed, before lunchtime, by the business motion setting out the business for the next two weeks. The business for tomorrow afternoon will be as set out in the motion agreed to by the Parliament last week. At 2.30 pm, we will have oral questions, followed by a debate on the Deputy First Minister's motion on tuition fees. The Parliament will also be asked to agree to a motion setting out the membership of committees and the party from which the convener of each committee should be appointed.

I move,

That the Parliament agrees the following amendment to the Business Motion agreed by the Parliament on 9 June—

Wednesday 16 June 1999

9.30 am Business Motion

*followed by* Statement by the First Minister and debate on the Executive's legislative proposals

2.30 pm Continuation of debate on proposed legislative programme

5.00 pm Decision Time

*followed by* Members' Business

Debate on the subject of motion S1M-42 in the name of David Mundell

Thursday 17 June 1999

10.30 am Debate on Holyrood Project

12.20 pm Business Motion

The remaining business is as set out in the Business Motion of 9 June.

**The Presiding Officer:** No one has indicated a wish to speak against the motion, so I will put the question. The question is, that motion S1M-50, in the name of Mr Tom McCabe, be agreed to.

*Motion agreed to.*

## Legislative Programme

**The Presiding Officer (Sir David Steel):** The next item of business is a statement by the First Minister on the Executive's legislative proposals. The First Minister will take questions at the end of his statement for about 20 minutes, during which there should be no interventions. Following those questions, we will move on to a debate on the Executive's proposals. It might help the chamber if I say that those who wish to ask questions should press their buttons during the statement. Those who wish to speak in the debate should wait until the question period is over.

09:35

**The First Minister (Donald Dewar):** With your leave, Mr Presiding Officer, I would like to make a statement on the Executive's first legislative programme.

We have travelled a long road to get here. There have been significant milestones on the way from the constitutional convention to the reality of this, Scotland's Parliament. The driving force has been the Labour Government that was elected in 1997; a Government that put Scotland's Parliament at the forefront of its legislative programme and that kept faith with the people. Today, we reach another milestone. For the first time, a programme of legislation for Scotland will be laid before a democratically elected Parliament in Scotland.

We are a young Parliament. We have not yet taken up our formal powers. Much of our talk to date has been, of necessity, about how we work as a Parliament as much as about what we do as a Parliament. People ask when the Parliament will begin to make a difference. Today, we begin to answer that question.

In a minute, I shall say more about the bills that we shall introduce, but as a parliamentarian and as someone who serves in this Parliament, I want first to say something about our law-making powers.

Let us not underestimate the scope and range of powers available to this Parliament. There will be exceptional and limited circumstances in which it is sensible and proper that the Westminster Parliament legislates in devolved areas of responsibility, but that can happen only with the consent of this Parliament—consent specifically given after due process.

Day in, day out, it is here that the law of the land will be shaped and laid down. This Parliament is in charge of a wide sweep of domestic policy, which will touch on the lives of every man, woman and child in the land. This is fundamental, radical change. This is, in every sense, a Parliament.

With that power comes responsibilities. We shall pass laws, not because we are here and must look busy, and not because someone grabs a microphone, or a megaphone, and says that something—anything—must be done. We shall act for and in the name of the people of Scotland.

Already we can see one way in which the Parliament can make a difference. Under the old dispensation, we could reasonably expect to get one major piece of Scottish legislation through Westminster in a year, but today I will be giving the Parliament details of eight bills that will address matters of pressing importance to the people of Scotland in ways that meet their concerns and needs—Scottish solutions for Scottish problems.

I emphasise that that is just the start; much more will follow over the lifetime of the Parliament. We are here to keep promises; we will be watched closely and be judged on the way in which we go about our business. There will inevitably be vigorous debate—so there should be—but that debate should be of serious intent; it should be aimed at improving, not wrecking. Legislation must be necessary and well prepared. Our consideration must be thorough, open and accessible.

We need to understand what that means. A balance must be struck between the understandable call for quick results and the promise of genuine dialogue, proper scrutiny, and public and parliamentary involvement. That balance will be a matter of fine judgment. Members must understand—and must relay that understanding to those who watch our business—that proper scrutiny takes time.

What is expected of us is sensible politics. We have, through the cross-party deliberations of the consultative steering group, created structures that will encourage consultation and necessary scrutiny, but the smartest systems will not make a cheap debate a rich debate—that is our challenge.

I want to say a word on partnership. When I accepted the Parliament's nomination as First Minister, I said that I would work with those who would work with me. The evidence of that is before the Parliament. We present this legislative programme as a partnership that is committed to stable and responsible government. In a democracy, parties can and should work together where circumstances demand. This partnership is built on common objectives.

The eight bills that I will set out today are the first return on that partnership. Let the test of what we do be the end product. We are working together to deliver a programme of government that will deliver for the people of Scotland; it is on that programme that we should be judged. Our

aim is social justice in a prosperous Scotland—a Scotland that is a vigorous and thriving part of the global economy and in which all have the opportunity to fulfil their potential.

We must celebrate our unique cultural and natural heritage. We must tackle the problems of transport and the environment. We must build strong and stable communities in a Scotland where every family can raise children in safety and decency, where affordable housing is within the reach of all, where communities are not overshadowed by the fear of crime and where communities, rural and urban, are valued. We must build an enterprise economy, making the best use of our talents and encouraging creativity and innovation. We must build a healthy nation, making our health service among the best in Europe. Above all, at the edge of the 21<sup>st</sup> century, we must build a world-class education system, unlocking opportunities for all our children. By any standards, ours is a formidable agenda.

As a Parliament, we cannot accept a Scotland where 4,000 children leave school each year without formal qualifications, where heart disease and cancer have given us a mortality rate among the worst in Europe, where one third of Scottish households have below half the average UK income and where one quarter of our housing stock suffers from dampness or condensation. We can use the powers of government—the spending decisions, the policy initiatives and the power to connect, persuade, cajole, encourage, preach and lead—to change that. We can, and we shall.

We shall work with the people as well as for them. We shall work with local government, other public agencies, the private and voluntary sectors and the communities of Scotland. We shall do so with new energy and new commitment. We want to make this Parliament what it can be—the democratic crucible in which we can test our ideas, seek new inspiration and stand to account on our record. Where necessary, we will invite the Parliament to use its law-making powers to change Scotland for the better.

I now come to our first legislative programme. The Victorian chancellor, George Goschen, was a touch dim but he was the author of the Goschen formula—father of Barnett, as some members will know. When he first entered Parliament, he wrote to the then Prime Minister, Lord Palmerston, requesting details of the Government's legislative programme for the coming session. The great man replied:

"There is nothing to be done."

We are not in that position. There is much to be done. We have identified eight areas in which legislation is required to ensure that we have the right, Scottish solutions to the challenges that we

face.

For years, indeed for generations, land reform has been an issue of fundamental concern in our rural communities and far beyond. It is an issue that has languished for want of the political will required to achieve change.

There has been wide-ranging enthusiasm for the proposals developed by the land reform policy group. The measures that are proposed pose no threat to good landowners, but they will make for a better balance between the private and public interest. They are a central element of our partnership's commitment to enhance rural life. We will therefore introduce a bill for land reform.

Our legislation will give new hope to, and create new opportunities for, those who have lived and laboured on the land for generations. Communities will have the right to buy, as and when the land comes on to the market. We will also legislate to create a right of responsible access to the land for recreation and for the passage of rambles, climbers and those who simply pass through. Who could imagine such a land reform bill passing unscathed through the massed ranks of the House of Lords? This is a Scottish solution to a distinct Scottish problem and is now the responsibility of this Parliament.

We will introduce a bill to abolish the feudal system of land tenure. The arcane rights of feudal superiors will be abolished; feudal superiors will no longer be able arbitrarily to enforce conditions on property and land use in which they have no defensible interest. Appropriate steps will be taken to ensure the survival of conditions that are necessary to maintain common facilities and to protect the amenity of property. The legislation will put a final stop to the abuses of the feudal system. It is a Scottish solution for a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce a bill to allow the creation of national parks in Scotland. Scotland's natural heritage is unique. We need to manage that natural heritage in a sustainable way, protecting it while recognising the rights of those who live and work in the countryside. National parks should be part of that policy. This will be enabling legislation. We intend that the first national park should be based on Loch Lomond and the Trossachs. Again, this is a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce a bill to maintain high standards in local government. I emphasise that local government is the foundation of our democracy and that its role is central to the good government of Scotland. We made it clear in the partnership document that we were committed to modernising government at all levels. As a first

step, we will, as promised, introduce a bill on ethical standards in local government to establish a Scottish standards commission and a code of conduct for local government. The aim is to enhance the reputation of local government and to ensure a commitment to the highest standards. It is a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce an incapable adults bill. Our aim is to protect the rights and interests of those people who, for whatever reason, are incapable of managing their own affairs. Up to 100,000 people at any one time in Scotland will benefit from this legislation. There is strong support for the modernisation of the law in this area.

We recognise that issues of real importance and great sensitivity are involved. There will be particular concerns and a need for detailed discussion on the medical aspects of the consultation document. We do not plan to legislate on advance directives—sometimes known as living wills—on withholding and withdrawing treatment from incapable patients or on non-therapeutic research. We will hold further consultations and, in finalising the draft bill, we will also listen with care to the views of the scrutiny committee and give weight to the outcome of its soundings of Scottish opinion. That is a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce a bill to address Scotland's many and diverse transport challenges. We need to tackle the environmental problems and unreliable journey times that are caused by congestion. We need to generate the resources required to deliver a transport system that will be fit for the 21<sup>st</sup> century. We need local solutions to local problems, within a coherent strategic framework.

Our bill will establish a framework to enable, where sensible, road-user charging and to allow local authorities, where appropriate, to introduce a levy on workplace parking. Our bill will modernise the regulatory framework for buses, giving local authorities the ability to work for improvement through quality partnerships. It is a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce a bill on financial procedures and auditing. I make it clear that the bill will not authorise expenditure; separate legislation will do that. The bill will essentially be a technical measure about the machinery of this Parliament, but it will be important. It will go to the heart of the relationship between the Parliament and the Executive, putting in place the framework for the Parliament's scrutiny of the Executive's proposals, particularly on the allocation of public expenditure. This Parliament will not be one where decisions of

immense financial significance pass unnoticed and unchallenged.

The bill will set out the rules under which expenditure may be undertaken and the rules for dealing with the income that is received by the Executive. It will also put in place systems of audit and accountability, which will be designed to ensure that the Parliament can confirm that its financial resources have been spent in the way that was intended and to the best possible effect. It is a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

We will introduce an education bill. Education, as I have said, is our number one priority; it will be the priority in our legislative programme. Our bill will lay a duty on local authorities to raise standards and to tackle the problems of underperforming schools. It will confirm local control of education within a national framework. It will include provisions to meet our promises on self-governing schools and pre-school education. This bill—one of the first of the new Parliament—will underwrite our commitment to raising educational standards in Scotland. It will be a Scottish solution to a distinct Scottish need and is now the responsibility of this Parliament.

This legislative programme responds to the needs of the people of Scotland. It speaks for people in rural communities who have long been held back by an inequitable system of land ownership; for people in rural and urban communities who have been put upon by the antiquated burdens of feudalism; for people who live in, and those who enjoy, our areas of outstanding natural heritage; for carers who look after those people who can no longer look after themselves; for everyone who wants local government to operate to the highest standards; for everyone in our cities who is frustrated by traffic jams and everyone in rural areas who is frustrated by the lack of public transport; for everyone who wants this Parliament to manage our financial resources rigorously and efficiently; for everyone who has an interest in the education of our children; and for everyone who wants those children to leave school able and ready to make a full contribution to our society. I commend our legislative programme to this Parliament. *[Applause.]*

**The Deputy Presiding Officer (Ms Patricia Ferguson):** The First Minister will take questions on the issues that were raised in his statement. I intend to allow a maximum of 20 minutes for questions, after which we will move on to the debate. Members should indicate a desire to speak by pressing their buttons.

**Alex Neil (Central Scotland) (SNP):** During the election campaign, the First Minister rightly made the issues of jobs and unemployment a priority.

Which of the eight bills that he outlined will lead to the creation of jobs in Scotland and how many jobs does he expect to be created?

**The First Minister:** I am sure that Mr Neil, who takes an interest in such matters, will broadly welcome the unemployment situation in Scotland. As he knows, we have the lowest unemployment benefit claimant count since—I think—1977. Thanks to Scotland's excellent record of attracting inward investment and the growing number of indigenous firms, many more jobs have been created than have been lost in the past two years. That is a strong base on which to build and it should be welcomed by everyone.

As Alex Neil will also know, we are increasing public spending substantially. Our legislation depends on that investment. With that spending will come substantial growth in the construction industry and in a number of public sector employment areas. We have talked about the creation of 20,000 jobs in the next two or three years. Our legislation—part of which involves the process of improving standards in education and the creation of national parks—will have employment spin-offs, which will be important in terms of social policy. I look forward to co-operating with other parties to ensure that we get those measures through and receive the rewards in employment and in the other areas that are built into our programme.

**Phil Gallie (South of Scotland) (Con):** The First Minister did not mention the horrendous problem of the misuse of drugs in Scotland. During the election campaign, the issue was in every party's manifesto and on everyone's mind. Will he comment on the misuse of drugs?

**The First Minister:** Mr Gallie is inviting me to make another speech if he wants me to comment on drug abuse in Scotland. I say this not in a pedantic or personal way, but it is important to distinguish between what we can do administratively and what would require statutory provision. We are talking today about matters that need to be dealt with by statutory provision.

One of the features of Labour's election campaign was the promise of a drugs enforcement agency, which would be taken out of the present structure of the Scottish crime squad and which would mean a doubling in the number of policemen who work in that field. In addition, we will double the strength of successful drug squads in every force. That does not need legislation, but I will not allow that important commitment to slip. We will want to tackle problems in consultation with the relevant committee. The Justice and Home Affairs Committee will be set up shortly and will have its say on the issue of drug misuse. We may also want to introduce legislation, particularly on confiscation laws.

The list that I have announced is not exhaustive; it is a starting line-up—if I may use a sporting analogy—from which we will move on. A variety of Government departments will have to tackle the problem of drug misuse and we will discuss the structure that will allow us to do that. The Government is determined to mount a cross-cutting exercise, as it is called in the jargon of the trade, with considerably more energy and efficiency than has previously been possible. I can safely predict that drugs will be one area of attack.

**Andrew Wilson (Central Scotland) (SNP):** Which of the eight bills would not have been presented by a Labour Government were it not for the negotiations with the Liberal Democrats in the partnership agreement? In other words, which of the eight bills did the Liberal Democrats exact in their vigorous negotiations with Labour?

**The First Minister:** Mr Wilson probably thought out that question very carefully. I think that it falls into the category of trick questions and I have no difficulty in avoiding the elephant trap—if I may mix my metaphors. This is not a case of comparing Liberal Democrat to Labour. The reason for the partnership was that, when we started talking, we discovered that, in broad terms, there was an identity of aim in many important policy areas—we had shared objectives. All the bills fall into that category. I do not regard one of the bills as Labour or another as Liberal Democrat. Members of the SNP may think in terms of faction all the time, but we all think of these bills as Government and Administration bills. We do not need to strike off the bills for one side or another; we do not see the matter in terms of sides at all.

**Mr John McAllion (Dundee East) (Lab):** I thought that I was listening very carefully to the First Minister's brilliant speech—indeed, I was marking down the bills one by one as he referred to them. However, unlike Mr Neil and Mr Wilson, I counted only seven bills. Perhaps, at my age, I am starting to drop off in the middle of listening to things. Will the First Minister confirm that the programme contains a housing bill, because many people in Scotland have looked to the Parliament to deliver such a very necessary bill?

**The First Minister:** At the age of 14, I got what was called lower arithmetic—no one here will remember that—to the astonishment of the entire school. I then gave up counting. Fortunately, I retain the skill—I hope—as I am sure John McAllion does.

The legislative programme that I have announced represents a starting line-up. There is no specific bill for housing in the starting line-up, but I look forward to those in the Administration who will be involved in housing matters pushing on with proper consultation. There must be proper consultation on our ideas about community



ownership and about involving residents in the management of housing stock. Those are ambitious plans that involve important financial and social considerations; they must be properly digested. The plans are on the agenda and I look forward to pushing them on.

All members will recognise that we must have bills that we can progress immediately. Equally important bills will have to come in the second wave. An obvious example of that will be local government legislation to follow the McIntosh report, which will be published on 22 June. As soon as we have consulted on that, I am certain that we will want to legislate on an agreed basis—although I say that with no super confidence.

**Tommy Sheridan (Glasgow) (SSP):** I am pleased that Mr McAllion raised the issue of the number of bills because I too counted seven. I am not sure whether Mr Dewar's response included an additional bill: I counted two land bills, a local government bill, an incapable adults bill, a transport bill, a financial procedures bill and an education bill. One of the two land bills will deal with national parks. Will he explain again, for the benefit of humble souls like me, the number of bills?

In relation to the bills that I am clear about, does the First Minister agree that those bills have to set specific targets in relation to the priority concerns of the Parliament? Whether it is included in the local government bill or in the finance bill, I hope that he will include targets on poverty, and I ask him to respond to this point.

Mr Dewar said that one in four families in Scotland live in homes that are, frankly, uninhabitable in many respects, and that one in three families or households live on less than half the average annual income in Scotland. As he will be aware, in Glasgow alone 38 per cent of the kids were in receipt of free school meals in 1997; by 1999, that figure had risen to 43 per cent. [MEMBERS: "Ask a question."] What is the specific target on tackling poverty in cities throughout Scotland? As a Glasgow member, I will raise the situation in Glasgow. Will specific targets be set within an agreed time scale to raise the standard of living of the citizens of Scotland?

My second point on poverty is that there was no mention of pensioners in the bills that Mr Dewar set out. As he will be aware, over a quarter of our pensioners live in poverty. Will specific targets be set to raise the standard of living for our pensioners?

Finally, on the local government bill, does the First Minister agree that council tax is an extremely regressive form of taxation, as it imposes a greater burden on poor people than on those who are wealthy? Does he agree that

consideration of a more progressive local income tax should be part of the local government bill that his Administration hopes to introduce?

**The First Minister:** I sympathise with Mr Sheridan's difficulties. If he counts again, he will find that there are eight bills. No doubt, that is something that he can do with the aid of his fingers later on. I am sometimes reduced to that, and so I say it in no spirit of hardness.

I give a high priority to the social justice agenda. I represent a constituency where there are such problems. Within the city of Glasgow, I represent real extremes in terms of prosperity, opportunity and life chances, and I am always conscious of that. I do not think that simplistic targets can be set in these matters. What must be done—and I use the same phrase as I used about drugs—is to attack on all fronts. The minister who deals with social inclusion has specific responsibility for co-ordinating that attack. I assure Mr Sheridan that action will be taken on the social justice front, but I want to involve this Parliament in that action and I hope that the social inclusion committee and the affected communities will be part of that dialogue.

Fortunately, standards of living in Scotland are rising although, sadly, we have yet to crack the business of the distribution of that wealth or, more important, the distribution of opportunity, so that everyone has a chance to realise their potential and to have an appropriate quality of life. That obvious and important theme will run through all of this Government's activities. I hope that Mr Sheridan, like me, will be prepared to engage in constructive dialogue on this matter, within the context of practical, achievable politics. If so, I welcome him as a suitable ally.

**The Deputy Presiding Officer:** I remind members that they should put questions to the First Minister. The time for debate will follow immediately after questions.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** I have two points to put to the First Minister, one general and one specific. As a general point, how much time does he anticipate allowing for pre-legislative scrutiny of these bills? He might give members an idea of the timetable, although I presume that he expects the bills to become acts by next July. We are working to a tight timetable, but perhaps in future the legislative programme can be announced earlier, so that there can be a period for pre-legislative scrutiny.

As a specific point on the national parks, the First Minister mentioned Loch Lomond and Trossachs as the first national park. When does he anticipate moving on to the Cairngorms national park, and how many other national parks does he anticipate?

**The First Minister:** I welcome Keith Raffan's

first question. It is a perfectly fair question to ask, but the trouble is that there is no simple answer to it. He will have noticed that, in my statement, I referred to the fact that consultation and scrutiny take time; and I have no doubt that, at some point in the next few months, I—or my Administration—will be under attack because it is taking so long to deliver the bills. On the other hand, if we did not have proper consultation, we would be very properly under attack for betraying the spirit of the consultative steering group. Therefore, a balance has to be struck. Obviously, I do not want to suffocate the proper process of legislation with endless talk, but I want to listen and learn from people's views. Like everyone else, I have to get such a balance right and the committees, especially those scrutinising areas of policy, will also have a duty to get that balance right. I hope we will do that if we talk sensibly to each other.

There is no template for these bills. Bills change very much in their complexity and I do not think that a simple answer can be given to the question. Before we rise, Sam Galbraith, in his role as education minister, will make a statement about how he intends to handle education legislation. That statement will probably be an interesting example of early thinking on this issue and it may help people who are considering the problems that it will deal with.

As for Mr Raffan's second question, the Loch Lomond national park is clearly our first priority. A consortium of local authorities has existed for some time now and the former Scottish Office—still the Scottish Office for a little while—has, if I remember rightly, put up 80 per cent of the money for the exercise. Everything is well prepared and ready. I am interested in considering the Cairngorms for national park status, but we will have to investigate recommendations about structures and variations from the Cairngorms Partnership under Ian Grant's chairmanship. As a result, I would not like to put a time scale on that.

**Nicola Sturgeon (Glasgow) (SNP):** My question relates to the answer that the First Minister has just given. This morning, I heard on the radio that there will be an innovative consultation process prior to the publication of the education bill. The First Minister has stated that the Minister for Children and Education, Mr Sam Galbraith, will give details of the bill before we rise. Will the First Minister provide any general or specific details about the consultation process?

**The First Minister:** I am not trying to be difficult, but I have said that before we rise—which means in the next couple of weeks—Sam Galbraith will make a statement. I think it is right to let him consider his options and the detail of that statement. That is not meant to be discourteous to this session; but I think it is more appropriate to

get that statement into the framework that we have already decided and by the minister specifically involved.

There is a wide-ranging educational agenda and I hope that there will be areas where there will be a degree of consensus. Judging by the exchanges on this issue during the election campaign, I know that there will be areas where there will not be consensus, but we will have to handle those as best we can. The committee will also want to consult and to hear from a shifting number of outside interests. We have set out with the best of intentions and I give an undertaking to the Parliament, but it is for Sam Galbraith to make his announcement in his own time.

**Lord James Douglas-Hamilton (Lothians) (Con):** On the subject of the transport bill, can this Parliament competently express a view, either through legislation or through recommendation, on the call for the compulsory introduction of 20 mph speed limits outside schools in the interests of road safety and to reduce greatly the number of child casualties? What is the First Minister's view on that particular road safety proposal?

**The First Minister:** We can certainly express views on the matter, but I suspect that the road traffic laws, which are uniform across the country, are a matter for Westminster. If he so wishes, Lord Douglas—I am sorry, Lord Selkirk, I always get those things wrong—Lord Selkirk will doubtless find ways to make his views known in his own characteristic style—and that word characteristic is full of meaning.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I welcome all those bills, which are refreshingly radical and will command widespread public support. The only one that I am slightly unclear about is the finance bill. Will the First Minister give more detail on the scope of that legislation?

**The First Minister:** I understand Mr Chisholm's uncertainties, as it is a technical bill about the machinery of Parliament. It is a very important bill with far-reaching consequences in regard to the way in which we conduct our business.

The chamber will be familiar with the fact that when the consultative steering group was set up, it established the financial issues advisory group, a sub-committee of men and women of particular expertise, to examine this matter. They devised a financial cycle for the planning of finance and for verification that the Parliament's views had been carried out. It is a testing matter because it will ensure that our financial arrangements will be under much more thorough and detailed scrutiny than has been possible at Westminster. For example, supplementary estimates are of some importance. Although at Westminster there may

be, in theory, some way in which we can examine supplementary estimates, no one ever does and those go through on the nod. Here there will be machinery for scrutiny in the Finance Committee and relevant ministers can be interviewed—that is a nice, neutral term—so that this Parliament can keep closely in touch with what is happening on financial matters and the allocation of moneys. I say with heartfelt sincerity that there will be times when the Administration will curse all this scrutiny, but it is right that this machinery is put in place.

**The Deputy Presiding Officer:** Before we proceed to the debate, I will ask the sound engineer to clear all the requests to ask questions.

Members should note that I do not propose to set a time limit for speeches now. This debate will continue during the afternoon, so there should be ample opportunity for all members who wish to speak to do so. As always, I will keep the situation under review. Anyone who wishes to take part in the debate should indicate that now.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** On a point of order. [MEMBERS: "We cannot hear."] I had better put my card in. That is a good start for a chief whip. At lunchtime we will all be going away and may push our buttons, which will knock our names off the list of those who wish to speak. Do people who want to speak this afternoon have to press their buttons this morning to request to speak in the afternoon?

**The Deputy Presiding Officer:** Members do not have to press their buttons this morning unless they want to get into the debate this morning.

10:14

**Mr Alex Salmond (Banff and Buchan) (SNP):** I thank the First Minister for the advance copy of his statement. It makes matters considerably easier and I can now solve Mr Sheridan's conundrum as to how there are eight pieces of legislation, rather than seven. There are eight because the land reform, feudalism and national parks bills are counted as three bills as opposed to two. One great advantage of advance copies is that we can count the number of pieces of legislation.

There are parts of the legislative programme that we welcome, areas that we have concern about and, above all, areas that are missing from the legislative programme. I watched an interview with the First Minister on the BBC on Sunday, which it would not be unfair to describe as tetchy. I tried to work out why the First Minister was in such a bad mood. I thought that the secret of his bad temper may have been that he had had an advance look at the European election results. He is perhaps still in a bad mood.

The First Minister said that the Government was

keeping faith with the people; I would have thought that the question to be answered was whether the people were keeping faith with the Government, or—as seems to be the case—losing faith in the Government.

**The Minister for Children and Education (Mr Sam Galbraith):** Come on—rise to the occasion.

**Mr Salmond:** Mr Galbraith, in his normal conciliatory manner, is mumbling from a sedentary position. Westminster habits can die hard.

None the less, the facts are that in the first vote for the Scots Parliament the Labour party achieved 39 per cent of the vote, which was not one of its best performances; in the second vote it achieved 34 per cent, the lowest Labour vote in Scotland since 1931; and last Thursday, it achieved 29 per cent, the lowest Labour vote in Scotland since 1918. Most Governments have a honeymoon period; this seems to be a reverse honeymoon period. At this rate of progress—a loss of 2 per cent a week—the Labour party will have zero before Christmas. It is reasonable to try to discover if that was the reason for the First Minister's tetchy mood.

The First Minister also argued that the press was not giving this Parliament a fair crack of the whip. The initial coverage of the Parliament and its proceedings was, I think, very favourable. Last week's coverage was much less favourable. The First Minister spoke about the importance of consultation and scrutiny: perhaps if we have fewer disreputable attempts to interfere with the Opposition's ability to do its job, the Parliament will be able to endear itself to the Scottish people. The nature of last week's debates was determined by Mr McConnell's attempts to undermine the Opposition.

The eight bills and the 2,405 words that the First Minister gave us—another advantage of having an advance copy—could not disguise the lack of ambition in this first legislative programme of this first Scots Parliament for 300 years. It was a low-key first statement; I think that many people in Scotland were looking for a bit more.

I want to turn first to the areas that we welcome. I welcome the hoped-for end of feudalism and feudal inhibitions in Scotland. It is a comment on Westminster control of Scottish affairs that, after 300 years of the union, feudal inhibitions still affect many people. As many members will know, that is not just a matter for the Highlands and Islands; it is a matter that affects people the length and breadth of the country. Many of us who have been Westminster MPs have found it impossible to explain to constituents why they should be subjected to injustice, not just from the traditional landlords but in particular from people who have been called the "raiders of the lost titles", people

who have bought feudal inhibitions at low prices and have then rigorously used them to extract substantial sums of money from ordinary people throughout Scotland. I can assure the First Minister that the Scottish National party will cooperate fully in bringing about the end, we hope, of feudalism in Scotland.

We also welcome the appearance of land reform on the parliamentary agenda. Across the parties, except the Conservatives, there is an enthusiasm for this Parliament to tackle some of the Scottish land questions. I know that today the First Minister was just listing the bills and not giving us the full details. None the less, when we examine those matters, we must answer the questions of how to facilitate the desirable process of allowing communities to purchase the land on which they work and live, and of what happens if a bad landlord is unwilling to sell. We must also answer the questions of what procedures we have to involve communities in improving estates, and of what procedures we have to improve consultation and involvement in the estates beyond merely facilitating purchase, which I suspect will affect only a minority of people on the land in Scotland. Those are issues that we will want to have pursued in an area of legislation that we broadly welcome.

I also welcome the manner in which the First Minister introduced the incapable adults bill and his intention to legislate in that direction. The First Minister will be aware that this is an enormously sensitive matter, and he has listed some of the areas that cause great concern in many parts of Scottish society. It is an issue that must be handled extremely carefully and with great sensitivity and an area in which, as Mr Dewar rightly says, the parliamentary committee system can come into its own in taking on board some of the legitimate concerns that people in Scotland have about those matters.

I welcome the fact that we will have a process of financial scrutiny and audit and I look forward to Mr McConnell unveiling some of the secrecy that has previously surrounded Scottish Office accounting. I also look forward to those matters being brought before this Parliament so that some of the issues from the election campaign that were left unresolved can be identified. I have a file of the Deputy First Minister's quotations about the reality of public funding and public expenditure in Scotland. Until 6 May Mr Wallace felt that public services in Scotland were inadequately funded. I look forward to examination of Mr McConnell's bill in order to see if the Deputy First Minister has been brought on board to accept the First Minister's interpretation of Scottish public finance.

I want to turn to areas in which I and the SNP and, I hope, others in this chamber have

substantial concerns. Most reasonable people would say that there is a case for congestion charges being levied in cities, with the proviso that the public transport infrastructure is in place before the charges are introduced. The Scottish people currently suffer from the highest petrol and diesel charges in Europe despite the fact that Scotland is a major oil and gas producer. The First Minister and the Labour party will have to explain to them what exactly the environmental case is for, for example, introducing tolls on the M8. If, indeed, this is contained in the bill, I would like to know the proposed level of charges for Scotland's motorways. Does the charge start at £1 and move upwards, or will it initially be a Skye bridge toll? I see that the First Minister is shaking his head so I think that the pound has it in terms of the initial toll.

The environmental case for charging on motorways is very frail indeed. The initial impact of that would be to divert traffic to less suitable roads. How on earth can that be considered an environmental initiative? After Scotland's experience of road tolls on the Skye bridge, that will be a matter about which the Government will have considerable explaining to do.

When we consider a transport bill, would not it be better to start to look at areas such as the fifth and sixth freedoms in terms of air freight? The Parliament being able to move in that area could start to have a large stimulating effect on the Scottish economy. A number of studies indicate both the danger to Scotland unless those freedoms are achieved and the opportunity created for the Scottish economy if that innovative move in transport policy is made.

I also have concerns about the local government code of conduct. That is not because I do not support it. I think that everyone would support a code of conduct for local government. However, we have heard all this before. I seem to remember that, before the 1995 local elections, Mr McConnell proposed and had signed a code of conduct for Labour party councillors in Scotland. Many of us would like a move towards proportional representation in local government in a local government bill.

The First Minister is shaking his head again. I am not sure that the Deputy First Minister would share his opinion.

**The First Minister:** Mr Salmond is getting in front of himself. He knows that we will see the McIntosh report on 22 June. He knows that there will be a debate on that before we rise and he knows that there must be consultation on it over the summer. We all know that that report will contain very important recommendations that I do not want to anticipate. We all know from the consultation document that it will look in particular at internal structures, the committee system and

its survival or otherwise, and at electoral systems. For me to announce a bill on electoral reform today, without having seen the McIntosh report and without any consultation on it, would provide a proper foundation for a charge of overburdening arrogance.

**Mr Salmond:** The First Minister could have indicated that the recommendations of the McIntosh commission would be taken into account in the local government bill, instead of saying only that there would be a code of conduct for councillors—the Labour party has tried that before, but any reasonable assessment would conclude that it had not solved the underlying problem. If the First Minister is now saying that the local government bill may well take into account the McIntosh recommendations, that would mean that there would be a second bill. If that is the case, it seems that the counting of the land legislation as three bills is going to be repeated for local government.

I am concerned also about the education aspects of the proposed legislative programme. People do not object to raising standards in education—no reasonable person could—but merely setting an obligation on local authorities to raise standards does not meet the task in hand. Many of us feel that the change in direction that is needed in Scottish education is a substantial move away from the consistent vilification of the teaching profession that has happened under education ministers in Scotland over the past 10 years.

**The First Minister** *indicated disagreement.*

**Mr Salmond:** I hoped that the departure of Helen Liddell from the post of education minister would herald a new era in the relationship between the Scottish Administration and the teaching profession, so I was concerned to read on 28 May that Mr Galbraith said that teachers must not be allowed to “wreck the project” of schools reform.

Why should it be assumed that the teaching profession in Scotland would want to wreck the reform of Scottish education? The task for a new education minister is surely to motivate, mobilise and inspire the teaching profession, taking it with him in pursuit of his objectives, rather than to belittle and demobilise the profession, as took place first under Michael Forsyth, was abandoned for a time under James Douglas-Hamilton and resumed under the tenure of Helen Liddell. I think that teachers in Scotland want to feel that they are part of the process and are regarded as one of the great assets of Scottish education, rather than as one of its liabilities, as this Administration has done, thereby continuing the work of the Conservative party.

Lastly, I want to turn to what I feel is the lack of ambition in the First Minister's proposals. I find myself in the interesting position of being a more solid defender of some aspects of the Liberal Democrat party's manifesto than some Liberal Democrat members.

I have brought along a comparison of the Liberal Democrat party's position on various issues in its manifesto with what was said in the partnership document. On tuition fees, the Liberal Democrat manifesto said clearly that it would

“Abolish tuition fees for all Scottish students at UK universities.”

The partnership document said:

“The Liberal Democrat members of the Executive will play a full part in collective discussion of its response to the Committee of Inquiry.”

On tax powers, the manifesto said that the party would,

“If necessary, use 1 penny of the permitted tax varying powers in the spring 2000 budget”.

The partnership document said:

“We will not use the tax-varying power in the course of the first Parliament.”

The Deputy First Minister must have done a very rapid examination of the Scottish Office accounts. On privatisation, the manifesto said:

“We will seek to invest in capital projects for better hospitals, school, and house building programmes; water supply infrastructure, and public transport schemes by seeking to establish Community Partnership Trusts to replace the expensive and inefficient Private Finance Initiative agreements.”

The partnership document said:

“We will . . . seek opportunities for new types of partnership and flexible contracts which will allow assets, when appropriate, to revert to public ownership.”

On Skye bridge tolls, the manifesto said that the Liberal Democrats would

“Abolish the tolls on the Skye Bridge.”

The partnership document said:

“In the meantime we have decided to freeze tolls at their current levels in cash terms”.

On the beef-on-the-bone ban, the manifesto said that the Liberal Democrats would

“End the ban on beef-on-the-bone.”

The partnership document said:

“We look forward to ending the beef-on-the-bone ban as soon as medical advice indicated that it would be safe to do so.”

**Mr Galbraith:** That is sound advice.

**Mr Salmond:** I was in the chamber when Charles Kennedy, the putative leader of the Liberal Democrats, introduced the subject of beef

on the bone in the Westminster Parliament. His argument was that the medical advice, as it currently exists, justified the lifting of the beef-on-the-bone ban.

**Mr Galbraith:** Nonsense.

**Mr Salmond:** That was Mr Kennedy's argument in the Westminster Parliament and the Liberal Democrats' argument in the election campaign. There has been a dumbing down of Liberal Democrat policies and, therefore, a lack of ambition has been exposed even between the variety of attitudes among the coalition partners.

**Dr Richard Simpson (Ochil) (Lab):** To make it clear, is Mr Salmond suggesting that this chamber should lift the ban on beef on the bone immediately against the clear statement from the chief medical officer for Scotland? I want it to go on the record that that is Mr Salmond's position.

**Mr Salmond:** In the election campaign, the position of the Scottish National party, the Conservative party and the Liberal Democrat party was to lift immediately the beef-on-the-bone ban. That remains the Scottish National party's position.

**Dr Simpson:** Against medical advice.

**Mr Salmond:** Medical advice on those matters is well known and has been well discussed. We retain that position even if other people have had a remarkable change in view over the past few weeks. We will, I hope, debate this issue at some length in the immediate future.

I want to address the issues that I feel should have been discussed in this ministerial statement. A few seconds ago, I read the quotations from the Liberal Democrat manifesto. There were quotations by members of the Labour party during the election campaign on the privatisation of key public services. I believe that the Scots Parliament, after argument and debate, could reach some consensus as to whether the private finance initiative was the best method of investing in public services in Scotland, or whether, as the evidence overwhelmingly indicates, it posed severe dangers in terms of cost, ownership control and the reversion of public assets to the private sector. I would have liked investment in public services against the privatisation of public services to have been included in this legislative programme.

Mr Alex Neil asked the First Minister about jobs and investment. The First Minister replied that the Government's expenditure programme was the area where jobs and investment would be secured. As I have pointed out, during the election campaign it was shown that the claimed increases in Government expenditure in Scotland were mythical.

**The First Minister indicated disagreement.**

**Mr Salmond:** The First Minister shakes his head again. Those were the words of the Deputy First Minister during the election campaign. The Deputy First Minister may have been convinced by the Government's programme, but most of us believe that there is a lack of public investment in Scotland and I would have liked investment in public services to have been included as part of this Administration's programme.

How will we achieve the objectives that were set out by the First Minister in terms of jobs, investment and prosperity, and in terms of increases in income, employment and output in Scotland? Nothing in this legislative programme touches those commanding heights of the Scottish economy. How will we gain the comparative and competitive advantage that most members would like? How will we deliver those advantages for Scotland and secure the prosperity of our people? The legislative programme is silent on jobs, enterprise and the economy.

We have a minister who deals with social inclusion, but within this programme there is no ambition to tackle poverty and social exclusion in Scotland. Where is the bill that gathers those areas together to be presented, presumably, by the minister who bears that name? Where are the measures to ensure a fair distribution of the wealth of Scotland, measures to ensure that that wealth touches all our people, not just some of them? In terms of public services, of the lack of detail in how the Scottish economy is to be moved forward and of how we will eliminate poverty in Scotland, this legislative programme is silent on key areas of the Scottish economy and life.

The First Minister said that he was looking at Westminster to legislate seldom, and only with permission, in the areas for which this Parliament has responsibility. The First Minister's response to James Douglas-Hamilton's question about speed limits in Scotland gave the game away: even on devolved subjects the Westminster writ still runs in Scotland. On the vital areas of the economy, of public services, and of eliminating poverty in Scotland this Administration is in a straitjacket, because key aspects of those areas are retained at Westminster.

The First Minister expresses the hope that Westminster will not intrude into Scots legislation. He has some friends in the Westminster Government at the moment, but that will not be the position for all time. There is nothing in the Scotland Act 1998 to prevent a Westminster Government, if it so chooses, from legislating on or countermanding what is in that act. That applies to devolved areas, never mind the areas which are of most concern to the people of Scotland.

In short, this is a programme that fails to meet even the claimed ambitions of the Government and totally fails to meet the real needs of the people of Scotland.

10:36

**David McLetchie (Lothians) (Con):** I welcome this opportunity to debate the Scottish Executive's legislative proposals for this first session. Like Mr Salmond, I thank the First Minister—who will return to the chamber shortly—for supplying a copy of his statement in advance. It is a courtesy that I trust he will not regret at the end of my remarks.

As I stated last week in the debate on the consultative steering group report, the Scottish Conservatives intend to provide a principled Opposition in this Parliament. We will support proposals from the Scottish Executive that are in line with our own principles and policies and vigorously oppose those that are not.

I was happy to agree with the First Minister last week that, in certain devolved areas such as food standards, legislation should continue to be enacted on a United Kingdom basis when there is a need for common standards in order to sustain our single UK market—subject to the important proviso that this Parliament should have the opportunity to debate and approve such legislation. We are a unionist party, and we will always support policies that strengthen our partnership with the rest of the UK.

Today, the First Minister spoke of the Executive's priorities for Scotland. I note that he launched off with land reform as his flagship. Frankly, I doubt his priorities will impress the rural communities he claims to value so much—I find it strange that, when our farmers are facing their worst crisis ever, available time, resources and energy are to be spent not on alleviating that crisis, but on land reform measures that I fear could damage our already fragile rural economy and discourage investment in Scotland.

In much the same vein, I have reservations about the proposals for national parks. We had a very useful debate last week on Dr Jackson's motion on the proposals for Loch Lomond and the Trossachs. Members who were present will have noted the reservations that were expressed about national parks, the potential difficulties that they may pose to the development of local economies and how they may result in the overloading of areas—as happens in the lake district—which could damage our environment and the needs of conservation, which we all support. This issue needs careful handling, and we must get away from the idea that national parks in themselves are a good thing.

**Dennis Canavan (Falkirk West) rose—**

**Mr Raffan rose—**

**David McLetchie:** I think that Mr Canavan was first, but I will happily take Mr Raffan's intervention afterwards.

**The Deputy Presiding Officer:** Could Mr Canavan have his microphone switched on please.

**Dennis Canavan:** Surely Mr McLetchie is being a bit churlish. I would have thought that the Conservative party warmly welcomes any legislation to improve access to the countryside, especially bearing it in mind that, yesterday, Mr McLetchie's party leader appointed an English MP called Dominic Grieve as the Tory party's spokesperson for Scotland. Mr Grieve is apparently boasting about the fact that he has been allowed to roam all over the Scottish Highlands, despite the fact that he is descended from a family of sheep stealers and cattle rustlers.

**David McLetchie:** I must have a discussion with Mr Grieve about his ancestry. Of course, most Conservatives are thought to be descended from the sort of people to whom Dennis Canavan refers—like many curses, that has become a badge that we, as Tories, now wear with pride.

Legislating for access is a dangerous concept. In our opinion, access should be arranged by consent, as that is the best way of balancing the interests of those who wish to use the countryside for leisure and those for whom it is the base for important economic activity. I question whether prescription or diktat by ministers is the correct way in which to sustain our fragile rural environment. That is our position and we are happy to debate it further.

**Mr Raffan:** Can Mr McLetchie clarify the Conservative party's position on national parks? Is it for or against the concept? When he was a minister at the Scottish Office, Lord James launched an initiative on national parks and was in favour of the concept; I pay tribute to him for that. Do Mr McLetchie's comments mark a change in party policy?

**David McLetchie:** We did not introduce the concept of national parks and the issue requires further examination. We must get away from the notion that national parks are a good thing in themselves, and must examine what they mean for the local economy, the local environment and the people who have to live and work in them. The whole national parks concept raises serious issues of management and funding, which were exemplified in last week's debate on Dr Jackson's motion. At this stage, I want merely to issue a caveat. The Government cannot expect the rest of us to give wholehearted approval to its proposals

and to stand cheering from the sidelines simply because it has put out the soundbite "national park".

**Dr Sylvia Jackson (Stirling) (Lab):** I want to point out—

**The Deputy Presiding Officer:** Can Dr Jackson's microphone be switched on.

**Dr Jackson:** Does Mr McLetchie agree that the issues that he—quite rightly—raises, and that were taken on board in last week's debate, will be addressed during the interim period preceding the implementation of the legislation, which has, in fact, already begun?

**David McLetchie:** That may well happen. It is important that the interim period should be used to examine those issues and to shape the legislation. I wanted simply to make the point at the outset that we should not be carried away by the idea that it is necessarily a good thing that the tag of national park should be applied to a particular area of the country. All parties have much to contribute to this debate, and we should not get hung up on particular tags.

Like the First Minister, whom I welcome back to the chamber, we want a flourishing enterprise economy in Scotland; indeed, we invented the concept when the Labour party was back in the stone age. Unfortunately, the Labour party has no idea about how to create such an economy, as the transport bill outlined in the Executive's programme amply demonstrates. An enterprise economy requires low taxation. That is why we are totally opposed to enabling the introduction of city-entry taxes, road tolls and parking taxes. During the election campaign, we warned that Labour intended to penalise the family motorist and hurt the competitiveness of our businesses, heaping tolls and taxes on the fuel taxes and excise duties that have been the feature of Gordon Brown's three budgets to date, and of which there are undoubtedly more to come.

We have been proved right. The Labour party wants roads for the rich. We want roads for the people, whose taxes have already paid for them and who continue to pay for them every time they go to the petrol pump to fill up their car or go to the post office to renew their tax disc.

**Mr Salmond:** Can Mr McLetchie confirm that my memory is correct? I seem to remember voting five times against the fuel price escalator introduced by the Conservative Government in the House of Commons.

**David McLetchie:** Mr Salmond's memory does not fail him on this occasion. As became clear during the election campaign, our objections are now twofold: first, the increases imposed by the Labour Government are higher than those

involved when we supported the escalator concept; secondly—this is the key issue—when we get to the top of the escalator, we get off the escalator. We are now getting off the escalator, whereas the Labour party wishes to continue upwards and upwards. It is determined, with the proposals outlined in its transport bill, to put further tolls and taxes on motorists and businesses. I thought that, during the election campaign, I was crystal clear on that point on many occasions, but I am happy to reinforce it now. The truth is that Labour, supported by the Liberal Democrats in their coalition Government, is continuing its UK policy of introducing taxes by the back door in Scotland. We will oppose the Government's every attempt to impose new stealth taxes on Scots.

If the financial procedures and auditing bill is intended, as it apparently is, to facilitate the control of public spending—at least in principle, if not in practice—it is welcome. Members may recall that, last week, Mr McConnell, the Minister for Finance, claimed that there was no mention of financial prudence in our manifesto. He obviously did not read very much of it. If he had, he would have seen that the first commitment in it was to

"no new or higher taxes on Scots".

As a prominent advocate of new Labour double-speak, Mr McConnell clearly has trouble with plain English, so I will spell it out again for him. A commitment to oppose additional taxation of any kind means, by definition, that we must live within our means and control public spending in Scotland. We will be happy to support the prudent use of public finances under the Executive's management and I am happy to reassure Mr McConnell—our new iron chancellor—on that point. If Mr McConnell is really concerned about public spending in Scotland, he should—as I have said before—examine the cost of this bloated Government and the soaring costs of the Scottish Parliament building project at Holyrood.

The Executive's aspiration to raise education standards is, of course, laudable and welcome. Where its proposals build on the policies the Conservatives introduced in government, we will support them. However, imposing on councils a statutory duty to raise standards will, in itself, make not one whit of difference. Why do we need a law to state what should be a blindingly obvious responsibility? If our preponderantly Labour councils have failed in that responsibility, is it not time—as we said in our manifesto—for some real devolution in education through transferring the management of our schools to local communities?

Choice of nursery education for the parents of pre-school children is missing from the Government's proposals. We firmly believe in returning to a system of nursery vouchers, which allows parents to choose the nursery education



that is best suited to their, and their children's, needs and does not force them to accept the diktat of their local council.

Talking of councils, I come to another feature of the legislative programme. Any reform of local government must aim to restore public confidence in our local authorities, which is sadly lacking. Let us face it: the Executive's ethical standards bill is no more and no less than a damning indictment of the unacceptable face of Scottish Labour in local councils. The Labour party created what the First Minister called the "distinct Scottish need" that requires the attention of the Parliament—attention to cleaning out their own middens.

There are aspects of the Government's proposals that we welcome. In particular, I welcome the two important measures of law reform: on land tenure and in relation to incapable adults. I believe that in both areas modernisation of the law will be welcomed and widely supported in the Parliament. I cannot help but note, however, in relation to land tenure reform, that some of the greatest abusers of the feudal system are Labour councils who exploit their position as feudal superiors to extract consent payments from their citizens for home extensions and alterations for which they as councils have already given building warrants and planning permission. In Edinburgh alone, the Labour-run council extracts from citizens more than £40,000 a year in this way. Legislative time could be saved if such invidious practices were not sustained by Labour in local government.

In relation to the incapable adults bill, I welcome reform of the law in relation to financial management and welfare of the incapacitated. It is an area with which I am well acquainted from my professional life as a solicitor. I think it is right, as Mr Salmond suggested, to exclude the contentious section 5 proposals at this stage so that the practical reforms that I believe will enjoy all-party support can proceed, and other proposals, such as living wills and consent to treatment, which raise major moral and ethical issues, can be more fully examined. Those issues are in any event more appropriate for a member's bill than for an Executive bill.

**The First Minister:** I should clarify the situation, in case I misled unintentionally. We intend to include in the bill the general authority to treat an incapacitated patient if the treatment is in the interest of the patient, because the law is unclear on that matter. We will also address the case for therapeutic research that deals with the disease the patient is suffering from. We agree that the other matters to which Mr McLetchie refers should not be in the bill at this stage.

**David McLetchie:** I am grateful for that clarification.

I conclude by saying that, as a party with policies based on principles, we will advocate policies that we believe to be right—unlike, I fear, the Executive, which bases its policies on the findings of focus groups' or its junior partners for whom principles are bargaining chips to be traded for a place at the top table. Without any basis in principle, politics is nothing more than the pursuit of self-interest. It is that rather than distaste for so-called confrontation that turns so many people off the political process.

As I have said, there are some measures in the legislative programme that we can support. I am afraid to say, however, that the main elements of the programme are a hotch-potch of perverse priorities and grovelling apologies for Labour's failure in local government. One serious aspect of the proposals is that they contain the first of many statements that will lead to raising the tax burden on Scots under this Administration. We will fight that tooth and nail.

10:54

**Trish Godman (West Renfrewshire) (Lab):** I can speak only for myself, but I feel that today we are for the first time getting down to real parliamentary debate, and I welcome that. The First Minister has outlined a heavy but comprehensive programme. I would like to debate many of the issues—education, land reform—but, apart from the fact that I do not want to bore members to tears, I do not have time to do that.

Donald talked about a healthier nation and safer communities. We cannot have those if we do not address drug misuse. The solutions to that problem impinge on all Government departments. We do not need yet another report informing us about the amounts of cocaine, heroin and crack that are on the streets—we know. Such reports are excellent when we are considering the provision of services; what we need now is a programme of practical change. We must develop a range of services that will provide the links between those who need the services, those who provide the services, and us, the legislators, where necessary. We need joined-up drug policies in central and local government. We have everything to gain and nothing to lose if that work is carried out jointly and effectively.

Those of us who have worked in the field of drug misuse can sense the hopelessness in communities that are ravaged by drugs. It is palpable. We must do something to change the climate of hopelessness. Above all, our programme of practical change should have a listening brief. We have talked a lot about listening to civic Scotland. We must listen to the professionals; we must listen to drug users, their families and their friends; we must listen to the

police and everybody else who is involved with drug users. I hope that this Parliament will, at some point, consider an all-party committee on drug misuse. That would be important.

We must examine drugs education provision in schools closely. Drug education should be based on what works, and that has not been properly assessed. We must monitor and assess provision—and we must do so sooner rather than later.

While the misuse of drugs touches all communities, it is definitely more widespread in areas of high unemployment and poor housing, where there is a lack of opportunity for young people and those who are in poor health—in other words, people who are socially excluded. We must include them in, not out. The programme of change must therefore be part of our social inclusion agenda. We must find a way to strip drug dealers of their assets and put that money into drug education, the prevention of misuse and rehabilitation in the areas where they were dealing. We must let the people see that the dealer is off the street and that they are getting something in their community. If that means passing legislation in this Parliament, we must address that fact seriously.

I began by saying that I am pleased that we are now getting down to proper parliamentary business. I am sure that each and every one of us was asked at some point during the election campaign, “What is the Scottish Parliament going to do about drugs?” and that members answered more or less as I did—“I will do all in my power to resolve this problem.” If, four years down the road, we go out again to fight an election and another headline describes a six-year-old boy saying to a teacher, “Take this piece of heroin, it is killing my mother,” that will be an indictment not only of society but of each and every one of us here. We have the power to fund properly and appropriately, and to legislate where necessary. We must use that power responsibly, when considering all the proposals that are being put forward this morning, to rid Scotland of the scourge of drugs.

10:59

**Nicola Sturgeon (Glasgow) (SNP):** In the spirit of new politics, I welcome the inclusion of an education bill in the Government’s first legislative programme. Our education system is our investment in the future and it is only right that it should be at the heart of this Parliament’s agenda.

I also welcome the First Minister’s comments on partnership. As Alex Salmond has already indicated, nowhere is a partnership approach more appropriate or imperative than in our education system. The First Minister cannot have

failed to observe the growing gulf between those who make education policy and those whose job it is to implement that policy in the classroom. The president of the Association of Directors of Education in Scotland, writing in *The Scotsman* this morning in defence of the strengths of our education system, observes—quite rightly—that many of the problems of our education system are the fault of the national policymakers, not of the teachers who, on so many occasions these days, have to make do and mend. Less blame and more listening from the Executive ought to be the order of the day.

Increasingly, initiatives in education are introduced without consultation and are driven by ideological rather than education concerns. Inevitably, in those circumstances, it is the children in our schools who suffer the consequences.

I hope that the Government will take the opportunity to embrace genuine partnership and I look forward to Sam Galbraith’s statement on the details of the consultation process. There must be an open and rigorous consultation exercise, involving all the partners in education—local authorities, teachers, employers and, of course, parents, who, more than any other group, understand and care about the interests of our children. Who knows? Perhaps the consultation process will even provide a last chance for the Liberal Democrats to have some of their policies included in the education bill.

The crucial point is that the consultation process must not be simply a sham. We must listen to the views that are expressed in that process and ensure that the mistakes of the past are not repeated.

The education bill must build on the strengths of Scottish education, of which there are many, and tackle its fundamental weaknesses. Its aim must be to improve the educational experience of every single child in every single school in Scotland. In child care and pre-five education, that means introducing regulations to ensure not just the quantity of places available, but the quality of the care and education that our youngest children receive. In schools, we must bring forward proposals to reduce the administrative burden on teachers and allow them to do what they do best—teach children. We must allow our teachers the professional freedom within the curriculum to ensure that no children emerge from the early years of education without the basic skills that will allow them to go forward and fulfil their potential.

The Government’s stated aim is to raise standards in schools. I hope and expect that that will be one of the areas of consensus that the First Minister mentioned earlier. However, there must also be recognition that raising standards in schools is about more than the publication of

meaningless statistics. It is about real improvements in real schools—improvements that are relevant to pupils and understood by parents.

I hope, therefore, that the education bill will propose a radical reform of the discredited target-setting regime. In fact, I would go so far as to say that such a move is essential if local authorities are to be at the heart of the drive to raise standards. It is the obligation of everybody in society to work to raise standards in schools. Local authorities share that obligation, but it is the obligation of Government to create the conditions in which local authorities can raise standards in schools.

The debate about raising standards cannot and must not be divorced from the debate about resources in our education system. Scotland has an education system that is based on sound philosophical principles, and its many strengths must be protected. For some 20 or 30 years, however, the education system has been starved of essential resources. I hope that the education bill addresses the issue of resources. Before the election, the SNP outlined a variety of proposals to inject much-needed resources into our education system, and I hope that some of those ideas will be included in the education bill.

I hope that there will be proposals to reduce class sizes, not just in the early years of education, but from primary 1 to the second year of secondary school. I hope that there will be a Government commitment to work with teachers in the Scottish Joint Negotiating Committee to bring about that reduction in class sizes.

Investment in books and learning materials is absolutely essential, as is investment in language teachers and special needs teachers in primary schools. I hope that during this debate we will hear some indication of how many extra modern language teachers and special needs teachers will be employed in the course of this Parliament.

This Executive—this Parliament—has the opportunity over the next four years to do what Westminster, under Labour and Tory Governments, has failed to do, that is, to get it right for Scottish education, to get it right with teachers, with parents and with local authorities, and to get it right for Scotland's children. I hope that the Executive seizes that opportunity, and that as a result there are radical and necessary reforms in Scottish education.

11:06

**Miss Annabel Goldie (West of Scotland) (Con):** This legislative programme seems to be rather like the curate's egg—good in parts. As Mr McLetchie has indicated, there are areas of the programme which the Conservatives are prepared

to endorse and to support, but the other parts cause concern.

I agree with some of the earlier comments about the determination of priorities and the consequent gaps in the programme. The First Minister, in his preliminary remarks, said that people ask when this Parliament will make a difference. He also said, in defining the Parliament's role, that we are here to keep promises.

One of the most alarming gaps in the programme relates to drugs abuse in Scotland. I endorse what Mr Gallie and Mrs Godman have already said, and I am grateful to Mrs Godman for an accurate outline of the extent of the problem. The Deputy First Minister, Mr Wallace, has some sympathy for the problem. During the election campaign, he and I met in connection with the problem of drugs abuse in Scotland. I think that he and I would agree that the people we met—the youngsters we encountered, and the people who work with addicts and victims—were a deserving and meritorious group.

If I heard one comment recurring throughout the election campaign, it was that drugs abuse in Scotland is one of the major issues that perplexes, worries and alarms people. I am concerned that there is a silence about that in the legislative programme. Another recurring theme that I heard—as did the Deputy First Minister—was that all those who are trying to work at grass-roots level with the horrendous consequences of addiction and abuse are apprehensive about the lack of coherence, cohesion and a definitive Scottish programme to deal with the problem. During the election campaign, the Conservatives submitted that the issue was one of beckoning opportunity for this Parliament. We can look at the problem, take it on board, and spearhead a Scottish initiative through a minister or a parliamentary committee.

It is regrettable that the coalition Government has been unable to produce anything of comfort to the people of Scotland. They are desperately and acutely aware of the problem and they seek urgent reassurance. I hope that, notwithstanding the silence on drugs abuse in the legislative programme, it might be possible for the Executive to devise a means of bringing this problem to the fore, and in so doing to reassure the people of Scotland that this Parliament is concerned not about minutiae or technical detail or other aspects of bureaucratic tedium, but about the profound issues that are ravaging the communities of our country.

I am equally alarmed about the omission from the programme regarding enterprise and business. It is a matter of concern that there is no specific encouragement for the business community. Mr Dewar said that he wanted to build an enterprise

economy. As Nicola Sturgeon said about education, however, words may be one thing, but what are the substantive components of policy and legislative intent that will bring bricks and mortar to that proposal?

On the transport bill, there is silence on the need to address the desperate concerns of the business community about inadequate transport links. If one speaks to business communities in all parts of Scotland, one finds concern about congestion in a road structure that is unable to cope with the needs of business and commerce and concern that the ability of those areas to attract investment—inward or otherwise—is being deeply prejudiced.

I am concerned that apparently that is not perceived by the Government as a matter of any importance. What about reassurance on business rates? What about succour for the small business community? I come from that background, and I know that running a small business is a matter of daily, indeed hourly, challenge and preoccupation.

It would be helpful if the Government could reassure the business community that the matter of business rates has not been lost sight of, and if the Government could emphasise that it recognises the importance of preserving stability of business rates. If it does not, business communities in Scotland have real cause for concern.

In relation to training, the new deal—which I think we all acknowledge was Labour's English solution to a Scottish problem—has not been a success. It can hardly be classed as a success when more than 60 per cent of those involved do not end up in full-time jobs and when the cost of success is huge for those who do.

I am concerned that that problem has not been addressed. It is known to exist; one cannot speak to the business communities or the business agencies and not hear that there is deep concern about the efficacy and the workability of the new deal. I should have thought that this was an ideal opportunity for the Parliament, within the Government's legislative programme, to look at that and to determine a better structure for people in Scotland.

I, too, welcome the attention to the technical detail of feudal reform, which most people recognise is long overdue. However, it might not be universally recognised that there is a useful aspect of feudal law: the current relationship between what is technically known as the superior and the vassal allows the superior a preservation of amenity conditions, as well as private expense and immediacy of enforcement action. I am pleased that the Government acknowledges that and is prepared to try to support and retain it. That

can be contrasted sharply with the lumbering enforcement procedures under planning law, which are carried out at public expense.

I hope that the Government, in framing the bill, will not throw the baby out with the bath water, but will preserve the best, the most workable and the meritorious aspects of feudal law.

I endorse what Mr McLetchie said about the national parks bill; there is a need to see clearly what the bill is about. It is easy to wave the words "national parks" around and imagine that it is a panacea for all the problems that have been identified in relation to the management of land and water in, for example, the Loch Lomond and Trossachs area.

One of the burning issues at Loch Lomond is the abuse of activity on the water extent, which has been going on for many years and is of deep concern to both riparian dwellers and visitors. I hope that in the phrasing and drafting of the bill, due regard will be given to the need for proper management of activity on the water surface.

As Mr McLetchie said, the Conservatives will gladly support aspects of the Government's programme. However, there are huge gaps, which are a matter of concern, and there are other areas where the greatest sensitivity and the exercise of manifest common sense will be required.

11:14

**Ms Margaret Curran (Glasgow Baillieston)**

**(Lab):** There has been much comment recently about the level of debate in the chamber, some of which has been mean-spirited and has created an atmosphere that does not offer much encouragement to those who wish to make a contribution. It has been argued that that is part of a backlash—a way of intimidating and silencing women. Let me give notice to all: we are not so easily silenced. None the less, I am guided by the words of Lewis Carroll, who stated:

"Take care of the sense, and the sounds will take care of themselves."

If the commentators and others think that they can shift our conviction or our determination to speak by such vicious personal attacks, they can think again.

I feel obliged to mention one member in particular—

**Mr Brian Monteith (Mid Scotland and Fife)**

**(Con):** Will Ms Curran address Mr McAllion's remark that people should shut up?

**Ms Curran:** As Mr Monteith knows well, Mr McAllion's comment was made in a particular context. I wish to address such abuse of interventions.

In a scurrilous article in a recent edition of a Glasgow newspaper, Duncan Hamilton presented the SNP with a terrible dilemma. If the SNP does not condemn his ill-informed, inaccurate and prejudiced comments, we can conclude only that it endorses arrogant, reactionary and elitist politics; imagine the reaction if he had made those comments about black people. I have written today to Mr Salmond to urge that he publicly disown Mr Hamilton's comments, and I look forward to his reply.

**Nicola Sturgeon** *rose*—

**Ms Curran:** I wonder how much money was made from Mr Hamilton's utterances. In this Parliament, it is time to insist on mature behaviour and good manners. We should be driven by our commitment to the communities that we are here to represent, their needs and the measures that need to be put in place to address them, not by the conventions of a debating chamber.

In the legislative programme that Donald Dewar outlined, I argue that the most significant thread is social justice, not only because it addresses the needs of the people in my constituency of Glasgow Baillieston, but because it provides a vision and a direction for Scotland as a whole. Donald Dewar talked about stable communities. We do not need a raft of legislation to work towards such communities; we need a strategy for social inclusion that recognises the fact that poverty, lack of work, lack of educational achievement, lack of personal esteem and other key indicators are interconnected and reinforce one another. Unless we deliver an overall approach, those problems seem insurmountable. If we do not address the deep-seated problems of exclusion and poverty, we will fail not only communities such as Easterhouse, which I am here to represent, but Scotland.

**Nicola Sturgeon:** Will Ms Curran go through the legislative programme, in a way that the First Minister failed to do, and highlight the items of proposed legislation that will tackle the problems of poverty and social exclusion in Scotland?

**Ms Curran:** Nicola should bear with me; the problem with all these interventions is that members sometimes cannot follow the logic of a speech. I made it clear that we do not need a raft of legislation, and I will go on to talk about the committees. We need to consider the Government's overall strategy. This is the first time that I have spoken in this debate and I am here to speak on those issues; that is what I will do.

The Tory years, thankfully, have gone. During those years, there was no such thing as society and if a family faced problems, the Government's response was, "On your bike." Poverty, drugs and crime spread relentlessly, with little or no

constructive intervention by the Government. We must be clear, as we attempt to deal with such problems in this Parliament, that progress will not be easy. Our job is to ensure that we put some meaning behind the buzz words.

Within the committee structure, as has already been suggested, we need to consider measurements and targets across a range of services. We need to be proactive rather than reactive. We need to ensure that economic stability is linked to programmes of social advancement. The challenge of the 21<sup>st</sup> century is to ensure that everyone who can contribute to, and shares in, economic progress. We must recognise that ability, enterprise and energy are not respecters of class and geography; everyone, irrespective of background, gender, race, disability or sexuality, should have the means to contribute and to realise their potential.

Exclusion is at its most absolute when people's lives and those of their children are governed by abuse, fear and terror. John Orr, the chief constable of Strathclyde police, found in research that a woman is hit 35 times before she makes her first report to the police. If there is one thing that the Parliament can do—and I hope very much that it will, despite the misogyny that we have seen recently—it is to put funding for women's aid on a secure and appropriate footing.

We must intervene at the earliest possible stage to alter the life chances of children and young people. To Mr Hamilton in particular, I say that members of Mothers Against Drugs, in my constituency, may not have the slickest of university debating skills, but they speak with a passion and a precision about drugs that anyone can understand.

We must liberate the communities that are trapped in a vicious circle of despair and crime. Nicola Sturgeon should note that programmes that the Executive will deliver, such as new community schools, early intervention schemes, expanded child care provision, family centres and alternatives to exclusion are the key steps in rebuilding and regenerating our communities.

I particularly welcome the signal that was given by the Executive in creating a Minister for Communities. Too often, communities such as Easterhouse are seen as the problem; in my experience, they are the solution. Let us work hand in hand with those communities to bring about change. Through consultation and dialogue, we can create solutions and legitimise answers—not with the arrogance of the privileged elite in the SNP, but as partners in a new and radical Scotland. Above all, if we have the will, we can create a new form of government. We can listen to the voices of the excluded and focus this Parliament not on immature semantics but on

tackling poverty, which, in the words of George Bernard Shaw, is

"the greatest of evils and the worst of crimes".

11:21

**Mr Kenneth Gibson (Glasgow) (SNP):** SNP members welcome a local government ethical standards bill to restore public confidence in local government. The bill is necessitated by alleged sleaze and mismanagement in a number of Labour councils in recent years.

**Hugh Henry (Paisley South) (Lab):** Mr Gibson mentioned sleaze in Labour councils. Will he comment on reported sleaze among SNP councillors in recent years?

**Mr Gibson:** Will Hugh Henry give any examples?

**Hugh Henry:** If you wish there to be a tit-for-tat exchange across the chamber, Deputy Presiding Officer, I am more than happy to engage in one.

**The Deputy Presiding Officer:** I can assure Mr Henry that the Deputy Presiding Officer does not wish that to happen.

Mr Gibson, Mr Henry is indicating that he would like to make a further intervention. Do you wish to accept it?

**Mr Gibson:** Yes, I will accept it.

**Hugh Henry:** A number of examples of sleaze have been reported up and down the country in councils that are controlled by the SNP. I recall that one of the few councillors to have been jailed for misdemeanours in recent years was an SNP councillor.

**Mr Gibson:** Can Hugh Henry name the council or the councillor? As he is not prepared to name a councillor or any council, I will continue.

Under the principle of subsidiarity, each council should be free to establish its own code of conduct, albeit within a national framework in consultation with the Convention of Scottish Local Authorities and other interested parties.

We are keen to know whether the bill will cover quangos—whether quangos will be subject to the same rigorous scrutiny as councils and councillors—and whether it will allow for a register of senior staff interests, including political interests.

Through COSLA, local government has produced the document, "A Local Government Contract for Scotland". It is regrettable that that was not touched on in the First Minister's statement.

We were not aware that the McIntosh commission would be debated before the recess.

It would have been helpful if the First Minister had indicated his commitment to the McIntosh commission, particularly as new Labour made no submission to either consultation document.

We realise that the First Minister's statement was only a broad outline, that we are all here for the long haul and that Rome was not built in a day. However, in his starting line-up the First Minister could have clarified the Executive's plans to undertake a comprehensive review of local government finance; end challenge funding and annual bidding; extend rather than erode the number of services that are under democratic control; secure proportional representation in local government; introduce a power of general competence for local government; impose cabinets on local government; and return water to local authority control.

We are pleased that the Executive wishes to enhance the reputation of local government and is committed to high standards in local government. We will work constructively with the Executive to achieve that aim.

11:24

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** I welcome the First Minister's statement and congratulate the Executive on bringing forward a legislative programme that will ensure that this Parliament makes a good start in addressing the needs and concerns of the Scottish people. Without directing my attention to any specific area of the programme, I say that, as a Labour member, I am delighted with my party's commitment to social inclusion; equality of opportunity can be clearly identified throughout the proposals that have been presented today.

**Fiona Hyslop (Lothians) (SNP):** Will Mr McMahon identify the specific measures in the legislative programme that address poverty, homelessness and social justice?

**Mr McMahon:** Although SNP members are keen on debating skills, their listening skills are obviously not as good. A transport bill; improvements in education; national parks, which will create jobs; land reform to deal with feudalism; affordable housing, which is a priority for the creation of stable communities; improvements in the health service; the Government's approach to working with local authorities, public agencies and the private and voluntary sectors—those things are a start.

It is only right that the first aim of this Parliament is the creation of prosperity for this country. However, if we do not work to ensure that nobody is in any way excluded from access to that prosperity, we will undoubtedly fail the people. We should accept that we will not achieve change

overnight, but we can at least lay down the foundations of the means by which everyone can feel included, regardless of which community they come from. This legislative programme can be the foundation of what we can achieve in the long term as well as delivering much immediately.

The causes of social exclusion are many: poverty and deprivation; unemployment; low incomes; poor housing; broken homes; and bad health—the list is, unfortunately, too long. My main concern is with social exclusion as a result of discrimination. In particular, I want the practices of institutions and individuals that prevent disabled people and people from ethnic minorities from playing their full part in society to be eradicated. That will not be easy; it involves changing society's attitude to the way in which we treat each other as citizens.

We must make everyone realise that we have a duty to be tolerant and respectful of one another's differences. Intolerance is rife in Scotland. We have to challenge that, and I am confident that in its proposals the Executive has given the Parliament enough scope to allow us to make a good start in tackling the problem. It is the responsibility of each of us in the chamber to monitor the progress that is made towards social inclusion. We have to identify and implement effective anti-discrimination strategies in all areas of legislation, where appropriate. Disabled people and ethnic minorities in Scotland deserve no less.

I will give an illustration of the difficult task that we face. On Sunday night, I was at a gathering of a group within the Asian community. The guest speaker was Mr Salmond and I hope that he will concur with what I am about to say. While social exclusion is often seen as a euphemism for poverty, the number of Mercedes-Benz, BMWs and Daimlers in the hotel's car park gave no outward sign that this was a gathering of the socially excluded, if poverty were to be used as the criterion. However, as one speaker after another talked of their fears and concerns about their community in the wake of a series of racially motivated attacks, especially in the west of Scotland and including the death of Imran Khan, the sense of exclusion felt by the Asians in the room became tangible to the rest of us.

Regardless of their financial status, the members of the Asian community who were present on Sunday night clearly believed themselves to be shut out from the rest of society. Parliament must focus on the needs of vulnerable groups that feel ostracised. We must always promote social inclusion and work to prevent social exclusion from happening in the first place. I am confident that this legislative programme will allow us to do that.

11:29

**Alex Neil (Central Scotland) (SNP):** The First Minister made a statement of two halves. The first three and a half pages pay excellent lip service to the laudable objectives of social inclusion, eradicating poverty and the like and include lines such as,

“Our aim is social justice in a prosperous Scotland—a Scotland . . . in which all have the opportunity to fulfil their potential.”

He also said that

“we cannot accept a Scotland . . . where one third of Scottish households have below half the average UK income and where one quarter of our housing stock suffers from dampness or condensation.”

I hope that few members—if any—would disagree with those laudable objectives or with the sentiments behind them. All members have to recognise the deep-rooted economic and social problems that beset the people of Scotland.

The tragedy of the First Minister's statement is that, although the first three and a half pages pay lip service to the aspirations of the Scottish Executive, the rest of the statement contains very little to achieve those objectives. Indeed, when we consider the major problems of poverty, unemployment and bad housing, the total impact of the legislative programme will be practically zero.

Let us consider unemployment. To be fair, for as long as the macro-economic policy that affects Scotland—and which is dictated not by the needs of Scotland but by those of the south-east of England—is set at Westminster, there is no way that the Scottish Executive in a devolved Parliament can overcome the problems created when the UK Chancellor of the Exchequer follows a policy of high interest rates, high exchange rates and massive job losses.

**Alex Johnstone (North-East Scotland) (Con):** Is it not the case that the SNP's policy is to take the economic powers that Mr Neil has spoken about away from Westminster and to hand them to the EC in Brussels?

**Alex Neil:** No, that is not the case. We want fiscal power and autonomy for the Scottish Parliament, here in Edinburgh, so that we can reallocate resources on the basis of economic and social need.

**The Minister for Finance (Mr Jack McConnell):** Will Mr Neil give way?

**Alex Neil:** No, I will not give way to Mr McConnell.

How can we overcome the problems created by the economic and social policies being pursued by Messrs Darling and Brown—I use the term Messrs

advisedly—when we do not have the resources here in Scotland? This morning, I asked the First Minister which of the bills would do anything to reduce unemployment in Scotland.

**Mr Raffan** rose—

**Alex Neil:** I will not give way at the moment.

The First Minister came back with a bland answer. I have in my hand a document produced by the Parliament's information centre two days ago. It states categorically that, based on the International Labour Organisation measurement, there are 187,000 unemployed people in Scotland. According to the document, the forecast is that unemployment will go up. Nothing in the First Minister's statement will do anything to arrest the projected increase in unemployment or to reduce the figure of 187,000.

Similarly, the creation of social exclusion ministries and units is not the answer to the problem of deep-seated poverty in our society. Let us consider the facts. On the accepted measure that a poor household receives less than half the average national wage or income, some 1.2 million people in Scotland live in poor households—25 per cent of the population. Furthermore, 34 per cent of all children in Scotland and 41 per cent of children under five live in poverty, as do 29 per cent of our pensioners.

Nothing in the legislative programme will fundamentally alter those figures. I bet my bottom dollar or euro—whatever the case will be—that in a year's time, after we have passed, or not passed, all eight bills in the programme, those figures will remain the same. After the bills are passed, 1.2 million people will still be living in poverty in Scotland, one third of our children will still be living in poverty and 187,000 people will still be on the dole in Scotland.

On the first page of the First Minister's statement, he rightly says:

"People ask when the Parliament will begin to make a difference."

There is no doubt that a number of the proposed bills are welcome, as Mr Salmond and others have said. However, the bills tinker at the edges; they do not address the fundamental problems of unemployment and poverty in our society.

In particular, we should not underestimate the impact of unemployment, which is a root cause of poverty in our society. When a person is unemployed, their personality is destroyed. When a large number of people are unemployed for a long time, communities are destroyed. Unemployment leads to poor achievement in education and to a higher incidence of ill health. Unemployment is a cancer in our society and many of the other problems that we face will not

be cut out until we tackle unemployment at its roots. There is nothing in the First Minister's statement about that—the word poverty does not even appear in the 2,000 or so words in the statement.

I say three things to Labour members. First, they should look again at the legislative programme and give us a programme that will tackle the roots of unemployment and poverty. Secondly, they should recognise the limitations of devolution and demand the powers and resources from Westminster to tackle those problems. Thirdly, they should raise their ambitions for the Scottish people. We do not want this Parliament to sit for four years only for there still to be grinding unemployment and grinding poverty of the kind that we have at present. Success and the difference that we will make will be measured in terms of whether we create new jobs for the unemployed and whether we lift our people out of poverty. If we fail to do that, we will have failed the Scottish people.

**Mr Gibson:** On a point of order, Deputy Presiding Officer. Mr McConnell seemed somewhat shocked that my colleague Mr Neil would not take his intervention. He should remember that, last week, he failed to take interventions from five SNP members—

**The Deputy Presiding Officer:** That is not a point of order, Mr Gibson. I have switched off your microphone. Please sit down. [*Interruption.*] Mr Gibson, I switched off your microphone and I was standing. That should indicate to you—and to any other member in that situation—that you should be quiet and sit down. Mr McConnell did not break any convention of this chamber. Similarly, if Mr Neil does not wish to take an intervention—as he indicated in this instance—that is his choice. It is up to members to respect the choice of the speaker.

11:37

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** It was interesting to hear the previous speaker, Mr Neil, who spoke from the fundamentalist wing of the Scottish National party and who exposed the deep divisions within that party, close as he is sitting to its front bench.

Those who speak for independence speak with emotional rather than with economic arguments. Mr Neil did not respond to Mr Johnstone's point about the fundamental contradiction in SNP economic policy. The SNP is forever criticising the Bank of England for setting interest rates in Scotland, yet it is prepared to concede the ability to set interest rates to the European Central Bank. I raised this, and several other points, with Mr Swinney on the hustings during the election



campaign, but I never had a satisfactory answer. There is a basic contradiction in SNP economic policy, and I am not surprised that Mr Neil did not give way to Mr McConnell—or indeed to me. The question remains unanswered.

**Dr Simpson:** Mr Neil regards an unemployment rate of 5 per cent or so as grinding, but does Mr Raffan agree that the rate that the SNP would have wreaked on us by going into the euro now would have been very much worse?

**Mr Raffan:** We should enter the single currency, but when the time is right. Dr Simpson, with his helpful intervention, knows that I am in favour of entering a single currency when the time is right.

I am glad that Mr Salmond has returned to his place, as he, too, has not answered the question about the contradiction in SNP economic policy. Perhaps he can quietly do some policy making over the next hour or two, as the SNP did—pretty quickly—before the election, when it came up with expenditure and tax plans overnight. We are familiar with the speed at which the SNP can make policy, although it may not stand up to much scrutiny—

**Mr John Swinney (North Tayside) (SNP)**  
rose—

**Mr Raffan:** If Mr Swinney will hang on, I will happily give way to him, but not just yet. I want him to hear the full force of what I am about to say.

We know the speed with which the SNP can make policy; indeed, it can do so overnight with extraordinary rapidity. However, such policy fails to stand up to scrutiny, as we saw during the election campaign, when it completely disintegrated. I am happy to give way to Mr Swinney, who is still the SNP's vice-chairman, or deputy leader, or finance spokesman—one never knows what will happen next—if he can explain this fundamental contradiction in the SNP's economic policy. Is the SNP prepared to let the European Central Bank set interest rates for Scotland, despite the fact that the party continually attacks the Bank of England for doing so?

**Mr Swinney:** I am grateful to Mr Raffan for allowing my intervention. If he had shown me the courtesy of letting me intervene when I wanted to a moment ago, I would have asked him how long the Liberal Democrats took to do a volte-face on tuition fees when drawing up the coalition agreement. Furthermore, what are the similarities between the positions of the coalition parties on the single currency? The arguments advanced by Mr Raffan and particularly by Mr Malcolm Bruce, his colleague in the north-east of Scotland, are slightly—if not diametrically—at odds with the Labour party's stance on the issue.

**Mr Raffan:** I see no contradiction at all in the

positions. It is interesting that, when one raises a matter of policy with SNP members, they always reply on a completely different issue. I presume that if they had an answer about their economic policy, they would give it. I am happy for them to go into a huddle in the coffee room and make up their economic policy. Then I will happily give way to them in 10 minutes if they can answer the question asked by me, by Mr Johnstone and by Mr McConnell. They have not done so yet.

I will come to tuition fees later, as Mr Salmond quoted selectively—an old political trick—from the partnership agreement. First, I want to continue talking about the legislative programme, which was what I thought this debate was about. [*Interruption.*] Someone should tell SNP members that the election is over and that they lost. They are a bit like those Japanese soldiers in the second world war who emerged from the jungle only to be told that the war had ended 40 years before and that they had been defeated. The sooner the SNP can make constructive points, the better.

**Colin Campbell (West of Scotland) (SNP):** Which school of comedy did Mr Raffan go to? I want to avoid it.

**The Deputy Presiding Officer:** Will Mr Raffan please move the debate on?

**Mr Raffan:** Whatever school of comedy I went to, it cannot compete with the school of farce to which Mr Campbell belongs.

I want to deal with the legislative programme. I raised the serious point of pre-legislative scrutiny with the First Minister during questions on his statement. As the Parliament settles down, I hope that we will have time for such scrutiny, unlike at Westminster. It is important that concepts behind legislation are first put in green paper discussion form to be closely examined by the relevant committee. I am sure that the Conservative party in Scotland will agree with that, as that process would enable us to avoid such unfortunate measures as the poll tax.

If proposals can be examined in advance, we will be able to produce much better legislation; we can set a trend that will get Westminster to change its bad ways. That is why I hope that there will not be a straitjacket of 12 months for the legislative process. I hope that we can have three or four months of pre-legislative scrutiny, when committees can take specialist evidence on the concepts at the basis of legislation before that legislation is debated.

**Alex Neil:** Will Mr Raffan give way?

**Mr Raffan:** Mr Neil did not give way to me, so I will not give way to him. However, I am happy to give way to other members. I think that is a fair

principle.

**Mr Salmond:** Mr Raffan is causing some debate among us by mentioning the poll tax. We are trying to remember whether he voted for it when he was a Conservative MP.

**Mr Raffan:** I made many mistakes, almost as many as Mr Salmond. If he examines the reports of the committee stage of the poll tax bill, he will find that I expressed reservations about the community charge at the time.

**Mr Salmond** *rose*—

**Mr Raffan:** If Mr Salmond goes away and sorts out his economic policy, I will give way to him again. We are all waiting with bated breath for him to sort out fundamentals such as interest rates.

**The Deputy Presiding Officer:** Will Mr Raffan please keep to the legislative programme.

**Mr Raffan:** I am failing to make progress only because I am giving way so generously to the SNP.

On the legislative programme, it is important that the bills will be timetabled. We will not debate five sections for 14 meetings and rush through the remaining 85 sections in one meeting as at Westminster. It is important that there should be much more considered debate on bills.

There are radical measures in the legislative programme that I welcome. I welcome land reform—no good landowner has anything to fear from the Government's proposals.

Dr Jackson initiated a valuable debate last week on the Loch Lomond and Trossachs national park. I am a list member for the large region of Mid Scotland and Fife, which includes Loch Lomond and the Trossachs—the Cairngorms lie at its north-eastern edge. I am concerned that legislation for each of the national parks should be tailor-made for their particular needs. It is important to have enabling legislation based on the principle of balancing economic development and conservation. As I said last week, it is also important that local people are involved in the management of the national parks.

**Phil Gallie:** Will Mr Raffan give way?

**Mr Raffan:** I will continue, as I have given way several times.

**Phil Gallie:** It is an important point.

**Mr Raffan:** I will give way, then.

**Phil Gallie:** Mr Raffan expresses the hope that there will be much more time in this legislature to debate bills. As we will meet for only 31 weeks in a year and for only one and a half days a week, will we have time to consider bills in detail?

**Mr Raffan:** Mr Gallie makes a valuable point and I know that other members, including Mr Gorrie, share his concern about the number of weeks in which we are likely to be meeting. I understand that, in a week, we will meet for one and a half days in plenary and for one and a half days in committee, but that may not be enough. In Westminster, select committees tend to sit weekly; standing committees sit more frequently. I hope that this Parliament will be flexible about the number of meetings that we have, as it is important that we examine legislation in detail.

On the transport bill, road-user charging and workplace parking charges are important, but it is vital that any revenue raised is spent on public transport. This is a chicken-and-egg situation. We are going to put extra taxes on car users, so at the same time we must improve public transport. An integrated transport system is a great phrase, but we have yet to see much evidence of it. We must invest far more in public transport and we must do so soon. It is also crucial that we take freight off the road and put it on to rail. In this country, we have only 700 freight-loading points, whereas France and Germany have 15,000 between them. We must examine closely how we can invest more in our railway system and move freight from road to rail.

I am glad that the proposal to improve and to integrate concessionary fares systems for pensioners and for those in special need is also included in the transport bill. We should have an integrated concessionary fares scheme across the country.

I agreed with Nicola Sturgeon's comments on education. Raising standards and increasing resources go together. I am sorry that she is no longer in the chamber, but I am sure that the SNP will take the following point on board.

Mr Andrew Wilson asked what differences the partnership agreement had made. I will give a few figures that explain the difference. First, there are 500 more teachers thanks to the partnership agreement between the Scottish Liberal Democrats and the Scottish Labour party. Secondly, an additional £21 million—£24 per pupil—will be spent on books thanks to the partnership agreement. Thirdly, there will be a £9 million pilot scheme to encourage pupils from low-income families to stay on for further education thanks to the partnership agreement. On top of that, a massive £600 million will be invested to deal with the school building maintenance backlog thanks to the partnership agreement. I know that Mr Salmond—who quotes selectively from the partnership agreement—will be glad to welcome that additional expenditure, which the Liberal Democrats managed to obtain from the Labour party in the partnership agreement.

11:50

**Karen Whitefield (Airdrie and Shotts) (Lab):** I welcome today's announcement of the Government's forthcoming legislative programme. I am especially pleased that it includes provision for an incapable adults bill. Recent comments in other places may have led some to believe that there is a need for a bill for incapable MSPs. That, however, is a debate for another day—a day when Mr Hamilton is present. It is important that we recognise the potential that an incapable adults bill has for improving lives in Scotland. I am pleased that the Government has made the introduction of such a bill a priority in its first term in office, as the issue is important for many people.

I would like to make some important points about the current situation, the inadequacies of existing legislation, and the real difference that this bill could make to individual lives. Some members may be aware that much of the legislation relating to decisions on the welfare of adults with mental incapacity was made by the previous Scottish Parliament in 1585. Existing Scots law relating to mental incapacity is fragmented, unclear and archaic. Sadly, it has disadvantaged more than 100,000 Scots, people who are unable to make decisions for themselves because they suffer from a mental incapacity caused by dementia, a head injury, a learning disability or severe mental illness. Those Scots have been let down by existing legislation.

Being diagnosed as suffering from a mental incapacity greatly restricts people's life. Things that each one of us in this chamber takes for granted are no longer possible. Such people no longer have the right to decide where they will live; they are unable to influence decisions about the medical treatment they require; they are not allowed to make a will; and they cannot even sign to collect the bus pass that they are entitled to.

Carers are also disadvantaged, because they have no legal right to make decisions about the care arrangements for the person they care for. Even when the carer is the husband or wife of the person with the mental incapacity, he or she cannot manage the person's financial affairs, unless granted the power of attorney before the person became incapacitated.

Existing legislation fails my constituents in Airdrie and Shotts—as it fails all Scots—who become incapacitated. It also fails their carers.

**Ben Wallace (North-East Scotland) (Con):** Following Miss Whitefield's wonderful speech last week, I wondered whether she would confirm—if she is not too busy with her many constituents in Airdrie and Shotts who she said would be queueing up at her door—that she is a little disappointed that the legislative programme hardly

mentions health, unemployment and poverty, which she talked about so much in relation to her constituents. Will she join the other parties that are rather disappointed that the first thing in the programme is land reform and not the health and poverty of her constituents?

**Karen Whitefield:** I thank Mr Wallace for that intervention. I am happy with the legislative programme; I think that it will make a real difference to the people of Scotland and of Airdrie and Shotts.

I am here today to talk about incapable adults in my constituency, who have been to see me over the past few weeks to tell me how much they need this legislation. Existing legislation has let down the people of Airdrie and Shotts and of Scotland. There is a real need for a modern and comprehensive framework for the law governing the management of property, the financial affairs and the welfare of adults who are incapable of making decisions about those matters.

I am committed to making this Parliament work, because I believe that its policies have the potential to make a real difference to the lives of the people I represent. The incapable adults bill will do just that. At present, if a man develops dementia and he and his wife have a joint bank account, their account will be frozen. His wife will not be allowed to access their money, even to pay household bills. She will not be allowed to continue to manage their finances, even though she may have done so for all their married life. In future, banks will be allowed to set up simple procedures that will give access to reasonable sums of money.

I met a constituent last week who told me of his concerns about his wife's dementia and his concern that the doctors at the local hospital were not including him in decisions about her care. Today, he will be pleased to learn that in future there will be a legal obligation on doctors to consult him fully about medical decisions related to his wife's care.

Those are real problems affecting real people every day in Scotland. I welcome the introduction of this bill. It will encourage, promote and make possible greater independence for people who develop mental incapacity. At the same time, it will protect some of Scotland's most vulnerable citizens from abuse.

11:55

**Mary Scanlon (Highlands and Islands) (Con):** I would like to address much of what is not included in the Government's priorities. Having stood twice for Inverness East, Nairn and Lochaber and now being a list member for the Highlands and Islands, I can honestly say that

issues such as health and education were raised by far greater numbers of constituents than raised issues of land reform.

I believe that everyone in this chamber came here with a commitment to improving the health of Scotland. Health accounts for one third of this Parliament's budget, it is one third of our responsibilities, yet in the First Minister's statement there was but one passing mention of the chronic heart disease and cancer problems that we have in this country. I must express my disappointment—and, I am sure, the disappointment of many in the chamber—that health has not been given the priority that I feel it deserves.

The people of Scotland will judge this Parliament by how we care for two of the most vulnerable groups in our society: our children and the elderly. In the next four years, the Conservatives will clearly pursue the health commitments that we set out in our manifesto. While I realise that improvements can be made without legislation, I would ask the Government to make it clear what the health priorities are in the Scottish Parliament and when it will address those priorities. Will the Government give us a clear outline of where it stands on health?

Too many concerns to mention in this Parliament today have already been raised with me, as health spokesman for the Scottish Conservatives. An urgent concern, however, is the issue of blocked beds. There are 1,600 to 1,700 blocked beds each week in the national health service at a cost of about £30 million. Will the Government look at the relationship between social work services and the NHS? Our manifesto made a clear commitment to serve the elderly and the most vulnerable people in our society, to give them seamless transfer of care and to give them the care of their choice. There should also be a level playing field between privately run residential homes and council-run homes.

I am shocked to discover that the most common reason for admission of 14-year-olds to in-patient and day care beds is dental decay. When will the Government bring forward a public health bill or address this issue? I look forward to that, as it is a major issue for the British Dental Association, for parents and for children.

Trish Godman and Annabel Goldie, who both spoke on drugs, and Keith Raffan, who has raised the issue in a written question, have shown that every member of this Parliament is greatly concerned about the scourge of drugs in Scotland. Margaret Curran mentioned Mothers Against Drugs and the Conservative party has listened to people such as Patsy Siegerson and Cranhill Mothers Against Drugs. I do not mean to score a point here, but I can honestly say that we listened

to what they said, we heard what they said and we included their advice in our manifesto. I ask the Labour party again to rethink what Mothers Against Drugs and others with concerns about drugs in Scotland have said, and to please listen to them. Do not just listen to them, but hear what they have to say. I beg the Government to address this issue, whether by the legislative process or otherwise.

**Mr Raffan:** Will the member give way?

**Mary Scanlon:** I will give way, but I first want to speak in support of Keith Raffan's point. Our manifesto suggests finding a method of using money from asset confiscation to fund a national drugs strategy and to give families the support that they need when they have a drug user in the family. Support, treatment, rehabilitation and advice are sadly lacking in Scotland and I would ask the Executive to consider those issues.

**Mr Raffan:** I have lodged a motion, which I hope will gain support from all parties, on that specific point of the need for more resources for drug treatment, aftercare and rehabilitation. Of the £1.4 billion United Kingdom budget to tackle drug abuse, three quarters is spent on the courts and detection. We need to redress the balance and spend more on treatment and education.

**Mary Scanlon:** Those are examples of measures in health and drugs where there is no need to score points, as we are all committed to curing—or attempting to cure—and to addressing the scourge of drugs in our society. I thank Mr Raffan for his intervention. I have already said that I will be pleased to support him on that issue.

On the subject of waiting lists, the message that I have been given by medical practitioners is that we should stop treating headline figures and interfering with professional clinical judgment by dealing with minor cases so as to reduce waiting lists, while major operations must wait.

The British Medical Association has already flagged up the issue of junior doctors to us. It is regrettable that the Government has decided to block the reduction of hours and that we are now, for the first time in Scotland in many years, facing industrial action by committed professionals in the health service. I am pleased that the Minister for Health and Community Care said yesterday that she was seeking an early meeting with junior doctors.

Much has been said today about social inclusion. As a representative of the Highlands and Islands, I am concerned, as I am sure many other members from the Highlands are, that one indicator for allocating national health service resources is the deprivation index. One of the criteria for that index is car ownership, which assumes that car owners have some wealth. In

the Highlands and Islands, a car is not a luxury, but a necessity. Indeed, the costs of owning and using a car and high fuel prices cause deprivation in other parts of the household budget. I therefore ask the Minister for Communities to address the deprivation index when she considers NHS resources for rural areas, the criteria for which should be quite different from those for urban areas.

Turning to public health, I am pleased that our poor record of chronic heart disease has been mentioned, but it undoubtedly needs to be addressed by the Executive. I also ask ministers to consider more support and education for families of cardiac patients.

Last week, I was told that we had become a nation of spectator rather than participative sportsmen. This week, I heard on the news that Kenny Dalglish has had to go to Bulgaria to find new football players. Why is he not going to Dundee, Aberdeen, Glasgow and Edinburgh?

**Mr McConnell:** Who knows?

**Mary Scanlon:** Standards of sport and access to sport in schools are issues that must be raised. I am sure that Mr McConnell will share that view.

Finally, like others, I am concerned, as a parent and as a consumer, about academic research. Members will probably agree with me that there is a crying need for credible and accurate advice and information. For more than 30 years, women have worried about the side effects of the pill and have been told that it is okay, then that it is not. Last year, they were told that it is okay. Is it, or will there be another piece of research next week that says that there are dangers?

Another major concern for people in Scotland is the measles, mumps and rubella injection. Instead of professors trying to score points against one another, week after week, we need full, credible and accurate advice. I cannot leave out BSE, and Dr Simpson has already made a point about the beef-on-the-bone ban. The Prime Minister tells us that genetically modified foods are all right, but why do we not believe that? There are major concerns on GM foods and I ask the Government to give us some leadership and guidance about them.

My final point is on national parks and I would like to endorse what David McLetchie said. Along with other members in the Highlands and Islands, I attended consultative meetings about national parks throughout Strathspey and Badenoch. At the end of a three-hour meeting, we came away with more questions than answers. It is wrong for someone to say, "It is a national park and so we will vote for it," because there are so many types of national parks. I welcome debate that will arise from that issue.

12:06

**Fiona Hyslop (Lothians) (SNP):** I would like to address the business of today's debate—the legislative programme and the eight bills that are mentioned in it. We have heard fine words and passion about the need to tackle poverty, injustice and discrimination. We must recognise that the people who elected us want us to address those issues through action, not fine words. That is why one of the greatest criticisms of today's statement is its lack of provision on housing, social justice, poverty and anti-discrimination.

The First Minister spoke about Scotland's solutions to Scotland's problems and the need to address pressing priorities. Scotland's housing is a pressing priority and a housing bill is a glaring omission from today's statement. It is with deep disappointment that I address that point. Only yesterday, Frank McAveety and I spoke at a conference at which the Parliament's role in housing was discussed.

There is potential for great consensus on some aspects of housing. The Executive's failure to introduce early legislation to allow that to happen is a missed opportunity. Certain issues, such as a single secure tenancy, the strategic role of local government in housing matters and better management of tenements where there is a mix of landlord and home ownership, could have offered this Parliament a great opportunity to start making a difference early on. The Executive has missed that opportunity and housing is obviously not one of its legislative priorities.

The biggest omission is any attempt to address homelessness or to consider extending statutory responsibilities across tenure and the definition of who is homeless. Members who travel from Waverley station up the News Steps every day will see some of the problems of homelessness, and there is an early failure by this Government to address those problems.

I was pleased to hear the First Minister talk about social justice, as I think that that is the terminology we should be using. The term social inclusion perhaps allows the Parliament to avoid some of the issues that should be addressed. Michael McMahan was right: we are talking about poverty and the consequent discrimination, inequalities and lack of opportunities. Those are the issues that we should be addressing.

A third of our children live in poverty. If we start talking about them as being socially excluded from birth, we are automatically distancing ourselves from them. This Parliament should make children and issues of poverty central priorities. I want us to talk in the language of social justice and poverty, not in the new Labour speak of exclusion or inclusion, depending on which side of the border

people are on.

There is a hint that the driver for change in social justice may come from the committee structure. I hope that there will be strong consultation. I for one would ensure that our party drove forward the issues of tackling poverty and social injustice. I hope that consultation will mean being prepared to listen and to accept some points, whether people like them or not.

The SNP is on record as opposing mass stock transfer, but if consultation shows that that is not what is desired, I hope that the committee structure will acknowledge that and take it on board.

We have heard much in recent months about step-by-step progress, but it is with sadness that I say that we have not seen even an attempt to crawl on these issues. We have heard fine words and passion, but there is no action and there are no bills to address the issues. I can assure members that the SNP will use its role to ensure that this Parliament marches on the issues of poverty, homelessness and injustice.

12:10

**Paul Martin (Glasgow Springburn) (Lab):** I understand that a number of SNP members, particularly Kenny Gibson, have been awaiting my contribution to the Scottish Parliament. Some members will be forgiven for being somewhat overawed by the so-called calibre in the SNP ranks. For example, Duncan Hamilton is the fearless world debating champion from Bearsden. I have stayed in Springburn all my life and I have never known a fearless fighting champion from Bearsden, so we have already learned something in this Parliament.

The proposed legislation sets down foundations for the future. Donald Dewar is right in saying that it has been a long road and one from which we cannot be diverted. My constituents will welcome transport legislation. Gone are the days of bus companies being able to cherry-pick profitable routes. People want us to make a difference in transport matters. I look forward to that and to local authorities having a dominant role in ensuring that the legislation is delivered.

We have made clear that we will not accept underperformance in schools. I have been most impressed by the calibre of teaching in schools in my constituency and I look forward to working with many of the teaching staff, but we must make it clear that we will not accept underperformance.

Trish Godman touched on the issue of drugs education. I subscribe to her points of view. I agree that young people should be the focus of examining the best ways of improving drugs

education. In particular, I am concerned that we have not gone to young people to ask them about the best ways of getting involved in drugs education and the best ways of lecturing to them on how we can deal with drugs.

Local government will welcome the proposals to scrutinise it, but we should remember the hard work that councillors do and the commitment they show in many councils, for example Glasgow City Council, which is at the cutting edge of council services provision and is required to take difficult and complex decisions.

My constituency has some of the highest unemployment in Scotland. I look forward to the Scottish Parliament dealing with that matter.

12:13

**Mr Murray Tosh (South of Scotland) (Con):** I will address the issues of national parks and roads. I have no constituency interest or concern in the Loch Lomond and Trossachs area, but it is an area that I know well, as I know many of the popular areas of Scotland that hillwalkers, climbers and other users of the countryside frequent, and I am well aware of the difficulties that exist as a result.

In many of our most scenic areas there is severe erosion on the hillsides. There are also difficulties created by traffic in the glens, problems caused by erratic parking, difficulties created by litter, and disturbance to wildlife and to local people. I am therefore happy that, at an early stage, this Parliament is considering the action that should be taken. My concern is the concern that Mr McLetchie enunciated this morning, that the national park formula may not necessarily be the entire answer. The inevitable consequence of the national park approach is that it will draw more people in. We have to recognise that that may accentuate the problems.

**The Deputy Presiding Officer:** Can Dr Jackson's microphone be switched on.

**Dr Sylvia Jackson:** I want to remind the member of last week's debate, in which we talked about the importance of placing the national park development at Loch Lomond and the Trossachs in the context of the more holistic rural strategy that is being pursued by Stirling Council and the other two councils that are involved in the project. The development is not being viewed in isolation. We also emphasised the need to balance the environmental issues with social and economic development and accepted that many questions still remain to be addressed. Only this morning we said that an interim committee, which has already been established, will examine those very issues.

**Mr Tosh:** I intended to go on to make the point

that many of the issues were raised in last week's debate, which was very constructive and sensible, and that it was clear that Dr Jackson and the Minister for Transport and the Environment are willing to consider them. However, there are real resource issues that have not been discussed and they were not touched on in the First Minister's statement. Setting up a series of national parks has funding implications—they require car parks, toilets, staffing and rangers. I want to lay this down as a marker to ministers: if resources are to be made available, where will they come from, who will control them and who will administer them? What will the relationship be between parks authorities and local councils on matters such as planning regulations? We have not said no to national parks, but we will maintain a critical and questioning attitude until we know precisely what is proposed and how it will be implemented. We will play a constructive part in attempting to refine and shape the legislation.

I want to make a final point about national parks—

**Dr Jackson** *rose*—

**Mr Tosh:** I will not give way just yet.

My final point is about access. I know many of the areas involved fairly well and have never encountered difficulty obtaining access to hills and open moorland. Generally speaking, hillwalkers have been relatively happy with voluntary access codes. I will watch the Executive's proposals with interest, as I would be concerned if access proposals threw up difficulties for farming and other rural businesses on actively farmed land. We must be careful to protect the genuine economic interests of those who live on the land in fragile and isolated communities.

If Dr Jackson still has a point to make, I will give way.

**Dr Jackson:** I wanted to make the point that in last week's debate on Mr McLeish's motion we talked about democratic accountability. I hope that, in the spirit of this new Parliament, it will not be about our finding answers to questions; we would like everybody to come on board when doing that. That is our focus.

**Mr Tosh:** I accept that, but it is the financial question that particularly concerns me. That, I am afraid, means control of the public purse, which involves the Government. On that, this Parliament must look to the Government for a lead and for an indication of its intentions.

This morning, the Government has given us such an indication by outlining its proposals on roads. In one respect, I was not disappointed. Mr Dewar made much of the problem of congestion, which we all know about, but what is the key to

tackling congestion? In many parts of our country, it is completing our strategic roads network. Mr Dewar is giving me a look that indicates that his mood now is not much better than that with which Mr Salmond credited him this morning, but two years ago the UK Government came into office with a commitment to a strategic roads review. That review has run for two years without coming to any conclusion. Mr Neil asked the Executive a written question about road improvement and received a response that revealed that ministers will be "taking stock". There is no sign of when the Government will address the issue of strategic roads.

This morning, on my strategic journey along the A89—the A8 and M8 were blocked by an accident—I heard on the radio that the director of the Confederation of British Industry in Scotland is critically worried about the fact that our economy is uncompetitive and that we do not have the opportunity to create the jobs or pursue the economic development we need because there are so many gaps in our motorway network that remain to be plugged. Members would be delighted to hear ministers state clearly when they will make announcements and decisions on the issue. I fear that the spirit of what we have been told and of the green paper is that the Government will not do anything until its transport act is in place and the committees have discussed all the issues. There are more pressing problems that we should be tackling more urgently.

I referred to my alternative route to Edinburgh this morning, along the A89 through the constituencies of Airdrie and Shotts, Linlithgow and Livingston. It raises an obvious point: the danger of motorway tolls is that we will not collect money or improve the environment, but simply displace traffic. Many motorways can be ducked by taking alternative routes. My fear is that motorway tolls will have no beneficial effect.

Who are the people who drive into cities whom we are now going to tax to generate extra funding? By and large, they are not people bent on achieving some anti-social purpose, but people who need cities, who come to work in them and who undertake the hassle, ordeal, loss of time and inconvenience of driving through them to get to their places of employment. I wonder whether we should be penalising such people.

Edinburgh has many surrounding areas where wages are low and unemployment is rising. In the Borders, for example, unemployment is not being offset by an increase in new jobs—as Mr Dewar suggested this morning. Many people in the Borders have little option but to come to Edinburgh to look for work. Once the Government's scheme is up and running, presumably they will be faced either with increased parking charges in the city or

with access charges—road-use charges—which are unfair because they are a regressive tax that will be borne by people who drive not through choice, but through necessity.

**Robin Harper (Lothians) (Green):** Does Mr Tosh concede that building new roads—as was proved in London in the case of the M25—simply creates more traffic? That is a fundamental environmental perception. Study after study has shown that building more roads does not cut traffic; it creates more traffic. All that happens is that the same trouble is encountered further down the line.

Secondly, does Mr Tosh concede that improvements in rail services to the Borders, for example as a result of opening up the old railway line to Galashiels, would solve the problem in a much better way than building more roads through the Borders?

**Mr Tosh:** I take that point entirely. If a rail scheme were introduced there, it would meet many of the concerns of the area. I am sure that Borders people will be interested to examine the partnership agreement and see how successfully the Liberal Democrats implanted a rail strategy in their agreement with Labour—they did not.

On traffic generation, I do not know whether Parkinson's law provides the answer in Scotland. We need to examine household formation, the changing age structure and the female population's changing participation in road use. We should view car ownership as related to long-term social trends. Let us face it: we are nearly all drivers. We drive to work and for leisure; we drive because it enriches our lives and because it opens up activities which we could not participate in otherwise. Drivers should not be seen as the enemy.

My concern about charging motorists for using existing roads is that they already pay very heavy taxes to use them. They are paying for them already. They are paying for their maintenance. That money is nowhere near being reinvested in roads. I am not suggesting for a moment that we concrete over the whole country and build motorway after motorway, but many members from local authority backgrounds and others are acutely aware that councils have repeatedly approached successive Governments and pointed to detailed, accurate and logically presented studies that say that the key to economic development in many peripheral areas is the provision of a good transport infrastructure.

There is a crying need in much of the country: rural areas—and areas such as North Ayrshire—need a much better transport infrastructure. There are gaps in our motorway system—in the strategic road system—that need to be closed. The

Government must act on the matter soon if it is in earnest about promoting economic development in such areas, and—as is at the top of its agenda—about tackling poverty, low wages and social exclusion.

12:25

**Rhoda Grant (Highlands and Islands) (Lab):** I welcome the Executive's legislative programme, especially its proposals for public transport. To fight social exclusion, we must improve public transport. That is even more important in rural areas. In the Highlands and Islands, many people are excluded from society because they do not drive and there is little co-ordinated public transport.

We need an integrated public transport system. That will mean involving all providers in a partnership: local authorities, CalMac, P & O, Highlands and Islands Airports Ltd, ScotRail, other organisations that provide transport services, such as Royal Mail, and private providers. Such organisations need a forum in which they can work together to co-ordinate timetabling.

I welcome the proposal for a Scottish national public transport timetable, which would allow people and organisations to plan their journeys. That would be especially useful in rural areas and would involve looking at strategic issues such as whether funding is being put to the best use and what the new priorities are.

The Highlands and Islands integrated transport forum was a good starting point. There have already been many new initiatives, such as community buses, subsidised taxis and social car schemes. The rural transport fund will allow more services to be developed in rural areas.

All this is a far cry from the days when I walked miles along a track to primary school and travelled to church by boat. We need to go further; we must examine ways of devolving funding to organisations that can make strategic plans for rural areas. Perhaps we should consider a transport authority that can administer the rural transport fund.

Whatever decisions we take must involve people who live and work in rural areas. I look forward to the local transport strategies, which will enable local authorities to set out local priorities. We must devolve power to rural communities to make the decisions that best suit their needs.

*Question, That the meeting be now adjourned until 2.30 pm today, put and agreed to.—[Lord James Douglas-Hamilton.]*

*Meeting adjourned at 12:27.*



14:30

*On resuming—*

**The Presiding Officer (Sir David Steel):** We now continue with the debate on the Executive's legislative proposals. It would be nice if some members of the Executive turned up for the debate. [MEMBERS: "Hear, hear."]

Although I have some requests to speak left over from this morning, I invite any members who want to speak in this afternoon's debate to confirm their intention by pressing their request buttons. If there is an insufficient number of members who want to speak, I will consider taking a motion to close the debate. As a result of that we would move on, earlier than 5 o'clock, to Mr David Mundell's motion.

**Mr Salmond:** On a point of order, Sir David. Your observation is quite a serious one. There is a convention, certainly in the Westminster Parliament and perhaps in other Parliaments throughout the world, that at least one member of the Executive should be available to hear the points being made. [*Interruption.*] I see that the Deputy First Minister is now arriving. I do not know whether he was on duty and is late, or whether his appearance is simply a fortuitous performance.

**The Presiding Officer:** I thought, Mr Salmond, that I had made that point.

14:31

**Mrs Margaret Ewing (Moray) (SNP):** Thank you, Sir David. I will not pursue the issue of who is where at any given time, because many games can be played with it, as you and I well know from our experiences in other places.

This is my maiden speech in this assembly. I am not sure how many times one is allowed to make a maiden speech in a lifetime, but here I go again. In this chamber, at least, I cannot be called a retread, as I was, rather ungraciously, in 1987, when I rematerialised as the member of Parliament for Moray. To continue the analogy of being a retread, after some 17 years as part of the Scottish minority at Westminster, I decided that I wanted to come home because I genuinely believed that there was an opportunity for new direction, new steering and even new highways.

Introducing the legislative programme, the First Minister referred to his statement as starting the line-up. He may be in pole position in the race but, as many drivers can verify, that does not guarantee that a chequered flag will come down on his behalf at the end of the race.

The First Minister and I learned some of our political interests at the turbulent chamber known

as Glasgow University Union; I know that other members have survived that initiation. The difference, however, between the First Minister and myself—and I say, "Vive la différence"—is that he sees this assembly as the completion of what was described as the unfinished business of the much-respected John Smith. I see this assembly as only the beginning of that unfinished business. The terminal point of this organisation will be chosen by the voters of Scotland in the democratic process that is offered to them by us.

As an unashamed nationalist, I have never hidden my belief in independence, and I will continue to argue for the right of Scotland to be an independent nation within the community of the world.

For various personal reasons, I have not been able to be present in this chamber as much as I would have liked during the past weeks. However, I have watched, I have listened and I have read the reports. Sadly, what has taken place has not been particularly edifying. I do not know whether summer charm schools or makeovers will make any difference to elected members, including myself—perhaps my husband will want to comment on that. What I have gleaned from watching the deliberations of this Parliament is that the electors, the people, the voters, the taxpayers and the commentators have been disappointed with what we have done so far.

The First Minister said this morning that this programme was another milestone. He then proceeded down what seemed to be a dead end. He referred to

"exceptional and limited circumstances where it is sensible and proper that the Westminster Parliament legislates in devolved areas of responsibility."

I wonder whether anyone from the rather empty benches of the Executive could tell me what those exceptional and limited circumstances are. Who will define those circumstances? Will it be the 129 of us who have been elected to this assembly, or will it happen by the recall of Peter Mandelson to No 10? That is one of the fundamental issues which we must address.

The legislative programme will impact on my constituency of Moray in a number of ways. I have the pleasure of being the MP who represents the area that produces over 50 per cent of Scotch whisky. It is very tempting sometimes to name all my distilleries, but I will spare members that ordeal this afternoon. Everyone knows, however, that the whisky industry is hugely important to Speyside. It is responsible for many jobs—12,000 directly and 60,000 indirectly—and pays a great deal of money to the Chancellor of the Exchequer. It is a strategic industry that is listed among the top five UK industries. Over the years I have campaigned seriously for whisky industry taxation to be

equalised with that of the beer and wine industries. Now the fuel escalator will have an adverse effect on the whisky industry—French cognac producers will escape that problem.

In this week's *Sunday Herald*, Mr McLeish said:

"In the spirit of the new politics, the parliament will listen to the industry, learn and champion its wider concerns in relation to taxation and other issues."

Yesterday, I met representatives of the Treasury, including the Chancellor of the Exchequer, who said that the Scottish Parliament could lobby on behalf of the Scotch whisky industry as much as it wanted, but taxation is a reserved matter.

Is that what was meant by the First Minister's comments this morning? Do we, as a Parliament, agree that we can only eavesdrop, or are we prepared to go centre stage and take an industry such as the Scotch whisky industry on board and ensure that the money that it brings to our economy and the service that it provides are regarded as fundamental to this assembly?

The fishing industry was not mentioned this morning. My honourable friend—I am sorry, I keep using these Westminster phrases—Mr Salmond, Alex as we know him, knows only too well, as do many of us, the misfortunes of the Scottish fishing industry. Many of us have had to attend the funerals and memorial services of our men lost at sea. In particular, I recall the loss several years ago of the Premier, from Lossiemouth, where a mother and father lost three sons, just before Christmas. Anyone who has been to a memorial service or a funeral for one lost at sea, knows full well how much passion is given to the singing of the hymn:

"O hear us when we cry to thee,  
For those in peril on the sea."

Where will the Parliament stand on the impact on the fishing industry of legislation introduced by Europe? Will the First Minister or his deputy argue at the top table about the significance of the fishing industry to our rural economy and to the economy as a whole? Or will we in this Parliament be eavesdropping on decisions that will impact on the lives and the livelihoods of so many families?

The First Minister made no reference in his statement to freedom of information. We have spoken about an inclusive Parliament, which will reach out to people, involving voluntary and statutory organisations alike in the decisions that we reach. There should be involvement of the people, for the people and by the people. Nothing was said about freedom of information, yet Scotland has its own legal system. If we talk about an inclusive Parliament, it is fundamental that we should mention the right to freedom of information. Are we expected not just to eavesdrop, but to tap

in to legislation from Westminster?

We have an amazing responsibility, 129 of us, elected in various ways to the first Parliament for 300 years. It is a challenge that we must not take lightly; all of us have to work extremely hard. I did not come here to wreck—a word used by the First Minister in his speech—the Parliament. I agree that there will be vigorous debate, but it should be healthy debate. As details of the programme are eventually spelled out, consultation and all, I will continue to advocate that the Parliament should be in the van of forward thinking, if we as individuals take on that responsibility. I shall not be dragged along on the coat tails of an outdated Victorian system. The people of Scotland are not pawns; I am not here to be a pawn of any political system. I came here to work for Scotland and to take Scotland forward to full independence and the rights that she deserves in the international community.

**The Presiding Officer:** Before I call the next speaker, I should like to say that if members stick to about four minutes each, everybody should be able to speak. If members go much beyond that, there will be many disappointed people at the end of the afternoon.

14:43

**Dr Richard Simpson (Ochil) (Lab):** The last speech did not sound like a maiden speech. It was a polished performance, but did it address the proposed legislation that was put before us by the Executive today? Apart from the freedom of information question, which will have to be discussed at some point, it did not. It did raise significant and important issues, and there is no doubt that members will wish to discuss them—opportunities to do so will arise.

I am beginning to get a strong feeling that many of the Opposition speakers are confusing action that can be taken, using current laws, with areas where new law is clearly needed. Rushing in haste to make laws on individual issues is not the best solution.

One example from this morning is Mary Scanlon who, among others, wanted a new law on health. The new NHS structures in Scotland have been put in place only within the past two months. The health professionals and the public in Scotland would not thank the Parliament for embarking on yet further legislation before we see how the new legislation changes our structures for the better. The Health and Community Care Committee will have the opportunity to look at how the legislation is working to achieve the goal on which most of us agree—a health service that truly meets the needs of the Scottish people.

**Mary Scanlon:** I said this morning that many of

our health problems do not need additional legislation. I should have liked health to be further up the agenda, but I made it clear that I was not asking for restructuring of the health service.

**Dr Simpson:** That makes my point extremely well. I thought that this debate was about the alternate legislation that was required, not about actions that might—appropriately, I agree with Mary Scanlon—be taken.

Although Mrs Ewing said that she, and the public, had not been impressed, I have been impressed that a number of speakers from different parties have already shown a passion and a determination to tackle the scourge of drugs, which affects so many communities in Scotland. However, does the issue of drugs require new laws? No; it needs a joined-up, multi-faceted approach—to which Keith Raffan referred—which deals with education, treatment and effective policing. Above all else, it needs the involvement of the people: unless our citizens are genuinely on our side—on that, we can provide leadership without new laws—we will not achieve our objectives. Mary Scanlon referred to Mothers Against Drugs; a group in my community—Locals Against Drugs in Alloa, or LADA—represents another sign that individual groups are beginning to get together to tackle the issue of drugs. We must provide the leadership, without legislation, to enable them to do so.

I am sorry that Alex Salmond is not here, because I have asked the SNP twice whether it is prepared to go against the advice of the chief medical officer on the beef-on-the-bone ban. It is important that we should know and, at some point, I should like a clear answer. I know the SNP's policy on the ban and I have already said that we all wish it to be lifted at an appropriate time, but to go against the chief medical officer's advice is an extremely dangerous course of action.

Opposition members have said that the legislation that was outlined today is inadequate and does not meet the needs of the Scottish people. The 100,000 Scots who are affected by the incapable adults bill would not agree with them. That bill sets a stamp on what this chamber is about; it deals with a group of people who are the subject of archaic and unfair laws, which are higgledy-piggledy, fragmented and all over the place. If the Parliament can address such issues in its first session, we will deal with them effectively.

I was in my surgery on Monday, as I have the misfortune of still having to work out my notice in my previous job. A patient said to me, "I know your views on living wills, which I very much support, but will the Parliament make them statutory?" I answered that I was not sure that we needed a statute. We need health professionals who are

prepared to listen to patients, accept what they say, put living wills into their case notes—as I have done throughout my professional life—and respect the wishes and dignity of the individual patient. Health professionals should take people's clearly expressed prior wishes into account, and I think that they are beginning to do so. Through this chamber, we can encourage them to do so, but I question whether we need specific legislation on living wills.

We need legislation on the general issue, because it is an important area in which difficult questions need to be answered. For example, in accident and emergency departments today—at this very moment—a junior doctor is probably technically assaulting a patient. Junior doctors do not have the authority or permission, in law, to undertake the necessary tests to produce a diagnosis and to go on to manage that patient. Indeed, if a junior doctor goes on to administer treatment to a still-unconscious patient, for example to reduce brain swelling, the doctor is technically assaulting the patient. Our hard-pressed junior doctors, to whom Opposition members referred this morning, have enough problems on their hands without worrying about the legal position. The chamber has a duty to ensure that the health professionals have clear laws that support them and allow them to proceed appropriately.

**Mrs Margaret Ewing:** Does that mean that the Labour party now supports regarding the hours directive that applies to junior doctors as significant in their contract of employment? I agree with those sentiments.

**Dr Simpson:** I cannot speak on behalf of the Labour party, but I can speak as a doctor and as someone whose son is an accident and emergency doctor. We have reduced junior doctors' hours already and have agreements in place with junior doctors. I, along with everybody else, will certainly question the Executive to ensure that those agreements are met, and that the health authorities and trusts in Scotland fulfil their obligations to junior doctors, who are still treated extremely badly. The treatment of junior doctors is not just a question of hours. Most junior doctors are dedicated and will work the hours that are necessary to complete the job rather than fixed hours. We should also consider their accommodation and support, and the dignity with which they are treated as employees. The situation is not good at the moment and we need to address it. I am sorry that I cannot give Mrs Ewing a straight answer.

Many groups, such as the National Schizophrenia Fellowship and the Alzheimer action group, have described the legislation in that area as fragmented, archaic or unfair, both on

financial matters and on welfare. I have significant experience in that area. As Karen Whitefield pointed out in her excellent speech this morning, it is tragic and extremely upsetting that a couple's joint bank account should be frozen when the husband falls ill and is incapable; we cannot manage such situations. I very much welcome the statement that the proposed bill makes to our country: we care about people and will do something about it.

14:51

**Phil Gallie (South of Scotland) (Con):** Margaret Ewing's umpteenth maiden speech was a good one. It was expressed with all the sincerity that I have always recognised in her, but I will pick up on one phrase: she said that she would use this Parliament as a stepping stone to independence. I do not criticise her, but I see it as a warning to all the unionist parties in this chamber to ensure that she does not achieve that aim.

I take Dr Simpson's point about rushing into legislation. There was another absence in the First Minister's speech. He failed to make a statement about getting rid of archaic laws. Members should consider the recommendations of the Law Society of Scotland, which has suggested that Scotland is overburdened with laws that date from way back. Karen Whitefield made that point this morning. The Parliament has a duty to consider those laws and to get rid of them—the quicker the better—before we begin a heavy work load of eight bills in the coming year. That is a heck of a time scale in which to achieve good legislation. I am concerned that the Executive has come forward with so many bills. However, in a few minutes I will point out some omissions: areas that should have been included.

Among the bills that the Executive is pushing through I welcome the bill on standards in local government. The First Minister suggested that the problems in local government were distinct Scottish problems. I think that they are wider than that, but I will take his word for it. Perhaps we Conservatives can relax a bit; we have not been in an administration in any authority in Scotland recently, so we cannot be regarded as the party that is at fault over ethical issues in local government.

I go along entirely with the incapable adults bill and look forward to it being presented. It will offer much and is very much needed. I agree with Dr Simpson that Karen Whitefield made a good speech this morning. She presented the facts. I honestly do not think that any other member needs to go into detail on that bill.

Robin Harper intervened in Murray Tosh's speech to speak about money being spent on

roads and about improvements to the environment. I refer him to the arguments that we had about the link between the A77 and the M8 in Glasgow; the provision of the M77 by the Tory Government has improved environmental conditions hugely in the Thornliebank area of Glasgow and elsewhere. That road has brought benefits to Ayrshire, as well as to people in Glasgow.

Money spent wisely on roads can bring great benefits in many ways.

**Tommy Sheridan:** I hope that my intervention does not prevent me from being called later—I will be brief.

Can Phil Gallie tell us some of the environmental benefits of the M77 to the people of Glasgow, particularly those of Corkehill and greater Pollok, whose suffering through increased pollution and the loss of public transport services is a damning indictment of the construction of that road? I am sure that Robin would agree that the £53 million that was spent on constructing that road would have been better spent on improving the public transport infrastructure in and around greater Pollok.

**Phil Gallie:** I can describe the environmental benefits without doubt. Consider the fumes that are emitted by slow-moving traffic, travelling in stops and starts through Thornliebank. I know that the same thing happened in Pollok, as I used to travel that way from Ayr to Glasgow. There has been a great environmental improvement.

Think of the children in Glasgow who had difficulty crossing roads because of the traffic. Think of the improvement for them. If Tommy Sheridan would like, I could list improvements for a week, but I will not.

When I read "Partnership for Scotland", the commitment to law and order that it expressed gave me reason to rejoice. It said:

"We will take action to prevent the causes of crime . . . We will be tough on crime and the criminals who blight our communities."

However, nothing in the First Minister's statement reflected that commitment. The Executive might say that crime figures are going down and that we do not have the same problems that we had a year or two ago, but I ask the Deputy First Minister to look at the figures. Between 1990 and 1997, crime figures went down. In 1998, however, that trend was reversed. Non-sexual violence was up by 10 per cent; serious assault by 9 per cent; crimes involving offensive weapons by 13 per cent; and robbery by 9 per cent—once again, I could go on to cover a range of serious issues. People are concerned about living their lives peaceably and in reasonable conditions. The First Minister and the Executive

have lost great opportunities on law and order.

The document also said that the Executive would "support victims of crime." However, we heard nothing about the victims of crime today. No finances have been committed, whereas the previous Government provided a means of giving financial support to victims of crime. Over the past two years, funding for the victims of crime has gone down. Mr Wallace looks puzzled, but I understand that it has gone down quite considerably.

What has the Executive achieved? It promised to appoint a Minister for Justice and has done so, but his voice has not been heard by the First Minister—there has been nothing about the much-needed changes in the judicial process.

The document promised that the Executive would ensure a strong and effective police force, but what has happened to the police force since 1997? The number of police officers has been reduced. Where is the commitment to doing something about that? We are told that 100 police officers will be found to deal with drug enforcement. That is true, but they will be taken from the existing forces. There was no comment in the statement that would suggest a reversal of the process of reducing police numbers. That will give much concern to many people.

The document also promised to speed up the operation of the courts system, but we heard nothing about that from the First Minister. There is a real need there, and I am pleased to see that the Minister for Justice agrees with me on that point. Perhaps he can deal with that when he sums up.

Many members have raised the issue of drug misuse; once again I commend the comments of Trish Godman and others on that issue. I am very disappointed that the Labour party has not lived up to some of its promises, particularly those made in its manifesto. It says:

"The Scottish Parliament should introduce new powers of confiscation to strip convicted drug dealers of their assets."

Where is that in the First Minister's statement? Dr Simpson said that, in many ways, there is no need for new legislation to deal with the problem of drugs. He is right, of course, but this is an important issue and there is no mention of it in the First Minister's statement. That is something of which we should take great account.

There are other points of note in the Labour manifesto, which says:

"we will protect communities from sex offenders."

The previous Government certainly had intentions along those lines: the two-strikes-and-you-are-out policy. When that policy was introduced, Conservative members at Westminster were

ridiculed, just as I was ridiculed about my views on the tagging of offenders. However, being one in support of tagging offenders versus 101 against, I am delighted to see that the Labour Government signed up for that policy and that it has become practice.

Perhaps some of the things that I have mentioned—and others that I will discuss when more time allows—will be taken on board by the Executive and by the Labour party. If they are serious about justice meaning something, about people staking their claim for justice in Scotland, we will be very pleased.

**The Presiding Officer:** I would like to point out to members that we have had only three speeches in half an hour of debate. At this rate, there will be an awful lot of disappointed members at the end of the afternoon. This is not the kind of debate in which I should impose a time limit on speeches, but members should bear in mind the needs of others.

15:02

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** I will be brief, Sir David. First, I offer you the congratulations and best wishes of your former constituents in Tweeddale, Ettrick and Lauderdale on your appointment as Presiding Officer. I am sookin in with the boss. Sir David, your appointment has been a source of universal pride and pleasure in the constituency and I am very proud to deliver those good wishes in person. *[Applause.]*

I want to comment briefly on education. Mr Dewar offers us a bill to raise standards in Scottish schools. I would like to point out that acts of Parliament do not raise standards, ministers do not raise standards and even local councils do not raise standards; teachers and parents raise standards. I am worried because the mood music around the issue is not right.

We cannot raise standards in schools unless we have a motivated and committed teaching force. We do not motivate our teachers by denigrating them as many Government ministers have done for years. We do not motivate our teachers by confrontation on salaries and conditions—a dangerous prospect on the horizon. We do not raise standards by backing national testing—which does not test what it is supposed to and which gives results that are unsafe—or by setting standards that are plucked out of the air and that people have then to negotiate away. We do not raise standards by issuing statistics through which schools can be placed in order and which demotivate schools that, however hard the teachers try to do their job, are not near the top of the list.

Another matter on the horizon troubles me deeply: the higher still programme. The programme is going ahead, but there are real problems with higher still English. It is not going ahead as it should be because the professionals—the people who are in schools all day, every day—seriously believe that there are difficulties in the content, delivery and assessment of that course.

Moreover, there are flaws in the examination system and worries about its validity and integrity. Outside influences have too many opportunities to interfere to make the results safe. Higher still is the flagship of the Scottish education system, and something needs to be done to restore the confidence of the teachers, as well as, in the long term, that of the public and of the pupils who will sit the examination.

We are talking about the introduction of new bills for education and about consultation, so it is important that teachers—not just the Educational Institute of Scotland, of which I am proud to be a member, but teachers on the ground—are asked about how things should be done. Their views must be taken seriously. I assure members that people complain about higher still English not because they are skiving, but because they are worried about their professional status. That problem needs to be addressed. The Executive and the Parliament need to take account of the professional views of teachers both before legislation is introduced and during all our other negotiations with them and others in the education system.

The First Minister spoke about the expansion of pre-school education. I do not know exactly what the terms of that expansion will be, but consultation on that issue might also have been helpful. In rural areas, there is a real problem with nursery places for pre-school pupils. For example, the kids from Walkerburn are given places in Innerleithen, but there is nothing in the legislation to make local authorities bus them there. Local authorities have to help children to travel to school, but nursery pupils get nothing. There are young, perhaps single, mothers whose kids have nursery places 12 or 14 miles away, and yet no one has thought that they need transport.

That is the kind of important issue that we can affect if our procedures change to give people who are concerned a real chance to make an input before the arrangements are finalised and the legislation is put on to the statute book.

**The Presiding Officer:** Thank you, Mr Jenkins, both for your kind opening remarks and for your timing.

15:07

**Maureen Macmillan (Highlands and Islands)**

**(Lab):** I want to express my appreciation for what the forthcoming legislation will do for the Highlands and Islands, in particular for Gaelic-medium education and in the plans for land reform.

Tha mi duilich. Chan eil moran Gàidhlig agam. That means, "I am sorry. I do not have much Gaelic"—when I was a child, it was educated out of me. I went to a school where there were four Gaelic-speaking teachers and most of the children came from Gaelic-speaking homes, yet not a word of Gaelic was spoken in the classroom. I know of schools where all the children came from Gaelic-speaking homes, and where the teacher could not speak any Gaelic. Thus, a language was almost lost.

The educational establishment in those days was indifferent, sometimes even hostile. It was thought that Gaelic would hold children back; they thought that it would somehow prevent children from reading and writing properly in English and that it would be an educational disadvantage.

Thankfully, educationists abandoned that position long ago, realising the positive value of learning, or being taught from an early age in, a language other than English. Ability in two languages engenders in children a linguistic confidence and one hopes that it will make a difference in the way in which they approach learning French or German in later years. Parents recognise that, and even non-Gaelic-speaking parents recognise the value of Gaelic-medium education. A report to be published in the autumn will confirm that that is the case and that Gaelic-medium education has a positive educational advantage.

The majority of children in Gaelic-medium nursery education and playgroups come from non-Gaelic-speaking homes. It is wonderful that parents whose families lost their Gaelic perhaps two generations ago are beginning to learn it again with their children through simple fun, games and drama. I know of three women who learned Gaelic again that way. Two of them are now working in Gaelic-medium education; the other is doing her PhD in Gaelic poetry at Edinburgh University. The culture is being revived and strengthened.

Of course, Gaelic-medium education is not confined to the Highlands and Islands; it takes place throughout Scotland. Someone asked me to mention in particular the Gaelic-medium school in Glasgow.

**Mary Scanlon:** I, too, am a member for the Highlands and Islands. Perhaps I missed something this morning, but I was not aware of the Government's commitments to or proposals for Gaelic. Would Mrs Macmillan care to outline those commitments? I am very supportive of her cause

and would be genuinely interested in hearing the proposals.

**Maureen Macmillan:** Proposals for Gaelic-medium education are contained in the general education legislation, but it was reported in the *Inverness Courier* last week, I think, that Gaelic was being given secure status. That was mentioned by Alasdair Morrison.

**Mary Scanlon** *rose*—

**Maureen Macmillan:** I am not giving way again. I want to talk about other aspects of cultural regeneration, particularly land reform. What is the use of regenerating culture in crofting communities through the language if those communities do not own their land and have to live and work at the whim of some cash-heavy individual who wants a bit of Highland hill to impress his friends?

We have to examine the problem of shadowy landowners. Where companies own land, we do not know which individuals have real control over it. It is crucial to the furtherance of our proposals that we formulate strategies to discover the real owners of Highland land. Landlordism—whether practised by traditional landlords or by shadowy companies—has almost destroyed the Highland environment. Landlords introduced sheep and expanded deer forests. They have stifled enterprise by refusing to countenance any development that might spoil the view. I want legislation that will give power to communities who want such power and that will allow the Highlands and Islands to take a leap from the 19<sup>th</sup> into the 21<sup>st</sup> century.

15:12

**Mr Kenny MacAskill (Lothians) (SNP):** I face two charges. The first is to make a few comments on behalf of my party. The second is Ms Curran's charge that I belong to a privileged elite. I want to address the latter charge first, as it has been taxing my mind all morning. I wondered what led to my being charged with membership of a privileged elite—perhaps it was my educational background. As I attended Linlithgow Academy—the same alma mater as that of the leader of the SNP—I thought that Ms Curran's charge could not possibly be justified, as the leader of the Labour party went to Fettes College.

**Ms Curran** *rose*—

**Mr MacAskill:** I will give way in a minute.

I then thought that Ms Curran might have levelled the charge because of the education that I am providing for my children. My eldest boy set off today for his first induction day at Boroughmuir High School, an alma mater at which until only recently my friend Robin Harper taught. However, I thought that that could not be the case, as Ms

Harriet Harman used various means to send her children to specific schools.

**Ms Curran** *rose*—

**Mr MacAskill:** I will now let someone from the underprivileged section intervene to tell me where Ms Harman chose to send her children.

**Ms Curran:** I think that Mr MacAskill knows what I was referring to this morning. Does he disassociate himself from Mr Hamilton's article in the *Glasgow Evening Times*?

**Mr MacAskill:** I have not read Mr Hamilton's article.

**Ms Curran:** I suggest that Mr MacAskill does so. It makes very interesting reading.

**Mr MacAskill:** After 20 years in law and a career in politics, I am not prepared to comment on anything that I have not seen.

My initial comment on the substance of the debate was going to be along the usual lines of "Where's the beef?", but I chose to change that given the absence of any beef-on-the-bone legislation. Like me, the First Minister is a lawyer, so I thought that it would be simpler to say that his statement was insufficient and lacking in specification.

The First Minister said:

"We will introduce a bill to allow the creation of national parks in Scotland."

Having listened to Mr Tosh and Dr Jackson, the SNP is open-minded and prepared to be persuaded on the matter. However, what does the statement tell us? We all know that Scotland's natural heritage is unique and that we must manage it. The First Minister went on to say that there would be enabling legislation, but all that he told us was that the first national park would be Loch Lomond and the Trossachs. I am not a betting man—I leave that to my leader, who is a syndicated columnist on that subject—but I would have thought that, on a wager, it was a nap that the first national park would be Loch Lomond and the Trossachs. It was hardly going to be Craigmillar or Castlemilk. However, that is all that the First Minister told us.

Before we make a proper judgment on the national park, we want to know who will fund it and what the funding will be. Who will control it and how will it be administered? To whom will the people who control the parks be accountable and what democratic input will individuals, councils and this Parliament have? The First Minister answered none of those questions. All that we were told was that the national park was to be located at Loch Lomond and the Trossachs.

We on this side of the chamber—the privileged

section—worry that the national park will be another quango crammed with Labour cronies. We have seen how some quangos have operated and know that various individuals are currently out of employment. I saw last night that ex-councillor Nolan may be losing a job. Perhaps he will be interested in moving from Craigmillar to Loch Lomond and the Trossachs.

A member of the press corps told me that transport would be the big issue and that I was fortunate to have been charged with the responsibility of being transport spokesman for my party. I picked up a copy of Mr Dewar's statement at 10 pm last night because I was so worried about the heavyweight legislation that was going to be in it and what I would have to comment on. It said:

"We will introduce a bill to address Scotland's many and diverse transport challenges."

I take that as self-evident. It went on to say:

"We need to generate the resources required to deliver a transport system that will be fit for the 21<sup>st</sup> century."

I do not think that anybody in the privileged or underprivileged sections in this chamber will disagree with that statement. The First Minister also said:

"We need local solutions to local problems, within a coherent strategic framework."

There are local problems but we have to go beyond them.

There are many important points missing from the First Minister's statement. At lunchtime, I and others, including some Liberal Democrats, met a delegation from Skye and Kyle Against Tolls who complained about the injustice of the imposition of the Skye bridge tolls on Skye and Lochalsh and on Scotland as a whole. Despite a clear and unequivocal promise by some members in this chamber, there is nothing in the proposals about eradicating the iniquities of the Skye bridge tolls, which are the highest in Europe. The Liberal Democrats should hang their heads in shame.

In the proposed legislation there is a road-user charge and a parking tax. The SNP do not disagree with those proposals—they are fine in principle—but perhaps there is too much stick and not enough carrot. There is a lot about the taxation that may be levied and nothing about how it will be used. We want answers to two questions. Will the revenue from the taxation be ring-fenced for transport? If it is ring-fenced, will it be for sustainable transport or, like cigarette levies and excise duty, will it go into the Exchequer pot and not be used to make the improvements in public transport that Scotland requires?

The statement made no mention of money to improve the infrastructure in cities and contained

nothing about a strategy for public transport and how to deal with the anomaly of high petrol taxes in rural areas. The transport proposals do not make a clear national strategy. There is no coherent vision for Scotland as we go into the 21<sup>st</sup> century and the next millennium. The statement was tawdry and tatty and contained nothing more than we could expect from Strathclyde region writ large. It was not a national document; it was a glorified regional transport portfolio. Labour has failed to recognise that.

We recognise that, in this Parliament, there are expenditure limitations on any party in the Executive. However, we are aware of the money that individuals in Scotland contribute through excise duty and the highest petrol and diesel prices in Europe. We are also aware of the money that is contributed to the Treasury through revenues from oil resources off our shores. We know that the transport and environmental situation is shabby and shambolic and will not be improved substantially as we go into the next millennium.

We want greater use of Exchequer money. Why is it that the M25 orbital motorway can be built using public Exchequer funding? Why is it that London Transport and the Jubilee line can be created out of public Exchequer funding? Why is it that the leader of the Labour party can talk about the importance of building the infrastructure that will allow people to travel to the millennium dome? All of that is happening when there is virtually no provision for infrastructure in Scotland at the macro or micro level. That is not a matter of taking a bird in the hand; it is a matter of being given chickenfeed.

15:21

**Alex Johnstone (North-East Scotland) (Con):**

I do not know about other members, but at times this morning I was delighted by the quality of debate. One lady is still seated on my extreme left—and I think that she is to the left of most of us. Would that be the case?

**Ms Curran:** I am very flattered by that remark.

**Alex Johnstone:** That lady did me a great service by developing her argument in a way that was entirely opposite to the way that I would have chosen, which reminded me how greatly the experiences of members differ: Ms Curran and I could almost have come from different planets.

I come from the farming community of the north-east, where I was born and where I live to this day. My priorities are entirely different from those of many in the Administration. Nevertheless, I have similar priorities in the sense that I see, in my area, the same problems of poverty and deprivation. Those problems are not being



solved—they are becoming worse. That is a direct result of the way in which the farming industry has been treated over the past two years.

The First Minister's statement this morning contained proposals for three bills that will affect Scotland's farming industry. I accept that there is nothing in those proposals that is not there for a good reason. However, my concern is that the three bills have been put forward to the exclusion of anything that can really help our farming industry.

I would have expected that the coalition group that formed the Government would have had considerable expertise in the farming industry, which could have been applied to solving the problems. However, the priorities of Scottish Labour are the priorities of a predominantly urban party, which has superimposed its values on the rural communities of Scotland. I ask it to take the opportunity to look more closely at what can be done for Scotland's farming industry. We have always said that a strong farming industry underpins Scotland's rural economy. If we are not very careful, we will soon have no farming industry to do that underpinning. I ask that due consideration be given to that.

If we want to know what priorities we should pursue, we need look no further than the partnership document drawn up by the Labour party and the Liberal Democrats, from which I draw my evidence that this Administration understands the problems better than it is prepared to admit. The document says that the Government will promote the Scottish food industry and that it is prepared to introduce an independent appeals mechanism for farmers who face penalties relating to their European Union subsidy claims. Those are among the priorities that I hear about every day.

**The Minister for Rural Affairs (Ross Finnie):** Mr Johnstone said that the partnership document made no reference to how we could deal with the farming industry and he questioned why there was no legislation. Does he accept that it was perhaps more helpful that the Government was this morning launching the food chain strategy, which is aimed at taking the cost out of the food chain for the benefit of the primary producer? That is what the Government was doing this morning.

**Alex Johnstone:** I accept every Government action that will benefit Scotland's farming industry. My problem with the legislative programme that was set out this morning is that it largely deals with problems that are not perceived as being top priorities in much of rural Scotland. The important thing for much of rural Scotland is that our industry is supported.

**Mr Raffan:** I am grateful to Mr Johnstone and I

am sure that he is not suffering from selective amnesia. Until fairly recently, his party had been in power for 18 years; it had the opportunity to do a lot to promote farm produce. What is the result? We are decades behind the French. We have no equivalent to Sopexa. His party—the former UK Government—had the opportunity to do something but it did nothing.

**Alex Johnstone:** I am not here to defend the actions of the previous UK Government, but I must remind Mr Raffan that in the two years since the election in 1997 the economic position of the farming industry in Scotland has been radically altered. There is a sound argument that the problems of the beef industry have their roots in the problems of BSE, but nothing in the problems associated with BSE can account for the problems that now cause our dairy farmers—of whom I am one—to be in a desperate financial position. Nothing in the problems associated with BSE has caused the collapse in grain prices; nothing in them has resulted in the collapse of the sheep industry; nothing in them has caused the unprecedented across-the-board collapse in Scottish agriculture.

Finally, nothing associated with BSE has seriously undermined the pig industry in Scotland. The problems in the pig industry have been caused entirely because the British Government has introduced welfare regulations faster than other European Governments have. That puts pig farmers in an unfair position in competing with their European counterparts.

**George Lyon (Argyll and Bute) (LD):** It is hard to accept some of the statements that Mr Johnstone has just made about BSE and its impact on the industry. As he is probably well aware, the dairy industry is afflicted by the problem of the over-30-months scheme. That scheme is a direct result of total mismanagement of the BSE crisis by the Conservative Government.

Mr Johnstone is also aware that the calf-processing scheme is a direct result of BSE; it was introduced to counteract the effects of BSE. Again, that was down to Mr Johnstone's party when it was in power. The pig industry is suffering from extra costs as a result of the ban on the use of meat and bonemeal material in pig rations. I suggest that Mr Johnstone does some homework on his party's track record before claiming that the problems have nothing to do with the Conservatives.

**Alex Johnstone:** I am absolutely delighted that George Lyon has taken the opportunity to demonstrate the expertise that exists among Liberal Democrats. I recommend that the Government uses it. However, I would put a question mark over his record because of the way

in which he changed his opinion on beef on the bone overnight in order to accommodate the agreement in which he is involved.

I continue to be disappointed by the fact that the opportunity has not been taken to do something for Scotland's farming industry. That missed opportunity has been highlighted by the fact that much of this proposed legislation will impact on Scotland's farmers indirectly and that nothing has been done for them directly.

15:29

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** I was anxious to speak today for a selfish reason. I do not know whether this is appropriate, but I would like to announce that, yesterday afternoon in Harrow, my daughter gave birth to my first granddaughter. She weighed in at 6lb 14oz—members can tell that she does not take after my side of the family. I felt that in this family-friendly Parliament, I could not miss the opportunity to make that announcement. [*Applause.*]

That applause has just spurred me on, so I will continue with an apology. I have never participated in or witnessed a public school debate and I have never been to Australia. However, I have been forced to debate my arguments and present my case in shipyards on the Clyde, in the bottling halls of Dumbarton and in the mills of Falkirk and Grangemouth. There were no formal rules, but if people made personal attacks on others they were more likely to get a black eye than a debate. That rarely happened, although sometimes people got a sore nose. The basic rule was that if someone was talking nonsense, they were told that they were talking nonsense. Much nonsense has been talked—or has been reported—during the past few weeks. I think that we all feel relief today that we are now reaching a sense of purpose about the business of the Parliament and are getting down to it.

The First Minister's statement set out a programme that we can all support and that understands the power of education. We should all rally behind it, as I hope we will. The programme will raise expectations—rightly so, because the expectations of the people whom I represent are extremely low.

I hope that, as was said this morning, the programme will support the regeneration of our economy. Some people say that we need a bill before Parliament to discuss unemployment or to tackle the problems of redundancies and jobs. However, we did not need a bill or a debate to send a task force into Govan, which the workers were discussing this morning. I hope that the task force will bear fruit for the more than 200 people in my constituency who depend on the Kvaerner

Govan yard for their livelihood.

I welcome the First Minister's stated priority of targeting heart disease and cancer. Greenock and Inverclyde have a high incidence of disease and ill health, which needs to be fought relentlessly. I also welcome the priority of building strong and stable communities that are not overshadowed by the fear of crime. We do not need to have legislation in place to attack drugs, but drugs are the big issue on the streets and we must get a grip of the situation. We know that drug-related crime is up and that drug-related deaths are on the increase.

Against that background, the need for action cannot be questioned. A lot can be done through education, as Trish Godman said, and by providing rehabilitation centres where there are none for people who want to come off drugs. I say to Phil Gallie that where there are no places in a rehabilitation centre, people come through your back window. The issue needs to be addressed urgently. If we address it and some of the other issues, I am confident that my constituents will support the priorities of the Parliament and the programme.

15:33

**Andrew Wilson (Central Scotland) (SNP):** I begin by pointing out to Phil Gallie, in relation to his comments to Margaret Ewing on unionist parties, that six parties are represented in this chamber, three of which support independence as an end aim, albeit that two of those parties have only one member in the chamber. I call that constitutional progress.

Also, after Paul Martin's outrageous attack on the people of Bearsden this morning, the Minister for Children and Education may want to defend his constituents at the next Labour group meeting and bridge the yawning chasm inside the Labour party group.

I thank the Executive for its courtesy in allowing Opposition front benchers foresight of the statement and for not announcing some of the measures before they were heard by the Scottish Parliament, although the *Inverness Courier* appears to have foresight of something on Gaelic that we have not been warned about. That is a precedent that should be followed at all times in this chamber. A little less action from those responsible for the hyperspin that comes from the publicly funded Labour press office and a bit more representation in the chamber would be a good thing.

That said, the programme is, to say the least, very light indeed. Some of the helium that filled the balloons of the election campaign has clearly found its way into the legislative programme.

There is, however, much in the programme that we welcome. This morning and this afternoon, Labour spokespeople have said much about social justice and other such measures. I would say to them, as was said all through the debate, that it is all very well expounding in rhetorical flourishes the great aims of the Labour movement as was, but there is nothing in this programme to tackle jobs, poverty or housing. This morning Alex Neil made a similar point: we have three pages of rhetoric in the First Minister's statement followed by no action. On the Executive benches, there is a growing trend to say a lot on one thing and then to act entirely differently.

The legislative programme contains nothing on freedom of information, an issue from Labour's own programme, which is mentioned in its manifesto and other statements. We are told by press briefings that Mr Wallace will make an announcement on the issue, but why is it not on the legislative programme? There is nothing on the status of the Gaelic language, notwithstanding the report in the *Inverness Courier*; nothing on a national waste strategy despite a Scottish Environment Protection Agency green paper to that effect; nothing that develops the white paper on social work; and nothing on a drug enforcement agency. From my perspective most important of all, there is nothing on housing. After Fiona Hyslop's contribution this morning, the Government must surely act on a homelessness strategy and we must hear something about what it is going to do to tackle homelessness.

I see that Mr McConnell has left for coffee, but I will discuss the financial strategy. I welcome the idea of openness and clarity in a financial strategy which is put before the Parliament. I point out that my colleague Mr Swinney and I have been calling for such a strategy since February 1998 and before. It took Labour 10 months in the Scottish Office to respond to our request and, when we got a response, there was a distinct lack of clarity and detail in its expenditure plans. For example, the plans were broken down to the detail of a £3.5 billion expenditure line on health.

We want to pursue the issue of a financial strategy. Before the bill comes to the chamber or, more accurately, before the financial issues statement is discussed, I hope that the Government will allow Opposition spokespeople foresight on what will be said so that we can prepare adequately in advance and scrutinise the Government's programme. I have written to the head of the civil service asking for such a briefing.

I hope that the financial strategy will bring an end to the practice of announcing cash rises that disguise the fact that we are experiencing real-terms cuts in public spending. Michael Forsyth started the trend and the Labour party has taken it

up with gusto in its first budgets. I hope that there will not be any more repeat announcements of the same spending plans, trying to dress them up with new PR every day to give the publicly funded Labour spin office something to do. I hope that Labour will open up the accounts and expenditure plans of the entire Scottish government community, which includes local government. I hope that it will publish the cost of the statutory requirements placed on local government rather than just the spending grants that they have been given. That will reveal the mismatch and the gaping black hole in local government finance for the coming four years which will lead, without fear of peradventure, to rises in council tax as a direct result of Labour cuts.

I see Cathy Craigie at the back. She has heard me go on about Labour cuts throughout the election campaign and I apologise for the fact that she is about to have to do so again.

We should examine the context in which we are discussing the Government's legislative programme, which is one of serious stringency in public expenditure. I will run through one or two examples from the Government's published figures. Labour is spending £121 million less on education in its first three years in power than Michael Forsyth, that great beneficiary of public services, did in the Tories' final three years. Labour is spending £176 million less on housing in its first three years in power than the Tories did in their final three years. Labour, the guardians of the people's councils, spent £1.31 billion less on local authorities than the Tories in their final three years. The list goes on and on.

More important, there is the issue of the Barnett squeeze, which was raised in an SNP Saltire paper last summer and taken up by the Fraser of Allander Institute during the election campaign. Will the Government answer for the fact that spending in the area of the Scottish block will increase two and a half times more slowly than the equivalent spending in England? Why is it that health spending in Scotland can take that hit? Is it because our health standards are becoming so much better than those in England are? Of course not. If spending that amount today is justified, why is spending that amount over the next period not justified? During the next three years, we will have £387 million less spent on the health service in Scotland than if the increases were in line with those in England. The Government's health spokesperson should consider that point closely.

In that context, I would like to draw to members' attention, as Mr Salmond did earlier, the Liberal Democrat approach to the issue of tax-varying powers. Given the context that I have just laid out, why is it that during the election campaign the Liberal Democrats said that, if necessary, they

would use the 1p of the permitted tax-varying powers once they saw the budget announcements from Gordon Brown in spring 2000? We have not seen those budget announcements, yet in the partnership agreement the Liberal Democrats agreed not to use the tax-varying power during the first Parliament. Despite the cuts and the absolute carnage being caused across the public sector, for some reason, overnight and with no explanation, the Liberals have agreed to a volte-face on their potential commitment to using—

**Mr Raffan:** Does Mr Wilson accept that there is not a majority in this chamber for raising taxes?

**Andrew Wilson:** I accept the fact that parties should come to this chamber with their manifesto commitments and—[*Interruption.*]—attempt at all times to see them through.

**Mr Raffan:** Is there a majority or not?

**Andrew Wilson:** Let us have a vote on it, Keith, and see where it goes. I think that if people in this chamber examined the cost in a free vote, for example from the Labour party, many Labour members would support—[*Interruption.*] Mr Swinney, with great reluctance I agree to give way.

**The Presiding Officer:** Please address the chair, Mr Swinney.

**Mr Swinney:** I will turn that way.

Can Mr Wilson tell me if there is a majority in this chamber to abolish tuition fees?

**Andrew Wilson:** Once again, we will wait for a free vote. I thank John for his help and guidance on the issue.

Why is it that the partnership agreement has reversed on those issues? Is it because Keith Raffan's party has given up because it cannot secure a majority? Does his party give up its principles when it thinks that no one agrees with it? Are Liberal Democrats that pliable or supple? I suggest that, given Mr Raffan's past experience in other parties, the answer must be yes.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)** *rose*—

**Andrew Wilson:** Mr Rumbles can intervene in a minute but I will continue for a short time.

For example, the partnership agreement announced £80 million of extra spending, about half the amount of Liberal Democrat commitments during the election. The explanation for where that money came from was around 25 words. Where is the detail of where that money has come from? How can there be an announcement without telling us where the money has come from?

I will finish on the issue of the private finance

initiative and public partnerships. During the election we proposed a Scottish public service trust to fund public services by the issuing of, for example, low-priced bonds on the open market, and holding services in trust for the nation. The Minister for Children and Education scoffed at that in a press release on the Sunday afterwards in a somewhat ill-informed comment. I was delighted to read the document "Pathfinders to the Parliament", the business agenda launched by Lord Macdonald of Tradeston three weeks ago. On the issue of transport, page 68, paragraph 3 states that one

"idea is the early launch of a Scottish Transport Bond".

Sounds familiar.

"The Bond would bear interest at near gilt-edged rates which are much cheaper than the venture capital costs of PFI funding."

Sounds familiar.

"We believe this innovative financial arrangement should not count as part of PSBR".

Thanks very much for that endorsement of Scottish public service trusts. Maybe some of the back benchers in the Labour party who opposed PFI, such as Mr McAllion who made the statement during the election that PFI was another Tory idea living on, would do well to try to have open minds in government. If we can give the Executive any ideas and help with its research on that matter, we would be delighted to do so.

In closing, I say to the Government that a lot more substance and a lot more open minds would be useful in this legislative programme. Talk and spinning got the Government through an election campaign, but it will not get it through four years of government with a proper Opposition, which we expect to be.

15:43

**Tavish Scott (Shetland) (LD):** I have thought about a number of comments made today regarding what has to be scrutinised, and then I thought back to the consultative steering group debate that we had last week. That debate was important and useful with regard to committees—how important they are and what they need to do.

It seems that some people do not believe in the committee structure that we are going to set up, its importance and the ability of the committee structure to be different from Westminster. They do not believe in its ability to make a difference in this place. Apart from anything else, committees have the power to initiate legislation and to make a difference in the subject areas that they are responsible for.

In many of the areas in which members have said that they want to see more action, committees could play an active part by dealing

with interest groups that bring forward ideas and by working these ideas up into legislation. There are two routes into that process: not just through the Executive programme but through the ability of committees to bring forward programmes of action. Members who sit on those committees should address that and face up to the challenges of the committee structure.

I will make brief points on two bills that I think are particularly important: the transport bill and the land reform bill. The transport bill needs to focus on a number of key issues, including the difference in transport issues for those of us who live in rural areas, as opposed to focusing on the congestion in Scotland's cities. We should face and focus on the question of air pollution, which causes health problems, and the related costs to society and to business, which Ms Goldie mentioned this morning in the context of the Confederation of British Industry report. We need to consider those issues in the context of the bill.

It is widely accepted that there is a need for a strategic transport rethink. Investment is needed to improve our public transport and to encourage the transfer of freight from road to rail. This morning I listened to the director-general of the CBI on the radio. In a useful contribution that illustrated the organisation's thinking, he argued that in a tight public expenditure round progress can be made if, where there is road charging and where local authorities can consider charging for workplace parking, revenue from those charges is used to improve public transport and facilitate the movement of freight from rail to road. I hope that those issues will be addressed when the bill is discussed in committee.

Earlier, Mrs Ewing mentioned the importance of this Parliament being able to discuss other matters. In the part of the world that I represent and, I know, the whole of the Highlands and Islands, petrol prices were a huge issue in the election campaign. I see nothing wrong with the Transport and the Environment Committee or another appropriate committee considering all measures that impinge on car use in the Highlands and Islands. The committee should accept that the car is a lifeline, just as shipping and air services are, rather than a luxury. It should be able to consider not only the introduction of rate relief for petrol stations or infrastructure improvements such as grants for petrol tanks, but measures such as differential VAT rates. It should carry out a proper investigation of those issues to see where matters can be improved for the rural and island areas of Scotland.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Is the member aware that in a letter just last week the Labour Government ruled out the possibility of a variable VAT rate?

**The Presiding Officer:** I am sorry, Mr Ewing. Could you start again, because the microphone was not on?

**Fergus Ewing:** Will Tavish Scott acknowledge that just last week I received a letter from the Labour Government at Westminster stating that it rules out the possibility of a variable VAT rate on fuel? What specific proposals will the Liberal Democrat party put forward to deal with the crisis in the Highlands and Islands—which have the highest fuel duty in Europe, if not the western world—given that, as Tavish Scott has indicated, this Parliament lacks the power to turn the fuel escalator downward?

**Tavish Scott:** Mr Ewing may be aware that the European Union has examined this question several times, and that member states have the right to argue the case for varying the rate of VAT for individual parts of the EU that are recognised as peripheral. If he is saying that we as the Scottish Parliament should take a view on that and make a strong case for such variation, I agree. I will certainly be doing so, as it is very important.

I want to finish by commenting on the land reform bill. The debate should be not only about land, but about the sea bed and its ownership. Those of us who represent areas where the salmon industry is extremely important should recognise that the land reform policy group document "Recommendations for Action" includes the sentence:

"The Scottish Law Commission should be invited to undertake a comprehensive review of the law of the foreshore and seabed, with a view to reform."

That is very welcome and I hope that it can be taken forward. The industry is losing £1.4 million from its kitty—£1.4 million out of its ability to invest. That is a production tax that an industry in great need of restructuring and reinvestment should not have to pay. I hope, therefore, that the ownership of the sea bed can be considered in the context of the land reform bill.

15:49

**Tommy Sheridan (Glasgow) (SSP):** As an elected socialist, it is my duty to welcome any and all measures that will improve in any way, shape or form the quality or standard of life of ordinary men and women in Scotland. I hope that the incapable adults bill, the education bill and the transport bill will contain measures that do so.

I hope that there is an early investigation into ScotRail's running of the Edinburgh to Glasgow express. The company should be renamed snail rail, and the service should be renamed the sardine express, such is the lack of carriages and seating. I hope that the matter is addressed seriously. The commuters who used to get a seat

do not any longer, such is the size of the press corps and the number of MSPs coming through from Glasgow.

When he spoke this morning, the First Minister asked for constructive dialogue and debate. I agree. For the record, it is important to highlight some of the serious weaknesses in what was presented this morning. One of those weaknesses is the lack of a quality of life bill, designed to look fundamentally at the serious poverty pervading all corners of Scotland, not just among the unemployed, but among the low-paid, students, pensioners and those who are, in modern-day parlance, socially excluded.

I find it unacceptable that the elected Scottish Parliament, whose first priority should be to tackle the scourge of poverty, is not prepared to set targets. I want to know in two, three and four years' time the progress that this Parliament has made in tackling the scourge of poverty. Whether they are simplistic targets or not, as the First Minister said this morning, we need targets to measure the success or failure of this Parliament in addressing that priority.

On the local government bill, we have to consider the detailed McIntosh report, which looks at local government from all angles, but Governments are there to govern: they should always be prepared to give political direction to committees of inquiry. We should consider the results, but also the political priorities.

The large number of members who spoke today about support for progressive taxation means that there must be a base of support in this chamber for the early abolition of the council tax in Scotland. The council tax is an acutely regressive piece of taxation. In 1988, under the old rates system, the differential between a small tenement in Govan and a large mansion in Pollokshields was 14:1—the wealthier parts of Glasgow paid 14 times more than the poorer parts. The differential today is 3:1. By any standard or measure, that is regressive taxation, so I hope that, as part of the local government bill, we will bring forward an early piece of legislation saying that we want to replace the regressive council tax with a progressive local income tax that specifically exempts our pensioners, students, disabled and unemployed and generates more income from those with the ability to pay. We would then have a differential of 10:1, rather than 3:1.

I know that I do not hold the monopoly of concern about housing, but I hope that others are as puzzled and dismayed as I am that there is not a specific housing bill. There is a serious housing problem in Scotland and the green paper, which took its final reports on 31 May, inspired some very positive responses from the City of Glasgow Council and COSLA on the creation of a national

housing agency, on the channelling of public funds through one agency and on the co-ordination of planning with housing to regenerate both rural and urban communities.

**Phil Gallie:** Margaret Vass, the deputy director of city housing in Glasgow, said, when Glasgow was offering houses for the Kosovar refugees—and I make no criticism of that—that there was an abundance of housing in Glasgow, and that this was available for the refugees. If there is such a housing shortage in Mr Sheridan's area, why did she make such a statement?

**Tommy Sheridan:** That is why we need a housing committee and more informed debate, because then Phil would realise that the homelessness problem in Scotland is different in rural and urban areas. In urban areas the problem is to do with the standard of housing that is available, not the number of houses that are available. The difficulty that we have to address in cities like Glasgow is that we have a great many houses, but they need serious renovation and repair. Money was spent on upgrading houses in the Red Road flats to provide homes for the Kosovar refugees, which I am sure Phil will be pleased about. He wants to intervene again.

**Phil Gallie:** Thank you for letting me come back. If that is the case, is the honourable gentleman saying that it is far better that people sleep on the streets rather than in the houses in Glasgow that are available for let?

**Tommy Sheridan:** I did not say that. Sometimes when I debate with Phil I give the argument some credibility by answering the questions. I think the standard of debate has fallen so low that that question does not deserve an answer.

What we need are practical steps. That is why, when Donald said this morning that people in Scotland are asking when the Parliament will actually do things—

**The Presiding Officer:** Mr Sheridan—

**Tommy Sheridan:** I will finish this point, Mr Presiding Officer. Last week in Glasgow a young child, Natasha Smith, died tragically. She fell out a window and we know from the committee of inquiry's progress so far that the lack of safety catches on windows in council homes is a serious problem.

Donald asks when the Parliament will actually do something. I ask the First Minister or any other Administration members here, if they will on 2 July announce the repeal—

**Dorothy-Grace Elder (Glasgow) (SNP):** I would like to inform Phil Gallie that the death of Natasha Smith in Easterhouse is perhaps the most important thing that has happened in the

past few weeks, and we have been ignoring it.

I was at her funeral yesterday; she was aged four and a half. Natasha plunged from the window of her home—a little child who just ran to the window. I saw similar windows in the same block; they give way instantly. In Glasgow we have 57,000 council houses with windows that range from dodgy to unsafe; 30,000 do not even have basic safety catches. That is why that child died. We do not need to wait for the outcome of the autopsy. The child fell straight on her head on to concrete. Her fall was witnessed by other little children and by neighbours and, if the Parliament is going to be family friendly, I must appeal to the members on the other side of the chamber to show proof of that—

**The Presiding Officer:** Order.

**Dorothy-Grace Elder:**—and to help us on this side to institute—

**The Presiding Officer:** Order. We cannot have speeches in the middle of other speeches. Interventions must be short. I realise that Ms Elder feels strongly about it, but they must be short.

**Tommy Sheridan:** I thank Dorothy for her intervention—

**Phil Gallie:** On a point of order. I did not come in on the issue of Natasha Smith's death and I have every sympathy. I would like to put on record that that was not the reason for my intervention.

**Tommy Sheridan:** I hope that Natasha's family does not take umbrage at our raising this matter. It is of practical importance to the Parliament because there is a regulation that was introduced by the Tories to pay back capital receipts. It means that any council in Scotland that sells any of their property or land cannot use the proceeds to improve their existing housing stock. We used to be able to do it until four years ago when the Tories introduced that regulation. Two years ago, Labour opposed it and said that they would repeal it. If the First Minister on 2 July is willing to announce that he will repeal that piece of nonsense, as far as local authorities are concerned, then practically—

**David McLetchie** *rose*—

**Tommy Sheridan:** I will finish this point and then take an intervention, David. Without any expenditure by the Parliament, that announcement would release £20 million to be spent in the city of Glasgow. That would mean brand-new windows for 10,000 families, safe and secure windows to provide a warm environment. That is the type of action that I would like the Parliament to take. When Donald asks "When are we going to start doing something?", I ask when he will announce the repeal of that regulation, so that local authorities which sell any stock can spend the

money that is raised from those sales.

16:00

**Elaine Thomson (Aberdeen North) (Lab):** Although there were many valuable proposals in the First Minister's statement this morning, I particularly welcome the measures in the forthcoming transport bill. Aberdeen City Council has been at the forefront of developing innovative and forward-looking transport strategies, using both bus priority measures and park-and-ride schemes, and I am delighted that that has been recognised.

Aberdeen has one of the fastest-growing rates of car ownership in Scotland, which is increasingly causing severe congestion. A local transport strategy has now been developed to meet that challenge and to meet the needs of some 40 per cent of the population who do not have access to a car. The park-and-ride schemes and the bus lanes are integral to that policy. The route from the Bridge of Don, in the northern part of my constituency, is increasingly heavily used; its use is growing by some 20 per cent a year. Aberdeenshire Council is now considering running a similar park-and-ride scheme from Ellon, a major commuter town to the north of Aberdeen. This Parliament's transport bill will support and extend the efforts of local councils and transport operators, to allow better long-term planning and the regulation of bus services. That would mean, for example, allowing the development of services from Aberdeen to the industrial estates around the city, where many people work, while improving the flow of traffic for those who must use their cars.

The way for the future has to be an increased use of buses and other forms of public transport that are of high quality and that provide a frequent service that is accessible to everybody; for instance, through the use of kneeling buses. That will be a plus for the environment and will improve the flow of traffic. From personal experience, I know how bus lanes can improve journey times, making the bus the simplest and most stress-free way of travelling. However, the use of buses is still declining, and that situation needs to be reversed. The proposals that have been outlined today will provide the necessary framework to do that, a key feature of which will be the development of partnerships between all the people who are involved—local authorities, transport operators and, most important, transport users—to provide seamless journeys with through-ticketing and well-thought-out timetabling. I look forward to the legislation becoming law and meeting the transport needs of the Scottish population in the 21<sup>st</sup> century.

16:03

**Roseanna Cunningham (Perth) (SNP):** I will confine my remarks to the remit of the Minister for Justice which, in this Parliament, includes justice, equality and land reform. Specifically, I will address the proposals in the Government's legislative programme, which was set out this morning, and suggest some omissions. That may be a novel approach to a debate on the legislative programme but, nevertheless, I shall try it.

In his statement this morning, the First Minister made it quite clear that land reform is perceived as a major plank of the Government's first-year programme. I do not think that three, four or five parties, or the independent member in this chamber, would object to that. I am never certain quite where the Conservatives sit on land reform; there is always the suspicion that they are opposed to any suggestion of reform. I would be interested to hear whether they welcome any of what was suggested this morning.

**David McLetchie:** I assure Roseanna Cunningham that we would not welcome the SNP's proposals for a series of bureaucratic land councils—bunches of interfering busybodies who know nothing about the management of the land in charge of which the SNP would put them.

**Roseanna Cunningham:** That is interesting.

I would have liked to see a few of our proposals being announced this morning but, regrettably, they were not. There can be no objection to the principles in the two proposed bills. There will be a widespread, but not universal, welcome to an end to feudal tenure. We must all agree that that is long overdue. I recall that, during an adjournment debate in what we are now calling another place, Alex Salmond led us through what can only be described as a dismal catalogue of outrages perpetrated by the so-called raider of the lost titles.

I look forward to seeing the draft bill, just as I look forward to seeing the other draft bill—the land reform bill as opposed to the bill for the abolition of feudal tenure. It might be a slight overstatement to say, as the First Minister did this morning, that there is enthusiasm for the land reform policy group's proposals. It would be fairer to say that there is resignation to the fact that, although there will be some movement, the more wide-ranging reforms are not going to take place.

I am concerned that we are not approaching land reform in the way that might once have been expected. Land reform is not just a legal reform; it is also a social reform. I appreciate that issues of social reform and social justice often tend to be seen as purely urban matters, but they are not; they have a strong rural element.

The proposed measures are certainly useful. No

doubt a community right to buy is important. I absolutely support that, as I have supported the communities in Eigg and in Assynt, but—and this is a big but—how often will communities actually want to exercise that right? When thinking about land reform, I like to set my own test, which I call the Blackford test. It may be a little parochial, as the Blackford estate is in my constituency, but it is one of the largest estates in Scotland and perhaps one of the worst perpetrators of some of the unfortunate practices that are possible under the present system of land ownership.

When I hear proposals for land reform, I always think of the Blackford estate and ask myself what those proposals would do to change the situation there. It is only 30 to 45 minutes up the road; we do not have to go right up north to the western Highlands to see some pretty atrocious examples of land management. Will the proposed legislation do anything to help? It might have prevented the period of speculation as to where and with whom the ownership of Blackford was based. Beyond that, I do not see how the legislation would make any difference. People in the community in Blackford and the surrounding area do not want to own the estate. The ability to buy the estate is neither here nor there as far as they are concerned. They have spent years watching perfectly habitable farmhouses being allowed to fall into dereliction. They are totally frustrated by that, and all they want is some input and some say in what is happening on the estate. Although I welcome what is proposed, none of it will make the slightest difference to that estate.

Land reform is about more than the issues that are being addressed. The Executive may intend to tackle other aspects later in the legislative programme or in the years to come. If that is the intention, I hope to hear a word or two about it in the closing speech, which I understand will be delivered by Mr Wallace.

When he replies, I would like Mr Wallace to clarify a minor point about the section of the proposal that relates to national parks where there is a reference to legislating for access. Is it the Executive's intention that the access legislation will be a stand-alone bill, or will it be subsumed by the legislation on national parks? That is an important clarification. Until now, we have always assumed that access legislation will be dealt with quite separately.

In my role as shadow justice minister, I welcome the announcement of the incapable adults bill. Shorn of its most controversial clauses, it will be regarded as a long-overdue reform that is likely to gain widespread support from members. Perhaps it will even gain unanimous support—that would be a first. In the entire policy area, embracing justice, equality and land reform, there are some



huge gaps and I would like them to be addressed.

It is unfortunate that, as well as omitting more extensive land reform legislation, the Executive has missed the opportunity to introduce a Scottish freedom of information bill. I know that there is to be a statement on it next week, which I anticipate with interest, but how much more of a signal could we have sent out to Scotland if, as one of our first major pieces of legislation, we had done a freedom of information bill? That would have shown that this Parliament really is going to be different—particularly if the bill was more generous than its Westminster equivalent. It would have been a big legislative set piece that would have made people sit up and notice. Sadly, that is not going to happen.

There are other missed areas and opportunities. There is no mainstream justice legislation. There are two areas where, I feel certain, there would have been cross-party support and therefore a speedy passage through Parliament. That must be taken into account: not all these bills will take the same amount of time to go through Parliament. Some smaller bills that would have been given speedy approval could have been introduced, so their absence is all the more puzzling. Why are there no proposals for changing both civil and criminal law to enable domestic violence to be dealt with in a speedier, more effective and more sensitive way? Why are we not addressing the problem of Scots-born but overseas-raised individuals who are convicted of serious crimes and then dumped back on Scotland without warning? There have been back-bench calls from all parties on those matters. I see the First Minister screwing his face up, but some of his own Westminster back benchers have called for action on that latter point.

**The First Minister** *rose—*

**Roseanna Cunningham:** I will not take an intervention. I am sorry; the Presiding Officer has already indicated that I must wind up.

My final comment is triggered by the First Minister's reference to Westminster legislation. Among the many things that have bedevilled Scotland's justice system is the fact that important changes are made in civil or criminal law by tacking on odd clauses from what is essentially English and Welsh legislation, or by stuffing a series of unrelated measures higgledy-piggledy into a so-called law reform (miscellaneous provisions) (Scotland) bill. I hope that we will see the end of the latter practice, but I am concerned about the continuation of the former one. It is happening even now, and I seek an assurance that it will be well and truly seen off.

16:12

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I am glad to hear that education is the number one priority for the Executive, although I notice that it was mentioned last. I am sure that that will not be reflected by the impetus that will be given to the bill when it is introduced and we are given more detail. Education became a key issue during the election campaign. All areas of education—not just tuition fees, but pre-school education, higher still and other issues—gained new importance, and that is welcome.

Also welcome is the opportunity for greater consultation. As the Parliament does not have a second chamber to scrutinise the legislation we pass, it is all the more important that we go the extra mile to consult on and scrutinise our work on education. For that reason, I will be interested to hear the detail of what will be in the education bill. For the moment, we have only the soundbites.

I notice that the bill will confirm local control of education and will include provisions to meet promises in respect of self-governing schools. I will be interested to see whether the plural applies, and that not only St Mary's Episcopal Primary School in Dunblane is included in any proposals, but that Jordanhill School in Glasgow is too.

St Mary's opted to go its own way, not because it was facing closure, but because it did not agree with the development plan that Central Regional Council had in mind for it. While it has had control of its own destiny, it has managed to increase the number of teaching positions and pupils, so that there is now a waiting list. It has managed to improve standards of education through various tests, and through the yardsticks that it uses for measurement, and it has done so at a lower cost than the average cost at other schools in Stirling. It will be interesting to see the detail surrounding the debate on self-governing schools.

**Dr Sylvia Jackson:** Is not the amount of funding that has been given to St Mary's equal to all that given by Stirling Council to all the other schools in its area? That may be why there is a big waiting list for the school.

**Mr Monteith:** I suggest that Dr Jackson waits until the meeting she is to have soon with St Mary's to find out the real details. She will find that the additional funding that was programmed by Central Regional Council was later spent by St Mary's, so the idea that the school was given special treatment is erroneous.

I will be interested to see whether the education bill will deal with the problem of top-slicing, whereby local authorities charge an administration fee to nurseries that are contracted for services. It means, in a sense, that a new tax is introduced on the provision of municipal places by private

nurseries.

Similarly, I will be interested to see whether the bill tackles the problem of four-and-a-half-year-old children who are not yet ready to go to primary school and should stay at nursery school. That issue came up during the election and the Conservatives gave a commitment that funding should be available for children in that situation.

I see that there are proposals to place a duty on local authorities to raise standards. We are all in favour of motherhood and apple pie, and we all want standards to be raised, but how that is proposed will be in the detail. Will local authorities be given sole responsibility for helping underperforming teachers to improve and, if they cannot improve, for removing them from the teaching profession? That debate has been going on between the Educational Institute of Scotland, the other teaching unions, the General Teaching Council for Scotland and local authorities for two or three years. I will be interested to see what line the Executive decides to take.

In the short time before the new Executive was appointed, there was a variety of proposals. Whichever one the Executive favours, it will be a controversial choice because, while we need to improve teaching standards, we also need to ensure that teachers can do the job to the best of their ability and, if they cannot, that help is available to them. If, even after that, teachers cannot deliver the required standard of teaching, the profession should accept that they may have to find more suitable jobs. We should put children first. That will, in turn, raise the professional recognition and standards of teachers—and it is why the EIS is ready to meet half way on the issue and find some way to deal with a problem that is not as large as some politicians like to make out.

Having looked at the issues of detail, I doubt whether many of them will be dealt with. While there will be many parts that the Conservatives can support, I have no doubt that much of the bill will show that Labour continues with its mean-spirited crusade against private provision, private initiative and plurality in our education system and that it worships the monolithic god of municipal socialism. We will continue to oppose that.

**The Deputy Presiding Officer (Mr George Reid):** I regret that it will not be possible to call all members who have indicated that they wish to speak. None the less, I ask remaining speakers to keep their remarks to around three and a half to four minutes.

16:20

**Mrs Mary Mulligan (Linlithgow) (Lab):** I have difficulty with some of the points that have been made today, in that while trying to criticise the

programme that has been laid before us, members of the Parliament have wanted only to add to the legislative programme. Each member, in each speech, has introduced to the debate a different aspect to which they would like priority to be given. That emphasises the difficulty that the Executive faced in introducing only eight bills to put through the Parliament over the next year. Each of us has our own priorities, but the Executive has made a great attempt to include bills that will address social justice. That is what will be important in this Parliament.

In particular, I welcome the education bill. We all realise that standards must continue to be raised and that we have to make demands of our education system, of our teachers and of ourselves as parents to raise standards. We all welcome proposals that raise standards.

I also welcome the stated position that education will stay within local authority control. That is one of the issues on which there has been some discussion about whether the Parliament will seek to assume powers that presently rest with local authorities. I am pleased that we are saying clearly that education will stay under local control, but within a national framework.

I will highlight one area in which that issue has caused some difficulties. Following local government reorganisation some years ago, many local authorities found that they did not have adequate special education needs provision. They have tried to address that difficulty over recent years, but special education provision involves particular problems. I am very supportive of children with special education needs remaining in the main stream and being given support to continue there, but some children and young people are unable to do that and therefore need to attend special education schools.

I hope that we will ensure in the education bill that the general discussion about raising standards includes special education schools. It is important that we continue to make demands on them to continue to improve the education they provide. I hope that the bill will allow for partnership between local authorities so that they can share their expertise and experience. I also hope that the bill will allow for partnership with the voluntary sector—for example with Capability Scotland, which runs some special education schools—so that we can benefit from its experience. Most important of all, I would welcome partnership with parents, because it is important that parents feel that their views on special education are being taken into account.

I welcome the proposals for increasing nursery provision. Nursery provision for children with special education needs should be highlighted, because the fact that children need specific

support is often picked up at the nursery stage. If we invest in education for such children, we may give them the confidence that will allow them to move on to mainstream education.

We have to set high standards and make demands of our education system. We have to raise attainment and promote social inclusion. It is particularly important that we ensure that we include provision for those children who have special needs.

16.25

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** In his statement, the First Minister talked about Westminster legislating on devolved matters, which we have already discussed in this chamber. He said that Westminster will legislate on devolved subjects only if consent has specifically been given after due process. What, precisely, is meant by due process? What arrangements are foreseen in this Parliament for that due process? Who will give the consent, the Administration or the Parliament as a whole? How specific will the consent be? Will it simply be to the long title of the bill, or will it be to the detail? If it is the latter—this is a point that I have raised already—what will happen if the bill is then amended substantially at Westminster?

When we discussed this matter previously, I referred to this chamber's ability to repeal Westminster legislation and suggested that some inertia might be involved. The problem is not just inertia. One problem centres on the ability of anyone other than the Executive to introduce a bill that might be considered by this chamber. Does the minister foresee any mechanism whereby members other than those in the Administration might seek to repeal parts of an act on a devolved area that has been passed at Westminster? We should have a convention between the two parliaments that says that what has been devolved should stay devolved.

Rural areas are represented significantly in this Parliament. That is quite right as rural areas are more important, proportionally, to Scotland than they are to the rest of the United Kingdom. Earlier today, it seemed as if we were going to get a National Farmers Union of Scotland debate. Every part of the Executive's programme impacts on rural areas—education, housing, social work and transport. They affect rural areas in a special way because of the special circumstances of those areas.

I welcome the establishment of a rural affairs ministry, but we will have to be careful—I hope that we will get reassurances on this—that it is not just a new portmanteau title for the old ag and fish department. The ministry must go wider, and be

an overarching department that is consulted by, and gets involved with the work of, all other departments that take decisions that affect rural areas. Rural areas will be disappointed by the lack of reference to their needs in the First Minister's statement. They will be disappointed by the lack of reference to transport, housing, education, economic development, poverty and social exclusion—which are equally, if not more, important for rural areas—and, of course, agriculture.

At the election, the Labour party said that it wanted to be a party of all Scotland and that it would not be confined to its urban strongholds. On the basis of today's statement, the Labour party has yet to live up to those words for rural Scotland.

16.28

**Euan Robson (Roxburgh and Berwickshire) (LD):** I particularly welcome the incapable adults bill, which will be an important piece of legislation. I agree with Roseanna Cunningham that it will attract wide support, and I am sure that we will handle it in the sympathetic manner that is necessary.

I also welcome the land reform bills as an important part of the progress in updating our legal system. One slightly cautionary note about the land reform bills is that although there are clearly some serious problems in the north of Scotland, some of the issues are much less salient in the south of Scotland. Indeed, some of the large estates in the south of Scotland are the focus of much extremely valuable economic activity and of high levels of employment, so we do not necessarily have to consider a solution for the whole of Scotland. We must ensure that in solving problems in the north we do not create them in the south. I am sure that we can deal with that in consultation.

On agriculture, I was interested in Alex Johnstone's speech. I think he will agree that a number of things can be done without legislation, particularly in areas such as the overshoot problems in arable aid. Those problems have been caused by an inaccurate base area, which has not been revised since it was introduced seven years ago. I am sure that the Minister for Rural Affairs will welcome some discussion on the issue.

In England, there is no ceiling on the countryside premium scheme, but in Scotland there is a low ceiling. The organic incentive scheme is still delayed in Scotland. The stewardship schemes exist in England but not in Scotland. Beyond the legislative programme, much can be done by the Executive and I look forward to the Rural Affairs Minister dealing with a number of the issues.

16:30

**Mr Nick Johnston (Mid Scotland and Fife) (Con):** Despite outward appearances, I, too, am a maiden waiting to be deflowered. I am happy to make my maiden speech on the legislative programme.

In case I fall foul of some of the rules on transport matters, I will declare an interest as a managing director of a motor distribution company in Edinburgh.

There should be only one reason for any of us to be in this Parliament: to create a Scotland that we can be proud to leave to our children and grandchildren. I have a vision of a Scotland where enterprise and success in business, industry and the arts are admired, not despised; where the old are treated with dignity and respect; where communities do not have to wake up in the morning to the depressing outlook of ruined streets and rundown estates; where people can walk without fear and our children can play without being exposed to the monsters that prey on our society; and where people have the dignity of work and the opportunity to put something back into society.

We should be able to tell people to raise their sights and their hopes. For a little while this morning, I thought that the First Minister shared my vision, but, alas, I was disappointed. The problem with this Administration is that it does not realise that, in order to see the stars, we must raise our eyes above the horizon. If it were able to realise that, perhaps it might put at the forefront of its policies the agenda of improving the prospects of the people of Scotland and the next generation. We have a duty to educate them in our schools, to cure them in our hospitals, to protect them from the monsters that we have allowed to enter their world, to provide them with an opportunity to work and to lead fulfilling lives in a country not blighted by pollution and neglect and to free them from the selfishness of the worst landlords of all, the Labour local authorities.

The basis of the success of Scotland lies in its business base; the basis of all the improvements in the life of Scotland is a healthy business sector. The whole country will benefit from a healthy economic climate and full employment.

We should legislate to free business from the burdens of bureaucracy and control wherever possible. Speaking as one who, over 27 years, has helped to create a business that employs more than 500 people, I can inform members that the welter of legislation that has been thrown at us in the past few years has made it increasingly difficult to sustain that level of employment. There are regulations that make it difficult for those who want to work to do so and regulations that

discourage small businesses from expanding, such as the working hours directive and the minimum wage, which is so badly framed that it militates against women who return to work. There is paternity legislation, unfair dismissal legislation and so on. The greatest area of increased employment is for regulators and inspectors.

I do not blame Labour members, nor do I believe that they and their coalition ragbag are intentionally malicious—they just do not understand business. That collection of social workers, teachers, local council and health service rejects have one thing in common: they have not created a penny of wealth in their lives. All they understand is how to spend the hard-earned tax of other people.

**Alasdair Morgan:** The regulations to which the member refers are nearly all related to matters that are not devolved to this Parliament. Would he prefer that they were?

**Mr Johnston:** I would prefer that the entire United Kingdom was relieved of the burden of those pieces of legislation.

I am running out of time.

**The Deputy Presiding Officer:** You have another three minutes.

**Mr Johnston:** Have I? Thank you, Mr Reid.

It is easy to be generous with other people's money, and it is indicative of the Executive's approach that when the First Minister was asked how his legislative programme would help industry and commerce, all he had to offer was increased public spending, which probably includes the public spending on the Holyrood project, an issue on which he seems to have got his sums wrong.

Murray Tosh and David McLetchie have laid out our policies on road tolls and parking charges. As a fellow of the Institute of the Motor Industry, I would point out that the adoption of an anti-car culture would spell the end of 400,000 jobs in the motor-related industry in the UK and 50,000 jobs in Scotland.

Rather than slam the poor motorist for more revenue, the Executive should bring forward measures to aid the people of rural Scotland who suffer from such high fuel prices and long distances to travel, and for whom the car is a necessity, not a luxury. As someone who has had to suffer the Forth road bridge every day for the past 10 years, I add my plea for a re-examination of the Fife rail routes, to allow those who want to travel by rail to do so.

Business and industry need an infrastructure to allow them to compete on level terms with our major competitors. They are entitled to ask the Scottish Parliament to introduce measures that will

allow them to succeed and to make a profit, to reinvest and to continue to contribute a fair share of the tax burden. Those measures include a low-tax, entrepreneurial environment and a series of measures to encourage start-up. The uniform business rate should be retained, free from the greedy paws of local government. There must be accountability at every level, with minimum bureaucracy. Business support must be integrated at all levels and all the totally unnecessary icons of control, such as petty planning regulations and building controls, must be abolished. Finally, there must be a review of health and safety legislation.

If the Parliament follows a business-friendly agenda, we will be able to instigate the policies that we want, to banish from our society the social evils that we all want to disappear.

**The Deputy Presiding Officer:** Mr John Swinney will wind up the debate for the Scottish National party.

16:36

**Mr John Swinney (North Tayside) (SNP):** The First Minister referred to an important question at the outset of the debate:

“People ask when the Parliament will begin to make a difference. Today, we begin to answer that question.”

Today has undoubtedly begun to provide the answer to that question; we have found a lamentable answer in the Government’s programme. The debate has also been characterised by a degree of cross-party agreement. I want to record that cross-party agreement, because it is important that we give shape and form to the way in which the politics of the Parliament can come together.

Important speeches were made on the incapable adults bill; the support for that bill across the chamber is to be welcomed. The support for the feudal tenure bill across the chamber must be recorded. The support for the financial procedures and auditing bill is also important, and I hope that in his comments the Deputy First Minister can reassure me that the bones of the Government’s legislative proposals will be the important work carried out by financial issues advisory group. I hope that some of the matters raised by my colleague, Andrew Wilson, about openness in the scrutiny of financial issues, will be taken on board by the Government.

There is wide support—I would not go so far as to say consensus—on land reform. With the probable exception of the Conservatives, there is a general willingness to embark on the land reform agenda, but also a hunger to ensure that the real problems of land use and consultation about access and utilisation of land are addressed by the legislation. I do not think that that is the case for—

or the judgment that could be applied to—the conclusions of the land policy reform group, which were published before the election.

We are making progress in the area of mainstream education, by having a meaningful debate about the contents of the education bill. Mr Jenkins’s speech was of particular substance in addressing the fact that it is teachers and parents who contribute to the raising of standards, not necessarily legislation. I hope that the minister recorded Mr Jenkins’s points.

The Government’s programme is missing many elements that command wide support. Mr McAllion, Fiona Hyslop and Tommy Sheridan all called for a housing bill and for legislation to tackle the issue of homelessness. Trish Godman, Annabel Goldie, Mary Scanlon and Phil Gallie talked about the requirement for legislation on drugs. Annabel Goldie and my colleague Alex Neil talked about the absence of enterprise legislation and of support for the employment process. There were regretful references to the absence of health legislation. Most important—this is at the core of today’s debate—comments were made by Margaret Curran, Michael McMahan, Tommy Sheridan and Fiona Hyslop about the social agenda of the Parliament and its aspirations. However, there is nothing in the legislative programme to give that shape and form.

It is important that the Deputy First Minister should respond to a couple of specific points that were raised during the debate. The Government must give us a commitment today to legislate on the basis of the proposals of the McIntosh commission, and an undertaking to address some of the important issues that McIntosh raised, which are absent from and not touched by the legislative programme. We need reassurance that the bill on ethical standards in local government to be introduced by the Government will begin to set standards for many of the quangos and executive agencies in Scotland. Many of us are deeply concerned about the lack of accountability and control that are exercised over those organisations.

When Governments come into office, they are characterised in various ways. When the Labour Government was elected in 1997, it was characterised by an action-oriented approach to government. We were told about the 100-days programme and all that it would deliver. We were told—it was a common assumption in 1997—that the Labour Government had come into office and had hit the ground running. This morning, I noticed in a newspaper column that the First Minister had been described as having come into office and hit the ground strolling—possibly an exaggeration of the pace at which he moves. This legislative programme shows that he hit the ground and

stopped. It reminds me of a Polo mint—while there is something around the edges, something is missing in the middle.

The bit that is missing is action to meet the aspirations that have been expressed by speaker after speaker in the chamber—not just my colleagues, but members on the Conservative, Labour and independent benches. They demanded urgent progress to tackle some of the real issues: social justice, poverty and the housing crisis that afflicts our country today. Those aspirations are shared by many thousands of people throughout Scotland who elected us to deliver real progress.

In the first part of the First Minister's statement, he made an elaborate set of commitments to the aspirations that he seeks to deliver on in Scotland. Those aspirations are legitimate and supportable social and economic ambitions for Scotland. However, the legislative programme then falls off the edge and is silent on many of those subjects. We must be aware of what is expected of us in this Parliament. We are expected to deliver on employment and social justice, and to tackle the war on poverty in our country. The Government has put before us a worthy, but definitely unambitious, legislative programme. It must realise that it is tampering with the high hopes of people in Scotland, and we in the Opposition will hold the Government to account on those hopes in the coming months.

**The Deputy Presiding Officer:** I call the Deputy First Minister to conclude this debate for the Executive.

16:43

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** I am delighted to have the opportunity to wind up this debate and to congratulate all members who have taken part in it. It has been a good, constructive debate. Specifically, I wish to congratulate Mr Duncan McNeil on the birth of his first granddaughter.

This is an occasion. It is the first opportunity for a new Parliament to discuss the legislative programme of the first Executive. It gives us a chance to move on from the discussions about how the Parliament will be set up and operate to the substance of government.

Like Mr Swinney, I welcome the fact that there will be cross-party agreement on a number of the measures that were announced today—probably not always on the detail, although the opportunity for consultation will allow us to thrash out and discuss some of that detail. As the First Minister said when he answered questions, the financial bill will have as its basis the bones of the financial issues advisory group report to the consultative

steering group.

I cannot accept that the legislative programme is light in any way, as many of the bills will be substantial. Mr Salmond said how much he welcomed—and I welcome his welcome—the long-overdue abolition of the feudal system, which the Westminster Parliament failed to abolish for 300 years. It is fair to point out that the English Parliament took the first step towards abolishing the feudal system in 1290—with the statute *Quia Emptores*—and effectively got rid of it in 1660. The old Scottish Parliament did not address the issue, and it is a tribute to this Parliament that one of its first pieces of legislation will be to get on with the job of doing what our colleagues south of the border achieved some 700 years ago.

Land reform legislation, which will bring benefits to people living and working in rural communities, has also been generally welcomed in the chamber. As I think the First Minister said in his statement, the legislation will also deal with access. I acknowledge Roseanna Cunningham's comments about land use and management; it is clear from other speeches that those will continue to be issues. I hope so, because there are also non-legislative ways in which to address these issues. We will also be able to make good use of the committees to highlight and to tackle such issues.

There will be legislation to protect the rights and interests of incapable adults, which will benefit 100,000 people; I am pleased that many members have welcomed that. There will be legislation to address Scotland's transport problems, such as pollution and congestion. However, our number one priority is legislation on education. Mr Monteith bemoaned the fact that the education bill was last on the list, but he overlooked the theological point that the first shall be last and the last shall be first.

I endorse what Mr Swinney said about my colleague Ian Jenkins's speech, which indicated the importance of valuing teachers. Mr Salmond was somewhat selective when he quoted Mr Galbraith, because Mr Galbraith also recognises the importance of valuing the commitment and professionalism of teachers. They play a key role in raising our country's educational standards and in ensuring that our young people have the best start in life to have the best opportunities for life.

**Mr Salmond:** What Mr Galbraith will do remains to be seen. However, will the Deputy First Minister comment on Mr Galbraith's predecessor as education minister, Mrs Helen Liddell, who always recognised the benefit of teachers to the people of Scotland?

**Mr Wallace:** Mr Salmond is encouraging me to go down the road of banter that was all too

common at Westminster. I am content that Mr Galbraith and the Executive as a whole value the contribution that teachers make—and will continue to make—to our young people's education.

There will be considerable debate about the contents of the bills. If I do not manage to answer every point that has been raised—which would be impossible—there will be plenty of opportunity to address those points in the future. As an Executive, we are committed to consultation and to the examination and scrutiny of bills, as was foreshadowed in the consultative steering group report and endorsed in a debate last week.

Some members spoke about the proposals for national parks. There was some concern about how those proposals would affect people who lived in potential national park sites. I want to make it clear that the thrust of our proposals is to ensure the integrated management of rural development in those areas and to take full account of the need for sustainable communities as well as for sustainable development.

On the subject of transport, Mr Raffan, Mr McLetchie and—I think—Mr MacAskill asked whether the money raised from road charging and other levies would be used to fund public transport. A section in the partnership agreement states:

"We will legislate to allow road user charging where it is sensible to do so. We will enable local authorities to levy charges on parking at the workplace. The proceeds will be used to invest in transport."

**Mr Gil Paterson (Central Scotland) (SNP):** As I am a member for the central belt, what I have to say may carry little weight. The Liberal Democrats have talked a lot about the people in Skye, so I wonder if that party—as part of the coalition—can do something for them. People throughout Scotland feel great disquiet about the treatment of the people in Skye and the impact of the horrendous toll charges that they have to pay. Surely the time has come to do something to make up for the damage that has been done.

**Mr Wallace:** I am grateful to Mr Paterson for giving me the opportunity to remind him that, under the partnership agreement, toll charges will be frozen for the duration of the contract period. That is a substantial concession that will grow over the years and I am sure that many business people will be pleased to know that the costs are fixed for a considerable time to come.

We were asked whether the standards that we will apply to local authorities would also apply to quangos. We are committed to high standards of conduct in all public bodies and we are open to views about whether similar provisions should be made for all public bodies.

Many of the concerns that were raised today

were not about what is in the legislative programme, but about what is not in it. Members have questioned our ambitions on health, education, drugs, the economy and housing. I agree that those are pressing issues of critical importance to the future of Scotland. They are our priorities, too, and we are taking action to deliver on them.

As the First Minister stressed, the programme of legislation is not the end. As he said in the context of local government, we intend to respond rapidly and comprehensively to the proposals of the McIntosh commission. In response to the point that Mr Swinney made in his wind-up speech, that is likely to mean more legislation. We would have laid ourselves open to criticism if we had introduced that legislation before we received and consulted on the McIntosh recommendations.

We should not forget that action by this Administration is not restricted to new legislation. We have inherited many wide-ranging powers and significant budgets with which we can make a difference to the lives of the people of Scotland. We have heard many complaints—we would expect to from the SNP—that certain matters are still reserved. It is important to remember that the devolution scheme that we are implementing and progressing in this Parliament was overwhelmingly endorsed by the people of Scotland in a referendum. In the recent elections, the majority of people voted for parties that want to retain the links in the United Kingdom, so we should not make any apologies for the fact that some matters are still reserved to Westminster.

I know that Lord James Douglas-Hamilton is specifically interested in speed limits. I can tell him that from today an order will come into effect that will allow local authorities, if they so wish, to set speed limits at 20 mph. That is proper devolution down to our local councils.

We have an ambitious programme. In addition to our commitments on raising standards in education, we are committed to the recruitment of 1,000 additional teachers, 5,000 classroom assistants and the guarantee of a nursery place for every three and four-year-old. We are also committed to additional expenditure of £21 million on books and equipment, to the reduction of class sizes and to capital investment of £600 million.

Questions have been raised about the economy and Alex Neil raised the issue of jobs. I am pleased, as we all will be—as an Opposition member at Westminster, I will not claim any credit—about the unemployment figures that were announced today. At 5.5 per cent, the unemployment claimant count is at its lowest level since 1977. As a partnership, we are committed to creating 20,000 modern apprenticeships, to getting more out of our science base to create

wealth and jobs, and to creating 100,000 new businesses over the next decade.

Remarks have been made about rural Scotland. It is not always legislation that is required. As Mr Finnie indicated, while we have been debating today he was out doing something to tackle the costs in the food chain so that the benefits of reducing costs come to our primary producers. That does not require legislation but shows this Executive doing things to help rural Scotland.

A number of people have talked about health—Mrs Scanlon made useful comments on the subject. We have had an opportunity to find ways in which to tackle Scotland's distinctive, and sometimes chronic, health problems. As a partnership, we are committed to the promotion of public health. We are committed to a network of healthy living centres, to one-stop clinics and to round-the-clock access to health advice through NHS Direct.

In an exchange with Dr Simpson, Mrs Margaret Ewing raised the issue of junior hospital doctors. As an Executive, we have a strong commitment to achieving the 56-hour target as a first step to reducing hours to 48. Ms Deacon, the Minister for Health and Community Care, has written to the junior doctors to invite them to a meeting to discuss further progress on that issue.

Tackling poverty and social injustice was a recurring theme in our debate. As the First Minister said this morning, social justice is at the heart of what we all want to achieve. It is a theme that links many other things. Education is at the heart of social justice; an education bill to raise standards will tackle poverty and social exclusion at its source by equipping our children to build successful lives. Our proposals on incapable adults will address a pressing concern of many thousands of people who need care or who provide that care. That is practical social justice.

There is more. Through legislative and non-legislative action across Government, we are committed to building strong and stable communities; to promoting social inclusion; to tackling dampness with a healthy homes initiative; to developing a national child care strategy; and to tackling homelessness. Mr Sheridan mentioned the green paper on housing published by the Westminster Administration. He reminded us that the consultation period finished on 31 May and that there had been some robust and interesting contributions to that consultation. We will respond to that in a way that will take forward housing policy in Scotland and reflect the housing needs of our nation.

Many members spoke of their concern about the scourge of drugs. I can assure those members that we share that concern. We are committed to

taking action to tackle the problem. However, many of the suggestions for tackling drugs do not require legislation. We are, as a partnership, committed to the establishment of a drugs enforcement agency. Along with the Deputy Minister for Justice, Angus Mackay, I have had meetings with the Association of Chief Police Officers (Scotland) to start to work out how we can take the agency forward.

We want to create mechanisms within the Executive to ensure that there is an integrated approach across government, allowing us to pursue a far-reaching strategy on drugs. Tackling drugs has a health dimension, an education dimension, a rehabilitation dimension and a crime and law and order dimension. The Government wants to ensure that it approaches the issue on that cross-cutting basis.

There is much to be done. We have waited nearly 300 years for this Parliament. It is impossible in the first few weeks and months to get everything done that we want to get done. However, our programme is ambitious—to deliver for Scotland. It will emphasise the key themes of this Administration: social justice; promoting enterprise; and ensuring that we have a sustainable economy. The legislative programme has been laid out as a first step along the road. I commend it to the Parliament.

**The Deputy Presiding Officer:** That concludes the debate on the Executive's legislative proposals. As we have no questions to put as a result of that debate, we now move directly to the members' business debate on motion S1M-42 in the name of Mr David Mundell. The debate will conclude after 30 minutes without any question being put.



## Job Losses (Dumfries and Galloway)

*Motion debated,*

That the Parliament notes with regret the loss of 99 jobs in Dumfries with the closure of the Nestlé factory, in addition to over 2000 jobs in Dumfries and Galloway in the past two years and the potential loss of 1700 jobs in the agricultural sector in the next two years.

16:58

**David Mundell (South of Scotland) (Con):** I would like to say how much I welcome this opportunity to raise with the Scottish Executive—and with the other members who I am pleased to see are staying with us—the concerns of the people of the south-west of Scotland. They are witnessing the battering of their local economy by unprecedented levels of job losses in manufacturing and farming.

I also welcome Mr McLeish's letter to me today in which he commits himself to coming to Dumfries at an early opportunity to meet with Dr Murray, Mr Fergusson, Mr Morgan and myself. The letter tacitly recognises that the economic problems of areas such as Dumfries and Galloway have perhaps not always had the attention that they deserve.

I believe that the seriousness of the situation in which we find ourselves merits direct Government action. I will argue for Executive involvement in a task force to develop and implement a jobs strategy; for the Executive to back the area's application for European structural funding under the new objective 2—[*Interruption.*]

**The Deputy Presiding Officer (Mr George Reid):** Order. Will members engaging in private conversations please do so outside the chamber and not in the course of the member's remarks.

**David Mundell:** Thank you, Mr Reid. I will ask the minister to acknowledge that we in Dumfries and Galloway face many of the same problems of remote and rural areas as do the Highlands. Although we do not have our own minister, we merit the same level of attention and funding. There is also a growing feeling of marginalisation in the south-west, so I want this Government, which talks so much about social inclusion, to demonstrate some geographic inclusion so that the people of Dumfries and Galloway can be confident that they are on the agenda of the Executive and this Parliament.

In addition to peripherality—which I am assured is a word—and dispersed communities, the two major problems that the region faces are spiralling job losses in the manufacturing sector and the restructuring and adjustment of the agricultural

sector. Dumfries and Galloway has, at 12.8 per cent, the highest mainland level of employment in agriculture. That compares to the Scottish average of 2 per cent. Agricultural output constitutes 23 per cent of the area's gross domestic product. That is why farming's worst crisis since the war has had a particularly devastating effect not only on the farmers, but on their suppliers and the local shops and businesses in the area.

I commend the Scottish Agricultural College report on agriculture and its future in rural Dumfries and Galloway to both Mr McLeish and Mr Finnie. It is an excellent document but it makes troubling reading as it predicts up to 1,700 job losses in that industry unless positive action is taken to restructure.

On the manufacturing side, the closure of the Nestlé plant in Dumfries with the loss of 99 jobs is the latest in a seemingly endless line of bad-news stories that have made the local papers. We have become used to headlines like "New Year Jobs Blow", which greeted the closure of the UCB polypropylene film plant, and "Double Jobs Blow Hits 180" on the shock closure of a showpiece plant. I will not go on, although I must say that I was intrigued by the headline "Crisis Alert—Dewar to Visit Region".

The job losses that we have experienced tend not to make the national news because the numbers are not headline matters. However, the drip, drip loss of 100 jobs in Dumfries, the loss of 20 this week at Cochran Boilers in Annan and 160 jobs lost at Stelrad in Dalbeattie are equivalent to the loss of many hundreds or even thousands of jobs from our large cities.

The psychological effect is the same. An air of gloom has descended on many communities with the inevitable consequence that people move away. The statistics show that depopulation has begun and it is predicted that it will continue. Who is going? Young people and skilled people are going, leaving behind an aging and economically inactive population. Dumfries and Galloway cannot survive on only the income of retired people. Work is needed to sustain and develop vibrant rural communities.

There are bright spots, though. I commend the Langholm initiative to Mr McLeish and I suggest that he visit there. It is a shining example of how a community and local organisations can work together to stimulate economic development and enhance their environment. I welcome the closer working relationship between Dumfries and Galloway Council and the local enterprise company. Their joint economic strategy document is a starting point, but I believe its development and implementation will only be fulfilled, in this time of unprecedented crisis, with the clout and expertise of the Scottish Executive as a full partner

also at the table. I call on the Executive to make that level of commitment a reality, whether or not we give it the title of task force.

I want to conclude my remarks with a further plea to the Scottish Executive that it will give a commitment today to support the Dumfries and Galloway European partnership case for rural strand objective 2 support for the years 2000 to 2006. As its lobby document sets out, such funding is needed if the region is to succeed in building on the foundations that were established under the objective 5 programme with the aim of developing a modern, diverse rural economy with an emphasis on employment creation and on knowledge-based and high-value-added activities.

It is always hard to draw attention to a difficult situation without appearing overly negative. Members should be in no doubt that the south-west has a wonderful natural environment, some of the best health and educational facilities in Scotland and, of course, its premier resource, its people. Let us by our actions make this Scottish Parliament the catalyst that will allow the south-west to reach its full economic potential.

**The Deputy Presiding Officer:** Five members have indicated that they want to speak. We will get them all in if they keep their remarks to two and a half minutes.

17:06

**Michael Russell (South of Scotland) (SNP):** I congratulate Mr Mundell on securing this debate. One of the most important parts of debating in this chamber will be the debates under rule 5.6(c), in which members can express concerns from their area and receive assurance, which I am sure that there will be, and possibly even promises of action from the relevant minister. We look forward to that.

I also want to commend Dr Elaine Murray, who has already taken a useful initiative by inviting members for South of Scotland to meet from time to time to discuss issues. I have been slightly tardy in replying to her, but have done so now and hope that she will take the lead in convening the first of those meetings. The members from the Scottish National party will be happy to attend them and to find a consensual way of addressing the problems in the south of Scotland as far as we can.

Mr Mundell is right to say that when one talks about rural deprivation, as with land reform and other matters, the emphasis is always on the Highlands. All of us who know the south of Scotland know that there are many problems there that are similar to or more grave than the problems in the Highlands and Islands—an area that I know well—but which receive little direct attention.

However, we must not take a simplistic view of

any region of Scotland. Alex Johnstone talked earlier about there being a stark difference between rural and urban Scotland. That stark difference does not really exist. There are certainly different problems in rural, urban and small-town Scotland, but they are all problems to do with people. Often they are to do with how people earn their living and how they can continue to live and work in the area that they choose or in which they were born. We must find a way to address that issue. It will be a major job for this Parliament in the next four years.

There must be concern, but also action. Mr Mundell has put together concern with a requirement and a request for action. This Parliament will be better served, because it will focus more closely on the regions of Scotland. Certainly, the fight in the south of Scotland will be helped immensely by the fact that the Government's professional mummies, Mr Brian Wilson and Lord Macdonald, who were always on hand to mourn at the funeral of jobs in the south of Scotland, are no longer with us. Mr McLeish, who will be, I am sure, of a much jollier countenance—

**The Minister for Enterprise and Lifelong Learning (Henry McLeish):** I will attend a few weddings.

**Michael Russell:** Yes, and bar mitzvahs no doubt. Mr McLeish will focus strongly on the need for jobs of the whole of Scotland and on the particular needs of the south of Scotland, in many areas of which there is, unfortunately, a cycle of decline. Job losses lead to job losses and to a feeling that such things cannot be reversed, which leads to an outflow of population.

I hope that all the members for South of Scotland will concentrate on the issue of not only saving jobs but creating them and on finding new ways in which to attract new jobs and to find indigenous industries to bring in jobs. That is this Parliament's job. I welcome Mr Mundell's initiative and look forward to the minister's response.

17:09

**Dr Elaine Murray (Dumfries) (Lab):** Unemployment is, of course, a personal tragedy for individuals and their families. Although political point scoring may create jobs for politicians, it does little to improve the employment prospects of their constituents. In that spirit, I am happy to concur with many of the remarks made by Mr Mundell and Mr Russell.

I thank the minister for his commitment, in response to my earlier correspondence, to visit Dumfries and to examine not only its problems but, I hope, its great potential.

The whole population of Dumfries must have

been shocked to learn that the Nestlé—formerly Carnation—factory, which has long been associated with the town, intends to cease operating in October next year. My discussions with Nestlé's representatives immediately after the announcement brought to light two particular problems that they felt had led to the decision.

The first was the difficulties that continue to exist as a result of the BSE crisis, particularly the loss of exports to the near east and Saudi Arabia, which has seriously reduced Nestlé's market for dried milk products. The second, which has also featured in my discussions with other local manufacturers—Dupont and Cochran's, for example, both of which have recently announced intentions to downsize as it is known—was the effect of the recession in Russia and the far east. As a consequence of the collapse of the markets there, companies trading in those areas have moved in to compete in a significantly smaller marketplace.

I am not quite sure what the Scottish Parliament can do to rectify either of those problems. The joint economic strategy launched by Dumfries and Galloway Enterprise and Dumfries and Galloway Council expressed the view that

"the Parliament should offer opportunities for all agencies to work more closely together and with central government."

That sounds good, but somehow we must make it a reality.

Having said all that, I do not think that it helps to talk Dumfries and Galloway down. It is not some bleak unemployment black spot. Although jobs have been lost during the past couple of years, they have also been created. Indeed, the unemployment figures have fallen by approximately a quarter since 1996.

New employers will be attracted to the area because of its advantages and potential. That must be emphasised, but it is not to deny that there are problems that need to be tackled. Even if employment is growing in other sectors, the loss of manufacturing industry is worrying as it offers better paid jobs that help to sustain local economies.

Dumfries and Galloway has a reputation—an unfortunate one in my opinion—for having a low-wage economy. Wages are some 10 per cent less than in other areas. I do not believe that my constituents should be paid lower wages because they happen to live in Dumfries and Galloway and we can ill afford to lose employers who pay better wages.

There are a number of transport issues to consider, such as the poor quality of some of our trunk roads, such as the A76, parts of the A75 and the A7. Public transport, too, is often inadequate.

For example, Dumfries is only 79 miles from Edinburgh and Lockerbie is only 68 miles away. I am off there at 5.30—I think Mr Mundell is too—but I cannot travel by train from my constituency and get to Edinburgh before 10.30 in the morning. That is not just an inconvenience to me; it is a disincentive to business and commuters.

I do not want to concentrate exclusively on negative issues. I am extremely proud to represent such a beautiful area where so many positive developments are taking place and I want to advertise the area so that everyone in and outside Scotland knows how much Dumfries and Galloway has to offer.

Tourism is a major industry in the area. The industry is worth something like £75 million and employs about 9 per cent of the local work force.

**The Deputy Presiding Officer:** Briefly, please.

**Dr Murray:** There are plans to expand the tourism industry. We also have the food industry, the forestry industry and, despite the current problems, the agriculture industry. Dumfries is renowned for the quality of its products and will continue to have a future at the quality end of the market.

Positive efforts are being made to try to turn round some of the recent bad news. For example, Nestlé is working closely with the council and the enterprise company to do what it can to find another employer to take over the site. There have been a number of other issues, but I do not have time to go through them all at present.

I wish to draw members' attention to the world-class optical cable communications system that is being installed at the Crichton campus at Dumfries. It will offer business and education a good system and it is something I would like to show the Minister for Enterprise and Lifelong Learning because it is especially relevant and has many advantages.

I believe we must use our strengths to overcome our weaknesses. Neither Dumfriesshire nor Scotland should sell itself short. We should be shouting about what we do well, putting ourselves on the map and marketing ourselves.

**The Deputy Presiding Officer:** I now call Ian Jenkins, and ask him to keep his speech short.

17:15

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** I come from the Scottish Borders and share many of Dr Murray's views. We faced similar problems recently; we are still facing them. I am sure that there will be more bad news before everything comes good.

Dr Murray can take heart: with the Government-

supported Borders working party and the document "New Ways" the Borders have turned the corner. That has happened because everyone has worked together. Problems have been focused on. With a wee bit of backing, a wee bit of control, a bit of determination and by not—as Dr Murray said—talking the place down, but being positive, the tide has started to turn. I hold out that hope to Dr Murray.

I am worried about the south of Scotland not getting recognition. People think about the Highlands and Islands and the rest. The lowlands is not just the lowlands; it is the lowlands and the south of Scotland and we must ensure that that is not forgotten.

Communications, such as roads and high-tech electronics, are deeply important. Education is also important and leads me to the south of Scotland university project, which I wish well and think could make a difference. The Scottish College of Textiles in Galashiels has been incorporated into Heriot-Watt University and now has an office in Hawick. That will make a difference because success breeds success and, therefore, people will stay. Investment is also important.

Small things can make a difference. I have had two letters from constituents that will strike a chord with Dr Murray. Something as simple as the authorities' failure to put back a tourist sign on the A74 serving Moffat and Broughton has cut people's throats in Moffat and Tweedsmuir.

17:17

**Alex Fergusson (South of Scotland) (Con):** I will preface my remarks by acknowledging the letter from Mr McLeish that conveniently arrived on my desk at about quarter past two. I acknowledge the £1 million for Dumfries and Galloway's enterprise action plan for 1998-99 and the £2.4 million for the 1999-2000 action plan, but question how much of that money will end up as consultancy fees, feasibility studies and jobs for the boys, rather than jobs for the men and women who need them.

David Mundell described the serious situation in Dumfries and Galloway. While I agree that we must not talk the area down, there are underlying problems with the agriculture and forestry industries, which account for a staggering 30 per cent of the region's gross domestic product. That is a stunningly high level of dependency in anybody's language and the Scottish Agricultural College has projected that there will be 1,700 job losses over three years. The crucial importance of those two basic rural industries is clear to all and the SAC report shows how much the agricultural situation has worsened during the year.

Parliament will not want to hear, nor have I time to give, all the facts and figures that are available to illustrate the demise of agri-forestry, so I will confine myself to a mere two facts. They are stark and sobering. First, in 1996, total farm income in Scotland was £546 million. In 1998, it was £187 million. I still have trouble getting used to the second fact, which is that it is cheaper to import fencing posts from Latvia than it is to manufacture them in Scotland.

That is why 1,700 jobs are at risk in south-west Scotland. Not just farmers' or farm workers' jobs are at stake; the jobs of shop assistants, drainers, fencers, sales reps, forestry workers and saw mill workers—the myriad of jobs that agriculture and forestry help to sustain—are at stake. Entire rural communities are under the severest of threats because of the decline in those most rural of industries.

What can this Parliament do? I strongly maintain that, within the European Union, the Scottish farmer will take lessons from no one on production efficiency. However, perhaps we have lessons to learn in marketing. I hope that the Parliament will be able to promote the benefits of co-operation and co-operative marketing as one positive way of improving agriculture's lot.

I have no doubt that one role of this Scottish Parliament will be to promote Scotland and all things Scottish. I believe strongly that as part of that role the Executive, in conjunction with local authorities and enterprise companies, should work to encourage the further manufacturing of a region's primary produce, so that the region may gain substantially from the added value and increased economic input that rural communities so desperately require.

There is already a deeply held scepticism in many rural areas about whether this Parliament will be of much benefit to them, and I am afraid that the legislative programme that was set out this morning will have done little to alleviate it. We must unite across the parties to set our parliamentary sights on regenerating the rural areas of Scotland. That is the only way in which this Parliament will be deemed a success. Indeed, it is on that that the oft-mentioned but seldom-witnessed new politics will be judged in rural Scotland.

I support totally the call for an Executive-led task force and strenuous backing for the region's efforts to obtain objective 2 funding. In short, I fully support the motion.

17:21

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** I will outline, briefly, some of the things the Government can do to turn the

situation round.

In agriculture, there are still great delays in lifting the beef export ban. I think that there is a hold-up among the civil servants in Brussels and with the scientific veterinary committee. The Government should put a political bomb up their backside and get them moving.

We need to encourage growth in small businesses. The factors that affect small businesses in rural areas are different from those that affect small businesses elsewhere. We need a special unit—something like the Small Business Administration in the United States—to consider this issue, so that we can achieve the same kind of success here as they have had in the US.

We need greater certainty of funding for our tourist boards. Tourism is the second biggest industry in Dumfries and Galloway and it is ridiculous that the local tourist board nearly went bust last year. We must not let that happen again.

We need to encourage the growth of electronic commerce. The great thing about economic commerce is that although it is growing throughout the world, it is something in which rural areas can compete with the rest of the country on nearly equal terms. We need to assist that process and to consider, for example, whether we can encourage British Telecommunications and other providers to make local calls free, as they are in the United States.

As has already been said, we need to encourage the south of Scotland university project. The Government should encourage it in the same way, and with the same amount of money, as it encouraged the University of the Highlands and Islands. A centre of academic excellence in the region will encourage businesses to gravitate to, or stay within, it.

**The Deputy Presiding Officer:** My apologies go to Mr Robson and Mr Gallie, who wished to speak but who have, unfortunately, been beaten by the clock. I call Mr McLeish to wind up the debate.

17:23

**The Minister for Enterprise and Lifelong Learning (Henry McLeish):** I am very pleased to wind up the debate. There have been some excellent speeches. It has been brief, but I am delighted that so many members have been able to speak. Of necessity, I, too, shall have to be brief. That should not be construed as anything other than sticking to the timetable.

I congratulate Mr Mundell on securing the debate and thank the other participants, including my colleague Dr Elaine Murray. I also want to confirm that I intend to visit Dumfries and

Galloway very soon. If there are problems to be addressed, my style will be to visit and encourage local relationships—we have many in the area, and I hope that we can take advantage of them. Economic development powers do not come to the Parliament until 1 July, but I want to make preparations for my visit now.

It is clear that rural economies in Scotland face particular problems. I am aware, because I have heard them say so on many occasions, that people from Dumfries and Galloway and, indeed, the Borders feel disadvantaged by the emphasis that has been placed on the Highlands and Islands. We should not take anything away from the Highlands and Islands, but we can put more emphasis on Dumfries and Galloway and the Borders. That is what a Parliament for the whole of Scotland is all about, and this evening I am committing myself to that aspiration.

The involvement of local authorities, the private sector and public sector bodies in local enterprise companies leads me to believe that local ownership of solutions is vital. That does not mean that the Government can walk away from tackling the problems practically. Adjournment debates in Westminster seemed very remote, geographically and psychologically. This is Edinburgh, we are very close, and I want Mr Mundell to take a strong message back to his community: we want to gel all our commitment locally and work for his area.

We also want to take a new initiative. Debates about rural affairs and rural economies cover virtually every subject in the Parliament. Governments have traditionally not been good at what we call cross-cutting. I want to work closely with Ross Finnie and others to ensure that transport, tourism, the environment, economic development and land issues are brought together, not only in the Executive, but in this Parliament. I would like to think it a challenge to this Parliament, with its subject and mandatory committees, to examine the possibilities of cross-cutting very early on.

The Government has responded over the past two years. It is clear that Dumfries and Galloway has faced difficult times. Last October, Donald Dewar announced an additional £1 million for Dumfries and Galloway Enterprise to start the rebuilding process. Funding has already laid foundations for economic growth: more than 300 people have benefited from training programmes and from early completion of the plastics park in Dumfries, which is a fine example of local skills and strengths being adapted to changing global markets. There has been additional support for small business, which is essential for diversification and the local economy.

An additional £1 million of funding has to be followed through with a clear strategy and

additional resources. The situation is developing, and there are perceived problems, but I want to concentrate in the short time available to me on the potential for Dumfries and Galloway. All members who spoke stressed the problems, but every area has potential. It is right that this Parliament and all the agencies involved recognise that fact. Agriculture is facing difficult times, but it has a tremendous future and tourism has grown enormously, to the extent that 9 per cent of the employed population is now working in it.

It is evident that, with a minute remaining, I will not have time to do justice to the myriad points that have been made in this debate. Suffice to say that I want to look, listen and learn about what is happening in Dumfries and Galloway. A raft of reports is already available, but we are also at the start of a new era in which we can do things differently. I think that, over the next few weeks, we will be able to visit Dumfries and Galloway. We want to discuss the situation there with our farming colleagues and to examine assisted area status, European funds and objective 2, which is a current issue—it is reserved to Westminster, but Scottish ministers are closely involved and we want to do the best we can for every part of Scotland.

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I would like to think that this debate has illustrated why we fought so long to get it. It has been very constructive and I hope that it will act as a signpost for others. I am delighted that it has taken place. It has been extraordinarily brief, but we will be visiting, building and co-operating not only with MSPs, but with everyone who has the best interests of Dumfries and Galloway and the south of Scotland at heart.

**Mr Murray Tosh (South of Scotland) (Con):** On a point of order. I understand that there is provision in the standing orders to extend debates in certain circumstances. It is a pity that two members were unable to participate in this debate and that the comments of the Minister for Enterprise and Lifelong Learning had to be abbreviated. Members are not awfully familiar with many of the niceties of the standing orders, and it might be useful if you, Mr Deputy Presiding Officer, could arrange for an explanation of how we might protract a debate when another 10 minutes might make a difference to be given in a future business bulletin.

**The Deputy Presiding Officer:** This is a timed debate and the magic hour of half-past 5 is almost with us, but I will arrange for such information to be brought to the attention of members through the Presiding Officer.

*Meeting closed at 17:29.*

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