

MEETING OF THE PARLIAMENT

Thursday 5 October 2000

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Scottish Parliament

Thursday 5 October 2000

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

Fuel Duty

The Presiding Officer (Sir David Steel): Good morning. Our first item of business is the Scottish National Party debate on motion S1M-1238, in the name of Kenny MacAskill, on fuel duty, and two amendments to that motion.

Tricia Marwick (Mid Scotland and Fife) (SNP): On a point of order, Presiding Officer. The Executive has indicated that it is not putting up a minister to respond to this debate. It is putting up a junior minister—[*Interruption.*]

The Presiding Officer: Order. I must be able to hear the member's point of order.

Tricia Marwick: In view of the seriousness of this debate, do you view the decision of the Executive not to put up one of their front-line ministers as a gross discourtesy to the chamber and to the SNP?

The Presiding Officer: The question of who speaks in a debate is not a matter for the Presiding Officer. It is entirely a matter for the parties.

09:32

Mr Kenny MacAskill (Lothians) (SNP): Here we go again. Only a few weeks have passed and yet again we are having a fuel debate. That should be no great surprise. It is a major issue, after all. However, it is an issue on which the UK Government takes no action and in which the Executive takes no interest, as is shown by the absence of ministers from the chamber today. We are left with an amendment in the name of the voice of agricultural labour and a summing-up by the voice of Brian Wilson.

In the previous debate on this subject, we were told tales of a workers' Government faced down by a bosses' strike. If the Executive was to be believed, hauliers and farmers overtly and covertly colluded and connived to undermine the democratic fabric of our nation. We heard claims ranging from a Minister for Justice talking about mob rule to a Labour member raising the spectre of Allende. I trust that that will not be repeated today. It was repugnant then and it remains so now.

The actions of the peaceful protesters have

been vindicated by a poll in *The Herald*. The actions were supported by 70 per cent of Liberal Democrat voters and 62 per cent of Labour voters. It may have been a bosses' strike—I do not think so—but it was a popular protest. Did the Government listen? It did not. Following the abuse and invective, we were faced with intransigence and arrogance. The Prime Minister acknowledged that there was a genuine and sincerely held grievance, but he refused to act. He said:

"I am listening - but I was also elected to lead."

There is merit in strong government. We cannot have leadership by whim and fancy. However, this matter is no mere whim of a small section of the population or a token fancy of a specific sector of our economy. It is a popular grievance on an area of legitimate social and economic concern. Governments in other countries have listened and acted; ours has sought to cloak itself in the language and imagery of Thatcherism.

What has happened since the previous debate? Has there been a cut? Has aid been given to fuel-dependent industries? Has there been an acknowledgement that we are out of kilter with not just the rest of Europe but the rest of the developed world? Has the absurdity of the fact that the largest oil producer in the European Union has the most expensive fuel in the developed world been acknowledged? No.

All we have seen is preparation for future demonstrations and blockades. Jack Straw, rather than addressing the underlying malaise, is tooling up for confrontation. The Government is seeking to punish those who protested. Legislation is being introduced to deal with the situation, à la Thatcherism. If they cannot be persuaded, they must be punished—that seems to be the Government's attitude.

The Government is seeking to punish those whom they think have participated by default. In the Government's view, the guilty parties in that respect are the oil companies. Hence, a windfall tax is mooted. Again, if they cannot be persuaded, they must be punished.

There is a need for investment in North sea development, and taxation has a role to play in encouraging and promoting that. However, the North sea oil industry in Scotland does not require punitive taxation that has been imposed by a Government in a fit of pique.

What is the underlying situation? The problem has not gone away. The price of fuel gets higher, the social costs increase and whole sectors of the economy weaken. The tourism figures for outwith Edinburgh and Glasgow are down and are getting lower. Because of high fuel costs and the high pound, the Highlands and Islands are now a high-cost holiday destination. Lib-Lab policy is pricing

tourists out of Scotland, and the tourism industry may take years to recover.

The haulage industry continues to struggle and the number of continental drivers continues to rise. This has been a matter not of taking freight from road to rail, but of taking jobs from Scotland and giving them to European competitors.

The difficulties faced by a generation of fishermen continue to multiply. Despite having rebated fuel, they still require to compete with trawlers from France, Spain and elsewhere. Other nations are providing packages of support, whereas Labour's high fuel costs are an albatross around the necks of our fishermen.

According to David Blunkett, farmers are subsidy junkies. Perhaps George Lyon will tell us whether he agrees with that. Doubtless the Deputy Minister for Highlands and Islands and Gaelic will advise us whether, as a representative for the Western Isles, he feels that farmers are subsidy junkies. He can support or repudiate that scurrilous remark. The costs are still high, but the banks continue to hound and hover above many a farm. Where has the real windfall gone? The prime recipients of the largesse that has flowed from the rising tide of oil prices are the Chancellor of the Exchequer and his Treasury war chest.

On 1 February 1999, our illustrious First Minister sagely predicted that oil prices were likely to stay at around \$10 to \$12 a barrel for the foreseeable future. What happened? The price rocketed to more than \$30 a barrel. As a result, the Treasury war chest burgeoned. On monthly oil price averages and National Audit Office estimates, the Treasury has received an additional £5.2 billion since the First Minister's bold prediction.

The windfall does not stop there, however. The Prime Minister has been pleading poverty on the additional VAT that goes to the Treasury as a result of increasing petrol prices. At the height of the crisis, he told us that the additional receipts would not be enough to fund a reduction of a fraction of a penny in the price of fuel. His Government thinks differently, however. In a parliamentary answer, we were told that every additional penny on the pump price raised £50 million. Since the First Minister's words of wisdom last year, the price of petrol is up by more than 10p and the Treasury's VAT receipts will be up by more than £500 million. In that is the windfall and in that the solution. The Government in Westminster, which has the relevant powers reserved to it, has the available resources to act—the money is there. There need be no cuts in other budgets and there are no excuses left.

Our motion accepts that this Parliament does not—at present—have power over fuel duty, but that does not mean that the Executive or other

elected members can absent themselves or abdicate responsibility on an issue that is so fundamental to our people, economy and country.

Individuals have demonstrated and opinion polls have disclosed; it is now for this Parliament to articulate the nation's call for a cut in fuel duty. It is absurd that we have an Administration that takes perverse pride in the outrageous price of fuel. It is as if it has said, "We've put it up, so we'll put it higher; they've suffered, so they can continue suffering; we've started, so we'll finish." But it is we who are being finished off. That is why the most important point is that the cost of fuel must be cut.

The key sectors of our economy must be saved. As has been said, some fuel-dependent industries are hanging on by their fingernails. A package of measures must be considered and must be implemented. Those measures will vary, depending on the industry concerned and on the outcome of discussions between representatives of those economic sectors and the elected representatives of the people.

On road haulage, I wrote to the Minister for Transport and the Environment, asking her to consider an essential user rebate. She said that that fell under a reserved power. In committee yesterday, however, she indicated that she was considering extending the fuel duty rebate to community buses and other worthy schemes that we have been promoting for more than a year. What is the logic that allows her to extend the fuel duty rebate to buses but not to lorries? Why is the minister competent to give a rebate to the bus industry but incompetent to give a rebate to the road haulage industry? Similarly, fishing and farming need specific packages. That has been done in France and Spain, so why not here?

The motion is about standing up for Scotland, about speaking out for Scotland and about representing our nation on an issue that is fundamental to our citizens, our industries and our economy. The power to vary the rate of fuel tax is of course reserved, but that does not mean that the Executive should have no view or say or that it should absent itself from the debate and from responsibility. Are Executive ministers not responsible for the economy? There is a Minister for Enterprise and Lifelong Learning. Do they not care about fishing and farming? There is a Minister for Rural Affairs. Do they not care about road haulage? There is a Minister for Transport and the Environment.

Discontent over fuel prices has been growing, but when the going gets tough, the Executive goes. It is still open to the Parliament to discharge its duty to represent and look after the interests of the people of Scotland. Even if the Executive goes AWOL, members can still remain attentive. Even if the political elite in Labour does not have the

courage of the people's convictions, the Parliament can and must act. A clear message must resonate from this chamber in support of our people, our industries and our national interest. If there is not unanimous support for the motion it will be clear—and SNP members will make it quite clear—that Labour does not listen, Labour does not care and Labour is the problem. Get the price of fuel down or get them out. Roll on Falkirk West.

I move,

That the Parliament acknowledges that Scotland is the largest oil producer in the European Union yet has the highest fuel prices in the developed world; notes that the Scottish economy as a whole and fuel dependent industries in particular are paying a heavy price as a result of high fuel prices; recognises that both individuals and entire geographic areas, in particular rural and island Scotland, are suffering; further recognises that the root cause of high fuel prices is taxation; notes that as a result of the recent increases in world oil prices Her Majesty's Government will receive a revenue windfall in excess of £4.4 billion, and therefore calls upon the Scottish Executive to hold a summit of interested parties to address the fuel situation, introduce a package of measures to address the needs of fuel dependent industries, and make urgent representations to the Chancellor of the Exchequer requesting him to make an immediate cut in fuel duty and give a commitment to work towards the European average.

09:42

Miss Annabel Goldie (West of Scotland) (Con): I, too, welcome the opportunity to debate again the implications of current levels of fuel tax in Scotland. Gordon Brown is a latter-day Fagin. He is not just picking a pocket or two, he is raiding every sporrán in the land. He is probably the first Scot to take the brecks off a Highlandman.

The truth about fuel prices in Scotland is not just chilling but squalid. Britain has one of the cheapest pre-tax petrol rates in the European Union. Once tax is slapped on, Scotland has the highest fuel prices in Europe: 10p a litre more than in France and 30p a litre more than in Germany. How did that come about? In May 1997 the average price of petrol was 59p a litre; now it is 86p. That is an increase of 44 per cent. In May 1997 the tax element was 45.7p a litre; now it is 61p. That is an increase of a mind-boggling 34 per cent.

Chancellor Gordon Brown pledged in 1997 not to increase taxes. In a series of budgets, however, he has done exactly the opposite and imposed rates of 12 per cent above inflation on diesel. In the most recent budget, he promised that fuel tax would be put up by the rate of inflation, but that led to a very tricky little manoeuvre. For the purposes of that increase, inflation was measured at 3.3 per cent; however, when pensions were put up by the rate of inflation, inflation was measured not at 3.3 per cent but at 1.1 per cent—hence the insolence of the additional 75p a week.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Miss Goldie has not mentioned the most interesting statistic, which is that tax on petrol was 33p a gallon when the last Conservative Government came to power and 222p a gallon when it left power.

Miss Goldie: With some basic arithmetic, Mr Rumbles would notice that the Conservatives were in power for 18 years rather than three years. What the Labour Government and his unseemly pals, the Labour Executive, have achieved is truly remarkable.

It seems that it is all right to slap tax on the petrol-buying motorists but still give pensioners a raw deal. If you are a Scottish farmer, fisherman or haulier, heaven help you. If you are an elderly widow living in Blair Atholl, Inveraray or Arran, heaven help you. If you are a family in the central belt and need a car to take the children to school or the parents to work, heaven help you. If that were not bad enough, the same Labour Government, and the same Labour Executive that is supported by Mr Rumbles's party, propose to pile on the agony with workplace parking charges and road user levies. No wonder that the motorist in Scotland feels betrayed, abandoned and helpless.

Can anything be done? Of course it can, and the Conservatives have said that they will do it—a vital and meaningful, but prudent, cut of 3p a litre. For the rest of this year, that would cost the United Kingdom £525 million. That is a fraction of the £5 billion revenue that the chancellor is getting this year alone over and above his own forecasts.

Bruce Crawford (Mid Scotland and Fife) (SNP): Talking about chancellors, can Miss Goldie remind us which chancellor put VAT on fuel?

Miss Goldie: It was, indeed, a Conservative chancellor, as Mr Crawford knows. A Labour chancellor would have had no alternative and a Scottish nationalist chancellor, heaven help us, would have had no alternative either, because that ruling was in line with the European dictate at the time. The VAT on fuel has been a fraction of the fiscal policy of this Labour Government.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Will the member give way?

Miss Goldie: I am sorry, Mr Stone, but I am running out of time.

Why would a cut of 3p a litre be more significant in Scotland than anywhere else? Our geography makes the car essential and the public transport alternative is very limited. In the Highlands and Islands, for example, average incomes are less than 80 per cent of the Scottish average. Car and other transport users cover distances that are almost double the Scottish average. A total of 65

per cent of the people live more than one hour's drive from a major centre, as compared to 10 per cent nationally. Average fuel costs are between 10 per cent and 20 per cent higher. Our 3p cut would pack a punch with people and business. Current price levels are roasting business. The road haulage industry is in crisis.

Mr Stone rose—

Miss Goldie: I am sorry, Mr Stone.

Our vehicle excise duty is 11 times that of France. We have the highest-taxed diesel in Europe. Tourism should be our flagship industry, but the flag is pretty limp and the ship is certainly low in the water. A study published last July by the Forum of Private Business found that the cost of fuel is destroying rural tourism where businesses depend on tourists travelling by bus or car. Petrol prices ranked higher than the weak euro as a factor in that.

It is indeed desirable that this subject is debated. I hope that a resounding message is going via the junior minister to his colleagues in the Scottish Executive. It is clear that what happened in the blockades of last month will undoubtedly happen again—it will happen again in the middle of winter, when neither Scotland nor the rest of the United Kingdom is well disposed to cope. I hope that the junior minister has something comforting to say to the Parliament about his consultations with his colleagues at Westminster. Unless the Scottish Executive's colleagues in government at Westminster are prepared to make some concession on fuel prices, the future for the United Kingdom is extremely bleak, and the future for Scotland is the bleakest of all.

As for the Scottish nationalists' motion, although I am glad that it was lodged and that we have an opportunity for debate, the Presiding Officer will forgive my cynicism when I point out that the authors of that motion belong to a party that is committed to a high-tax, high-risk regime. It has become perfectly clear in debates in this Parliament that the Scottish nationalists, especially in the form of Mr MacAskill, have a love of making serial commitments with uncosted implications. I fear that their vision is a chimera—a fanciful dream to dazzle—but not a prudent, workable solution. That is why the Conservatives lodged an amendment.

I will deal briefly with Liberal Democrat amendment. In so far as the Liberal Democrats know what they are doing—which, in itself, is remarkable—they too are committed to high taxation. They would put 5p on a litre. Moreover, there would be an uncosted deficit if they removed the tax disc from cars with an engine capacity below a certain level—by their own calculations, they will not replace that lost revenue. That means

more fuel tax for the road user. Perhaps Mr Ian Jenkins has revealed his party's position more patently than anyone else. He said:

"The Liberal Democrats favour environmental taxes and agree with the principle that the polluter pays".—[*Official Report*, 22 June 2000; Vol 7, c 670.]

One cannot drive a motor vehicle without polluting. I therefore conclude that Mr Jenkins wants the motorist to be taxed again and again.

I move amendment S1M-1238.2, to leave out from "is the largest" to end and insert:

"has the highest fuel prices in Europe owing to the high levels of taxation levied by Her Majesty's Government; notes that this position is reducing the competitiveness of Scottish business; recognises that the essential car user, particularly in rural Scotland, is suffering and calls upon the Scottish Executive to make representations to Her Majesty's Government in order to reduce taxation in general and fuel tax in particular."

09:50

George Lyon (Argyll and Bute) (LD): As Kenny MacAskill and others have rightly said, fuel duty has become the burning issue for the majority of motorists in Scotland. Not only do they pay the highest fuel tax in Europe, but until recently they received very little in return—no improved roads, no alternative public transport and no relief for rural motorists, who are hit disproportionately hard. This is not a new issue in the Highlands and Islands—it has been around for many years. Motorists in the central belt are only now having to pay more than 80p for fuel, whereas in the Highlands and Islands 85p has been a normal price for petrol—the norm there is now 90p to £1 a litre.

Motorists and hauliers are angry and upset—with good reason. For every litre of petrol that they purchase, 62p goes on tax and VAT. What do they get back? I remind Annabel Goldie that, under the Tories, who invented the fuel price, we saw—

Miss Goldie: Will the member give way?

George Lyon: I hope that the member will allow me to make some progress. I will let her in later.

Miss Goldie: I have a point of information for Mr Lyon. Fuel prices arose some time during the 1890s when the motor car was invented.

George Lyon: I am taken aback by that comment.

I was going to point out—in case the Tories had forgotten it—that the tax and VAT element of fuel rose from 33p a gallon for four star in 1979 to 222p a gallon in 1997. Tax and VAT rose to 222p under the Tories, yet we have crumbling roads, because of cuts in local authority budgets, and a motorway system that at times has more cones than cars. Did the money go into public transport?

Not a penny. The rail system was starved of investment. Now we have a privatised rail system that provides a worse service than British Rail did. At the same time, rail fares increased above the rate of inflation. We also ended up with a privatised bus service, resulting in the complete disappearance of rural buses, whereas in towns and cities 10 buses appear at once.

Is it any wonder that motorists feel angry and upset? They pay 62p a litre in tax and get nothing in return. We were told by the Tories that the tax would be a green tax—in reality it was nothing more than a stealth tax. The Tories and the Labour party have raised fuel tax and other indirect taxes to fund cuts in income tax. That is dishonest politics and the chickens are coming home to roost. At least Tony Blair has acknowledged that fuel tax is being used to fund public services.

Mr Duncan Hamilton (Highlands and Islands) (SNP): Will the member give way?

George Lyon: I know that Duncan Hamilton always likes to intervene on my speeches, but I have been talking for three minutes and I must make some progress.

Hague's Tories have now seen the error of their ways: they have discovered a new economic miracle on planet Portillo. We have heard all about it this week. The Tories are going to cut fuel taxes, income tax, business tax and tax on savings. However, the really clever thing is that at the same time they are going to outspend Labour on health, education and pensions.

Do Hague's Tories really believe that the voters will buy that or is it an indication of Hague's desperation that he must jump on every populist bandwagon that comes along? The problem with bandwagons is that, when you are waiting for one, three turn up at once.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): We have heard precious little about the Liberals' amendment, which says that they will impose

"a cap on fuel taxes in real terms for five years".

Does that mean that they are committed to increasing excise duty by the rate of inflation for the next five years, no matter what happens to world oil prices?

George Lyon: It means a cap on fuel taxes, which is the same as the SNP's policy.

Talking of jumping on political bandwagons, I will turn to the SNP. We have had four different fuel policies for an independent Scotland in the past few years. In 1997, the fuel price escalator was an integral part of the SNP's spending plans. That commitment was given in the SNP's manifesto for

the 1997 election, under the heading "Paying for Scotland's Future". The SNP's 1999 manifesto also included the fuel tax escalator. However, on 10 July, John Swinney, the new leader of the SNP, changed the policy. At the Scottish Grand Committee, he stated that the SNP would freeze fuel duty. A few weeks later, he said again that it would freeze fuel duty, but that the freeze would be at the level from before the increase in March. Alex Neil's fundamentalist wing of the party wants a 20 per cent cut in fuel duty. So we have a choice of four policies. Take your pick.

The SNP is not serious about fuel duty. It has used more than half its parliamentary time in the chamber to discuss reserved issues.

Mr Hamilton: Will the member give way?

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

The Presiding Officer: Order. The member is in injury time, so there is no giving way.

George Lyon: That demonstrates clearly to the people of Scotland that the SNP has abandoned Westminster and that it has no interest in raising Scotland's problems in the right forum, which is Westminster. The SNP is an irrelevance in Westminster. It has completely walked away from that Parliament.

Our amendment deals with the real concerns of motorists in Scotland, especially rural motorists, who have been disproportionately hit by fuel tax. The amendment goes a long way towards addressing those concerns.

I move amendment S1M-1238.1, to leave out from "acknowledges" to end and insert:

"notes that fuel is a matter reserved to the UK Parliament; recognises that rising fuel prices and haulage costs create particular financial and social difficulties for individuals and businesses, especially for remote, rural and island areas of Scotland, and further recognises that the Liberal Democrats have opposed all fuel duty increases since the introduction of the fuel escalator under the last Conservative government and support (a) a cap on fuel taxes in real terms for five years, (b) investment of additional resources acquired through increased VAT in public transport, (c) the encouragement of fuel-efficient cars by abolishing Vehicle Excise Duty for the most fuel-efficient vehicles and (d) targeted assistance for Scotland's remote, rural and island communities to alleviate the additional fuel price that these areas incur."

The Presiding Officer: I will clarify for members that, although the chair allows injury time for interventions, once a member is beyond the allotted time there should be no more interventions. Members should not accept interventions and members should not try to intervene.

09:57

Mr Andy Kerr (East Kilbride) (Lab): What an unedifying sight we have seen so far—the Conservative bandwagon and the SNP funeral cortège, driven by Kenny MacAskill. They had nothing positive to say about Scotland's economy. As usual, it was all doom and gloom. The Labour party understands the concerns of motorists; it has addressed the issues and is spending more on transport than has ever been spent before.

Let us introduce some facts. The oil price has increased from \$10 at the start of last year to \$35 a barrel now. That has had an effect on the price of fuel. The increase in fuel duties this year was the lowest for 11 years. Cutting fuel duty would be worth £2 a month to the average motorist, but would cost the public finances £1 billion. I am amazed by the spending strategies of the SNP and the Conservatives. Perhaps I should not be surprised by the SNP, because it spends, spends and spends. Indeed, I recollect that the SNP finance spokesperson borrowed a calculator during the party's press conference to launch its spending plans for Scotland.

The Tories forget some of the history behind their past strategies. Why did they introduce the fuel duty escalator? How did we get here in the first place? We have an environmental problem to deal with; we cannot get away from that fact.

Miss Goldie: It is popularly accepted that, by 1997, the United Kingdom's environmental obligations under the Kyoto agreement had been met. That is why the Conservatives were prepared to cease the application of the fuel escalator, and voted to that effect in the House of Commons.

Mr Kerr: Indeed; that is correct. The estimated increase in fuel duty between 1996 and 2000 will have saved emissions of between 1 million and 2.5 million tonnes of CO₂ per annum by 2010. That was the rationale for the escalator. We acknowledge the impact that the escalator has had on the economy. Ours is the party, through the Chancellor of the Exchequer in London, that has taken away the fuel duty escalator and—to answer George Lyon's questions—made commitments to transparency on where the money from increases in petrol taxes will be spent. The Tories taxed motorists and did not spend on infrastructure. Under Labour, and under the coalition in Scotland, we are doing the opposite. The Minister for Transport and the Environment recently announced historic spending increases on transport.

Fergus Ewing: I thank Andy Kerr for giving way. He seems somewhat coy about the Labour party's professed policy. Is it the case that the chancellor is committed to increasing excise duty at the next budget by at least the rate of inflation?

Mr Kerr: No, that is not correct. The Labour party's policy is to address society's needs; that includes the needs of motorists and the road haulage industry as well as the health service, education, infrastructure and social inclusion—all the massive spending priorities on which we are delivering.

In Kenny MacAskill's paradise, he always talks about Norway, the Netherlands, Iceland and even France, all of which have higher vehicle taxation. Once that higher taxation is combined with the road user charging schemes on the continent, it can be seen that the cost to our motorists is much more on a par with the cost to motorists elsewhere.

Yes, it costs £50 to fill up a typical car in the UK, while it costs £42 in France and £44 in Holland, but those other countries have road user charging schemes and taxation on the motorist is much higher than in the UK. If Kenny MacAskill cared to consider the facts, he would find that that is true.

We all acknowledge that road haulage is central to the modern economy in Scotland. The Select Committee on Environment, Transport and Regional Affairs's 15th report states:

"We have not accepted the principal argument advanced by our witnesses from the road haulage industry, that fuel prices and VED"—

vehicle excise duty—

"are too high, and should fall. We believe that in the past haulage rates have been unrealistically low, and have not reflected the true costs imposed by the road haulage industry on our society."

Mr David Davidson (North-East Scotland) (Con): Is not it amazing that many Scottish haulage firms are in trouble? Is not it amazing that many such firms are closing down and their services are being replaced by foreign drivers who do not spend any money in the UK and pay nothing towards wear and tear on our roads?

Mr Kerr: The foreign cabotage rate in this country is 0.06 per cent. We are hearing the usual scare story from the Tories. The real cost to society of motoring is estimated at £42 billion; revenues are £23 billion. The effect of cheap fuel is dramatic. Consider America, where petrol cost 35 cents a litre in 1995 and consumption was 1,600 litres per person. In the European Union and Japan, petrol costs between 60 cents and 90 cents a litre and consumption is 500 litres per person. We must face some hard realities about our environment and our economy.

It was Labour that first met the Road Haulage Association, and John Reid who agreed to remove the fuel duty escalator. Labour has listened to the industry on the improvements that can be made to its vehicles. Labour is delivering at a national level.

On George Lyon's point, it is one thing to levy money from motorists, but another thing to spend that money on infrastructure. The difference in Scotland is that we have the commitment to spend that money, which is being delivered through the public transport fund. Money is going to local authorities to repair roads and bridges. That is how we repay the motorist.

The Presiding Officer: I remind members that we have two debates this morning, so we need to keep the debate moving along swiftly. I ask for four-minute speeches.

10:03

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Members of all parties will agree that in rural Scotland the motor car is a necessity, not a luxury. However, Labour taxation policy on the use of the motor car in rural Scotland treats it as if it were a luxury, not a necessity.

Despite the fractious tone of the debate, there lurks somewhere a consensus that the motor car is a necessity in rural Scotland, and that action must be taken. Characteristically, I will shed light rather than heat on that debate. We have heard nothing about what the Government will do to alleviate the crisis in rural Scotland; nothing, that is, except what we heard from Mr Brian Wilson, who toured various parts of the Highlands with Alasdair Morrison. He said that the answer is liquefied petroleum gas and that people can get grants of up to 75 per cent to convert their cars to LPG. The problem is that only two makes of car qualify for that scheme. In addition, the cars have to be less than one year old and the only garage that can do the conversion is based in Southampton.

Active steps can be, and have been, taken by other countries. In France, there are 1,000 multi-service shops, selling petrol, which are supported by the Government. In Greece, there was the imposition in 1996 and 1997 of a maximum price outwith Athens and Salonica. In Portugal, there are lower excise rates for the Azores. Greece has lower rates for the Greek islands. In Italy, the rural populace is protected in places such as Gorizia.

Every other European state with its own independent Government is taking action to protect its rural population. The British Government has taken no action and—even after the protests—proposes to take no action.

Mr Kerr: On derogation, Mr MacAskill said that

“it would be legitimate for residents in Glasgow and Edinburgh to argue that the cost of fuel was offset by lower house prices in rural areas”.

How does that statement affect the SNP's argument on derogation?

Fergus Ewing: Mr MacAskill is on record as stating the case for the necessity of urgent action on rural prices. Were Mr Kerr to read our motion, he would find that it says exactly that.

I hope that the Enterprise and Lifelong Learning Committee's suggestions on specific measures to provide protection for rural motorists will be investigated. However, the Executive seems reluctant to impinge in any way on a subject that is reserved to Westminster, even when that subject has serious repercussions for our rural population in relation to farming, fishing and tourism, which have been mentioned by members of other parties.

The sorry truth of the matter is that unless the Parliament is granted more powers, there will be no solution to the problem.

Mr Stone *rose—*

Robin Harper (Lothians) (Green) *rose—*

Fergus Ewing: I will give way to Jamie Stone first, then to Robin Harper.

The Presiding Officer: You must watch your time, Mr Ewing.

Mr Stone: I thank Fergus Ewing for giving way.

Although the escalator has been done away with, Fergus Ewing will agree that those of us who live in the Highlands are stuck at the top of the escalator. House prices may be low, but incomes are pathetically poor in crofting areas in the north of Scotland. Should not his proposals include an examination of the derogation on VAT? In the Highlands, we pay over 90p a litre, including VAT, which means that we are hit extra hard on the VAT front. Such examination would be a constructive way forward and would mirror what is happening in parts of Europe.

Fergus Ewing: That approach is one possibility, but my own inkling is that a maximum price should be imposed, as has been imposed in Greece.

I promised that I would give way to Robin Harper, given that I so churlishly did not do so during our previous debate on the issue.

The Presiding Officer: You have 10 seconds left.

Robin Harper: Good morning and thank you.

Perhaps the member who sums up for the SNP could answer my question. I accept much of what is said about the problems of rural Scotland, but in an independent Scotland, would the SNP sign the Kyoto protocol? The SNP must find an answer to that question. What steps would the SNP take to meet Scotland's environmental responsibilities?

The Presiding Officer: Mr Ewing, please answer that question and wind up.

Fergus Ewing: I am happy to answer Robin Harper's question. The SNP policy is that we are committed to working towards a rate of excise duty on fuel that is in accordance with the European average. I believe that environmentalists should argue, as Robin Harper argues in relation to other environmental issues, that action should be taken on a European basis. What is the point of having 15 or 16 different rates of excise duty? Logic suggests that Scotland would benefit from the lower rate of European tax. That compelling logic is so powerful that not even the Labour Government will be able to ignore it.

10:08

Bristow Muldoon (Livingston) (Lab): If so many of our Scottish National Party colleagues are concerned about reducing taxation in the UK, why are they not standing for next year's Westminster elections? Why do they not make their arguments in the arena where that matter can be addressed?

The truth of the matter is that the SNP is more concerned with a shallow, populist approach than with influencing what happens in UK politics. That approach was characterised by Kenny MacAskill, who gave the game away early in his speech when he referred to recent opinion polls in *The Herald* and the *Sunday Herald*. The SNP is more concerned with responding to short-term opinion polls than with setting out a responsible programme.

Week in, week out, we hear from the nationalists about the need for increased public expenditure. Kenny MacAskill is a great advocate of that approach—his favourite issue is roads, but many other members of the SNP have their own hobby-horses. Yet the minute that a populist bandwagon, such as the debate on fuel taxes, comes along, the only question for the SNP is whether it can scabble aboard quicker than William Hague can.

One difference between William Hague and the Scottish National Party is that at least the UK press puts William Hague's populism under proper scrutiny. I appeal to the Scottish press to subject the SNP's position to the same level of scrutiny.

Where is the SNP's commitment to public services when, the minute some claim about reducing taxes comes along, SNP members jump on board the bandwagon? What would be the position on taxation in an independent Scotland? Would the SNP alter its taxation policy every month in response to fluctuations in the price of a barrel of oil? What effect would that have on the crocodile tears that the SNP regularly sheds for manufacturing industry? How would industry survive in an independent Scotland with that taxation policy?

SNP members advocate moves towards

European averages for fuel taxes, but we do not hear them advocating a move towards European averages for other forms of taxation. Would they favour a move towards the 53 per cent of gross domestic product that Sweden levies in taxation, or Norway's 44 per cent?

Tricia Marwick: Bristow Muldoon has spent an awful lot of time asking what the SNP would do. Has not he read the motion? Is not it about time that he started defending his Government's record?

Bristow Muldoon: I am surprised that the SNP is wasting its Opposition time on debating here issues that should properly be raised at Westminster. However, Tricia Marwick intervened at just the right time, as I was about to move on to the response from the UK Government, which I think has been responsible.

Tony Blair, in his conference speech last week, said that he is listening to people's anger over fuel duties—the hauliers and farmers, to say nothing of ordinary motorists. He recognises that there is real hardship, but he must also listen to concerns about underfunding in the NHS, and about the need for investment in schools, more police on the beat and better public transport. The real world is full of competing causes, most of them good and deserving, many of them heart-rending. A Government that chooses priorities is not arrogant; a Government that fails to choose is irresponsible.

As Andy Kerr pointed out, Labour's response to transport and environmental problems is also a balanced one that reflects the need for substantial increases in public transport as well as considering fuel taxation. Why do we hear no concern from the SNP about the relative increases in the cost of public transport? Because that is not a short-term, populist issue. Populism can work in the short term in opinion polls, but I am confident that, when it comes to real choices, the people of Britain will reject the shallow populism of William Hague at UK level and its tartan counterpart, as exhibited by the SNP.

10:12

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): As all members know, and as the Liberal Democrat amendment makes clear, fuel tax is a matter that is reserved to Westminster. However, I am delighted that we have a distinctive and realistic Liberal Democrat amendment to the SNP motion. There should be nothing surprising about the fact that we disagree at times with our Labour colleagues on issues that lie outwith the partnership agreement. On subjects such as the fuel tax, we have our differences.

George Lyon's amendment on behalf of the Liberal Democrats quite clearly recognises

“that rising fuel prices and haulage costs create particular financial and social difficulties for individuals and businesses”

in rural Scotland. That is one of the main reasons why the Liberal Democrats at Westminster have consistently opposed all fuel duty increases since the Conservatives first introduced the fuel tax escalator. We have a sensible fuel tax policy that aims to protect rural Scotland. The position that has been adopted by William Hague’s Tory party will be seen for what it is: an opportunistic and cynical move. The SNP position of calling for a cut while also calling for increased public spending is quite indefensible.

I believe firmly that the real problem is the public’s perception that the Westminster Government feels that it is okay for the price of fuel to rise continuously. People are fed up with what appears to be a never-ending rise in fuel taxes. That is most certainly not an acceptable position for our rural communities. We all know that for much of the Scottish population, there is simply no alternative to travelling by car.

Mr Hamilton: I want to ask about a point of Liberal policy, which promises a cap on fuel taxes for five years. Will Mr Rumbles confirm that that would still commit his party to raising fuel duties year by year in line with inflation, regardless of oil prices? Is that correct or not?

Mr Rumbles: What does a cap mean? A cap is a cap. That is a simple and straightforward phrase and, if Duncan Hamilton listens, he will hear me go on to explain specifically what we intend to do.

The accepted wisdom from the Tories, and now from the Westminster Government, that there should be a deliberate move away from income tax—which is far and away the fairest form of taxation—to indirect taxation such as fuel duty, pretends that people have a choice if they want to spend money on fuel. That is a great mistake. Who does the tax on fuel hit hardest? In our rural areas, it hits the relatively less well-off harder than anyone else.

To tackle the problem of continuously rising fuel costs, the Liberal Democrats demand a real-terms cap on fuel prices for at least the next five years. We demand that any extra VAT revenues that the Government receives from the rises in fuel prices be redirected to help public transport and reduce taxes for road hauliers. We would cut vehicle excise duties for lorries, by charging foreign lorries to use our roads, and we would cut vehicle excise duty for fuel-efficient cars.

Liberal Democrat policy would leave Scotland better off. It would help to address transport problems in our rural communities, and would mean a more realistic choice of transport. We do not support the SNP motion, nor the unrealistic

Conservative amendment, but urge support for our sensible amendment.

10:16

Ms Sandra White (Glasgow) (SNP): We have heard the usual rants from members of the Lib-Lab coalition: it seems that everybody is wrong but them. It has been stated that fuel tax is there to help the environment, but it has nothing to do with the environment. When someone fills their car up with £60-worth of petrol, £45.60 of that is tax. The tax is all about filling up the coffers at Westminster.

First, I want to focus on the effect on our public services of the punitive level of fuel duty that members have spoken about, especially its effect on the emergency services, which are already affected by years of underfunding by Governments of various shades. Millions of pounds have drained away through spiralling fuel costs; all that money is siphoned off to line Gordon Brown’s war chest.

It is estimated that 80 per cent of emergency service funding, for police, fire and ambulance services, goes straight back to the Treasury in fuel duty. That is a ridiculous situation. Money is being given with one hand and taken back with the other. I do not see the sense in that at all.

Accountants’ figures revealed recently that Scotland’s biggest police force, Strathclyde police, had overspent by £500,000 by the end of the financial year as a result of rising fuel costs. Since Labour came to power, the police force has spent £14 million on fuel, £11 million of which has gone straight back to the coffers of the Treasury in London. We can ill afford to lose that money; the situation is crazy. All too recently, we heard about police manpower shortages, but we could afford to employ more police officers if the Executive dealt with the issue of fuel taxation.

Bristow Muldoon: Will Sandra White give way?

Ms White: No, thank you.

Similarly, the fire service has incurred increasing costs. Fire board costs have risen from £4.28 million to £5.07 million and a significant proportion of that increase is due to increased fuel duties. The health service also loses money that it can ill afford to lose. The cost of fuel for ambulances has risen from £2.77 million to £3.2 million—a rise of 16 per cent over the past three years. Of that money, 80 per cent is siphoned off from health service budgets to the Treasury. That is another ridiculous situation.

Mr Kerr: Will Sandra White give way?

Ms White: No, I shall not give way.

My second point concerns an issue that I have raised before in the Parliament, and that I shall

probably raise again. Many people in the public sector are pushing to be allowed to use red diesel rebated fuel, which is taxed at only 3p a litre, in contrast to standard diesel, which is taxed at 52p a litre. Red diesel is available to tractors, diggers, road rollers, mobile cranes and even snow ploughs. How can the Executive justify the fact that police cars, fire engines and ambulances must pay 52p a litre in tax when those other vehicles pay only 3p a litre in tax? That situation is a wartime relic—perhaps the Executive is one too—and is no longer justified. It should be stopped now.

Mr Kerr: Will Sandra White give way?

Ms White: I am sorry, but I will not give way. Andy Kerr has had his say, and the minister can deal with my point on red diesel in summing up.

If red diesel was made available to public services, millions of pounds could be saved. If the ambulance service had used rebated fuel over the past three years, £7 million could have been saved. That money could also have been used in our hospitals—in the heart transplant unit of the Glasgow royal infirmary, or in the Glasgow western infirmary, which is crying out for radiotherapy machines and for funding for updated cancer research. The money could even have been used to reduce the waiting lists for digital hearing aids. However, the Executive does not seem to see that. Members may laugh, but the people are not laughing; they are crying out for help. This is not funny.

As a matter of urgency, the Executive—or the coalition as I prefer to call it—must make representations to end this absurd anomaly. It is in power; let us see it do something about this matter.

10:20

Mr Murray Tosh (South of Scotland) (Con): As I have been relegated to speak in the middle of the debate, I feel like a bystander in the latest instalment of the Kenny MacAskill show. We all had a good laugh at his speech this morning. The heavy team sat behind the ministers to barrack and boo. Tavish Scott was at his best, muttering “pathetic” all the way through Kenny MacAskill’s speech. When we read the parliamentary sketch in *The Scotsman* tomorrow morning, how we shall all laugh at what it says about Kenny.

If we take the trouble tomorrow to read what Kenny MacAskill said and to strip away the rhetoric, jibes and cheap points, we might be left with about two minutes of his speech, but it contained an irreducible core that merits careful consideration from members. The heart of his speech was not so far away from what George Lyon said at this year’s Liberal Democrat

conference, when apparently he spoke about the matter in hand.

Kenny MacAskill is no fool; that may come as a surprise to some members. Many sensible professional and business people take Kenny MacAskill quite seriously. The nationalists are on to a real grievance, which we—as unionist politicians in unionist parties—ignore at our peril.

It was wrong for the Executive to come to the debate today without the relevant minister to respond, and for it to line up its back benchers to say that fuel tax is not a devolved issue and that the SNP is wasting its time by debating it. Unionist government operates at European, British and Scottish levels. We address such issues at every level; if we separate them out and say that they are not our responsibility, we open up an avenue for the enemy.

On 364 days out of 365, Henry McLeish builds his status as the minister in the Scottish Parliament who deals with Westminster, the Department of the Environment, Transport and the Regions, and the Department of Trade and Industry. He says that we have matters in hand, that we make representations and that we champion the Scottish economy all the time—except when we debate fuel. Suddenly we are told that the nationalists are exaggerating, misleading and distorting. Of course they are; that is what they are good at. That is how they got to the Parliament.

When the SNP tunes into a real sense of grievance, the Executive ignores it at its peril, and there is a real sense of grievance about fuel tax. The Liberals have articulated that this morning. Mr Rumbles, who has now left the chamber, did not say what the Liberals would do to protect rural motorists, hauliers and haulage customers, but he articulated the grievance. What are we doing about that? I mean all of us—the Parliament and the Executive. What have we done, in more than a year, about high fuel prices in rural areas? Members must not think only about people in the Highlands and Islands who pay the high prices. We must think about the rural areas where people feel that they are disadvantaged.

George Lyon: Will Mr Tosh give way?

Mr Tosh: No. I have answered all George Lyon’s points.

Michael Russell (South of Scotland) (SNP): He did not make any.

Mr Tosh: That is right.

Throughout Scotland, there is a sense of grievance that we have not addressed. A parliamentary committee has started off down that road. It has identified that high fuel prices are the inevitable consequence of low turnover in remote

rural outlets. What will we do about that? There are mechanisms to deal with it. Fergus Ewing mentioned derogation, which is probably not relevant, but are we willing to consider subsidy and fuel duty rebate? Are we willing to do anything? Has any political party in the Parliament presented a properly thought-through policy to deal with the problem? [MEMBERS: "Yes."] Well, I did not hear it, but I would be delighted to. We certainly did not hear it from Mr Lyon, who is nodding vigorously.

The job of the Parliament and the Executive is to represent Scotland in the union to deal with this problem for rural areas, including the Highlands and Islands. If the Executive adopts the Brian Wilson position of contemptuously turning its back on the people with whom it disagrees, it should not be surprised when Kenny MacAskill runs his *sgian-dubh* between its shoulder blades.

10:25

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Contrary to what Murray Tosh said, I have an articulated argument. As I said in an intervention during Fergus Ewing's speech, the Highlands are being crippled by the high cost of fuel, as are other rural areas.

High levels of fuel taxation are imposed for environmental purposes. However, pollution from the Highlands is a drop in the ocean to what comes from Edinburgh, Glasgow, London or greater Manchester. For that reason, there is a special case for rural areas.

As I have said before, the higher the price of fuel in the Highlands, the higher the VAT we must pay and the harder it hits us in the teeth. One cannot take a broad-brush approach to the fuel issue in Scotland or the UK generally.

Running an ancient Peugeot 205, which is a necessity in the Highlands, is entirely different from the luxury of a second BMW for someone in London SW6. That is why there is strength in the VAT argument. I am sorry that Murray Tosh said that derogation is not worthy of consideration, as I believe that it most certainly is.

Mr Tosh: I did not say that—will the member give way?

Mr Stone: I will not give way to Murray Tosh, but if he says that I have got that wrong, I accept what he says.

Derogation is the way forward. We should have, on the European model, lower VAT in Scotland's rural areas. That is the one way in which we can underpin those fragile economies. That model works in other parts of the EU, and we should duplicate it here.

I must press this matter with the minister. I asked Ms Boyack about it some weeks ago and was told that it was being discussed in the UK Government. I make no apology for pressing the issue again. I will continue to do so until we get a fair deal for fuel in the Highlands.

10:27

Mr Duncan Hamilton (Highlands and Islands) (SNP): I will address three matters. First, I will address who is responsible for the current situation. Secondly, I will address what we are going to do about it. Thirdly, I will spend some time on the various measures that have been proposed, in particular by our friends on the Liberal benches.

Tricia Marwick: Friends?

Mr Hamilton: That was a joke.

The debate used to focus on who was to blame—the Organisation of the Petroleum Exporting Countries or the oil companies—but we have passed that stage. It is interesting that nobody—apart from the sycophant—has disputed the fact that the Government is largely responsible for the position that we are in.

Mr Kerr: Will the member give way?

Mr Hamilton: No.

Murray Tosh made an interesting point a few moments ago. He said that it is wrong to suggest that Parliament does not have a role to play. If Parliament is to represent the interests of the Scottish people, it is vital that Parliament takes the agenda forward.

Mr Stone *rose*—

Mr Hamilton: Murray Tosh and I disagree about the role of Parliament. I want it to deal with fuel taxes outwith the union—he would rather that it did so within the union. The point on which we agree is that we need radical, original and creative thinking. We have not heard a great deal of that—certainly not from Liberal members.

Mr Stone *rose*—

Mr Hamilton: Members will know from our motion that the SNP proposes a substantial package of measures: we promise an immediate cut in the rate of fuel duty; we promise immediate measures for fuel-dependent industries; and we promise an immediate summit for all those who are involved to plan a long-term strategy. That is immediate action, which can be set against the long-term inaction of the Executive and the Westminster Parliament.

The baying that we hear from the savages on my right brings me to the Liberals' position.

Mr Stone: Will the member give way?

Mr Hamilton: No. I want to deal with the points that were made by one of Mr Stone's colleagues. [*Interruption.*] Presiding Officer, perhaps you could control those people.

Mr Lyon said that the matter of fuel rightly rests with Westminster. Why is that right? Liberal Democrat members are meant to belong to a federal party and Mr Lyon is on record throughout their election campaign as saying that he believes in independence. However, Mr Lyon and his federal party believe that while they represent their Scottish constituents, it is right that Westminster should deal with the biggest issue in Scottish society. That is an abdication of the Liberal Democrats' role, which shows how far they have moved.

The Liberals announced their policy today. They point out correctly that their policy is to cap fuel tax for five years. I will quote from *The Economist* of 23 September—hardly a radical nationalist magazine—which analyses the Liberal policy. It states:

“Read the small print, and they are far from promising a cut in fuel tax. Mr Kennedy”—

I remind Liberals that he is their leader—

“in an emergency debate on the fuel crisis on September 18th promised a cap on fuel taxes for five years ‘in real terms’. This would still commit the party to raising fuel duties year by year in line with inflation, no matter how high the world price of oil rises.”

That is the fact.

The magazine continues:

“Given the current public mood, this may sound like electoral suicide.”

Frankly, given the Liberals' standing in Scotland, would the people know? Would they care? Would they notice? I do not think so.

It is wrong of the Liberal party—just because it has taken Labour's shilling—to pretend that it would cap fuel prices. It would not. Under the Liberal party's policy, fuel duty would continue to increase in line with inflation. The Liberal party supports that and will answer for that disgrace at the next election.

10:31

Allan Wilson (Cunninghame North) (Lab): It is clear to Parliament—if only from the frequency with which the SNP uses its parliamentary time to debate fuel duty and other reserved matters—that the SNP thinks that it mines a rich vein of political opportunity. That is telling, because the SNP has nothing to add to the debate. Like the Tories in Bournemouth this week, the SNP has no vision. It has not thought through a position on the future of

Scotland. It reacts to events and is tossed and turned on the ebb and flow of populist opinion. On a different day, in a different place and to a different audience, the SNP would present a different policy.

One SNP member says “derogation”, one says “environmentally friendly” and another says “freeze the duty”. One says “cut it by 2p” and another says “cut it by 10p”. Duncan Hamilton wants to run the UK economy, but no SNP member wants to stand for election to the Westminster Parliament.

Mr Hamilton rose—

Allan Wilson: Duncan Hamilton took no interventions, so he cannot expect to intervene.

The Government listens and leads. We have listened to the concerns of drivers, but we also listen to those who tell us that 18 years of Tory rule did immense damage to our public services. We know that that is true and we are committed to reversing that damage and to building better public services. We will hold strong to our commitment to record spending on the national health service and to making education a priority—with record spending. We will also hold strong to our commitment to record funding for law and order.

The SNP built the fuel tax escalator into its economics of independence. How will it make £100 million of cuts in Scotland in its spending plans? We know how the Tories would make their cuts—at least they are honest. They have planned to make £16 billion of cuts through having fewer teachers, fewer nurses and fewer policemen. Where would the SNP make its cuts?

Duncan Hamilton blames the Government alone, but we acted in concert with our allies. Fuel prices are a global problem. Last year, the four leading oil companies—all multinationals—were expected to double their profits to \$35 billion, but there has been a massive contraction in global oil prices and world oil demand. Last week, the United States Government released millions of barrels of oil from its emergency reserves to avoid a crisis. Such action was last taken during the Gulf war.

Can anyone imagine the insular nationalists appealing to international opinion? Would kailyard Kenny MacAskill—wherever he is—ask OPEC to drill for more red diesel?

Although Fergus Ewing tells the European Commission that Scotland wants to play a full role in Europe, he ignores the fundamental principle of the single market and derogation.

Fergus Ewing: Does Allan Wilson go along with Andy Kerr's denial of the officially stated Labour party and Treasury policy of increasing excise duty by at least the rate of inflation at the next budget?

Is it true that Labour's policy is founded on the idea that fuel tax is too low?

Allan Wilson: That is not what Andy Kerr said, nor is it Labour party policy.

Only yesterday, the European Union adopted the terms of a communication on the EU's oil supplies. The communiqué that was issued mentions

"increasing the consistency of national policies and strengthening a common approach . . . resisting the temptation to offset oil prices by cutting and aiming to harmonise excise duties between Member States, in particular by raising minimum taxes".

The EU is trying to address the real problem of the rise in global oil prices.

The nats refer to their green credentials, but it is easy to have such credentials. Dr Richard Dixon, the head of research at Friends of the Earth Scotland said of the SNP:

"Instead of developing serious strategies they are trying to score cheap political points by pretending to be the motorist's friend."

SNP members are undoubtedly trying to be the in-crowd, but that only shows their inconsistency and incompetence. Such a policy has led to a gap in their budget proposals as big as the hole in the ozone layer.

Furthermore, the SNP's inconsistency and incompetence is a symptom of something much deeper. Like the Tory party, it has no constructive vision. Instead, it sees every problem as a problem of the Executive's making and every difficulty as a political opportunity to be talked up and aggravated to gain a few votes.

Tricia Marwick: Will the member give way?

Allan Wilson: Sorry, I am just concluding.

The SNP does not want to share the problem—that might help to find a solution that would benefit Scotland and its people. The fact that the party has no positive policies and is not interested in helping to govern Scotland is proven by the way in which SNP members return to the issue time and again. The Scottish people will quickly realise that.

The Deputy Presiding Officer (Mr George Reid): We move to the winding-up speeches. Tavish Scott, you have four minutes.

Tricia Marwick: This will be funny.

10:37

Tavish Scott (Shetland) (LD): I thank Tricia Marwick for that warm welcome.

This is an important debate; it is right that MSPs should raise issues that are so important to all parts of Scotland and the Scottish economy.

However, it is also right that MSPs should respect the fact that only the Westminster Parliament has the right to change UK tax policies. Murray Tosh's interesting speech highlighted not so much his link with the SNP on the issue, as the fact that the Scottish Tories have no MPs. They are not keen for the matter to be debated at Westminster because they have no members there. To be frank, after listening to Malcolm Rifkind on the radio this morning, I do not think that they will have any MPs after the next general election either. Murray Tosh and Kenny MacAskill also had a veritable love-in for a minute or two.

The Tory party's transport policy changes every day according to which bus goes past. Although Annabel Goldie said that it was all right to cut taxes, she missed the point that was made by so many members from rural, island and remote areas. Jamie Stone, Fergus Ewing and others rightly highlighted the fact that in such areas fuel can cost 8p to 15p more per litre than the average price in Scotland. Annabel Goldie and the other Tories clearly do not give a damn about that—we will hold them to account for that attitude at the next election.

Miss Goldie: Will Tavish Scott give way?

Tavish Scott: No.

Jamie Stone said rightly that derogations have merit and should be considered properly and pursued. Fergus Ewing could have been more accommodating on that point.

Mr Tosh: I did not ignore that issue in my speech. The problem with derogations is that they require EC consent, but such consents are rarely given and only in difficult circumstances. It might be more realistic to find out whether some form of fuel duty rebate is available. Should not we investigate such solutions through our various political opportunities, channels and committees and press for them to be identified and implemented?

Tavish Scott: Murray Tosh's remarks seem to be constructive until we consider the Tory attitude to Europe. Every day this week, we have seen on our television screens a Tory party that hates Europe and that would do anything to get out of Europe. The Tory party's main funder—who is to spend £20 million on the party's next general election campaign—spent money on the recent referendum in Denmark. I will take no lectures from the Tory party about Europe. In the 1993 budget, Lord Lamont of Lerwick increased fuel duty by 10 per cent, established the fuel duty escalator and increased fuel prices by a further 3 per cent above inflation—three more taxes for the consumer. That followed the Tories' election campaign in which they said, "No new taxes." We had a lot of new taxes—22 in all.

What about today's Tories?

Miss Goldie: Will Mr Scott give way?

Tavish Scott: No, I will come to Annabel Goldie in a moment.

What of William Hague's Tory party—or, after the public confessional on Tuesday, I should say Michael Portillo's Tories—which, I presume, the Tory group in the Scottish Parliament signs up to? William Hague's Tories have the attention span and consistency of a tabloid news editor. The story of the day becomes the Tory policy of the day. To propose a cut in duty after last month's protests is not the action of a responsible party, in terms either of energy policy or fiscal policy—the phrase “blithering nonsense” comes to mind. William Hague's Tories are nothing but knee-jerk opportunists.

As for the nationalists, how many policies do they have? I have counted their policies and today we heard about two more. Let us go through them all. “Paying for Scotland's Future” was one policy. There was no reference to the matter in the party's 1999 manifesto, “On to independence”. That makes two policies. We heard John Swinney's policy on 10 July. That makes three. The party suggested a freeze on duty in a parliamentary motion. That makes four. Alex Neil suggested another 20 per cent cut. That makes five. Where is Fergus Ewing? There here is. His proposal made it six policies. Now—to top it all—Kenny MacAskill's motion represents policy number seven. We have heard seven fuel policies from the SNP.

On top of that, we heard great protestations of gloom from the SNP on the radio this morning, when it criticised this debate in the Scottish Parliament. It said that the matter should undoubtedly be debated here and nowhere but here. However, the SNP is sending nobody to Westminster. That party's people are not down there, arguing where it matters. The SNP does not care about Westminster. It has given up on Westminster, but Westminster is where it matters. That is why the Liberal Democrats and Labour send people to Westminster to argue the Scottish case. The SNP is not standing up for Scotland—it has given up on Scotland in that chamber.

As George Lyon rightly pointed out, 50 per cent of the SNP's Opposition time is spent on reserved matters. Duncan Hamilton always attacks George Lyon. What Duncan cannot accept is that George beat him and will beat him again and again.

Mr Stone: Will the member give way?

Tavish Scott: No. I am just finishing.

Liberal Democrats would use investment to support public transport and to support targeted measures for rural and island Scotland. The

Liberal Democrat MPs at Westminster have voted against every fuel rise since Norrie Lamont's budget. We have consistently argued for measures to deal with the problem.

It is time for the taxpayer and the motorist to get a fair deal. The policies on investment in public transport and targeted measures for our rural areas will clear the way for that.

10:43

Mr David Davidson (North-East Scotland) (Con): We have had an interesting morning. Some major changes in personality have occurred. We saw an almost dignified Mr MacAskill, but I would like to know what Tavish Scott had for breakfast, because it certainly affected him.

George Lyon: Danish bacon.

Mr Davidson: George Lyon warned me that he wanted an intro for that one.

For Labour, Mr Kerr started with what I almost took to be humility and that is not his usual style. He then went green—but he remains greedy. What has Labour done in three years? Its members talk about the years that we Conservatives were in power. Labour has been in power for three years and what has it done, but increase the price of fuel one way or another in that time?

Mr Rumbles: What about the 222p?

Mr Davidson: It would be helpful if Mr Rumbles would quieten down for a wee while.

Mr Kerr: Will the member give way?

Mr Davidson: Not at the moment.

Fuel duty has a disproportionate effect in Scotland because of distances to markets. Others have said that the Conservatives do not care about rural Scotland. I am sorry, but I represent a rural area. All sectors of the rural economy are being damaged by taxation by the Labour party at Westminster.

Allan Wilson's speech was just a load of emotional blackmail. It was the old story: if people want a hospital, they must pay up through fuel charges. That is the usual line from old Labour. He went on to talk about the £16 billion cuts that we are apparently going to make. How could we cut something that has not been delivered? He should grow up.

The SNP started off on the theme of punishment, which is usually a good subject for the SNP, before it got on to independence—an unusual line of attack. Mr Ewing said that the SNP will work towards equalising tax on a European basis. How? What measures will be taken? At what cost? How will that be paid for? When will the

SNP have an opportunity to deliver that?

Fergus Ewing: Do the Conservatives—who say that they want to be constructive today—agree that the people of Scotland want the same level of fuel tax as the average level in Europe? Every party in the chamber should agree to that aim.

Mr Davidson: I do not argue with Mr Ewing—I ask how that would be delivered. He gave us a vision, but no plan of how to achieve it.

Mr MacAskill suggested selective packages for virtually every industry. What a bureaucratic nightmare. The cost of that would be quite disproportionate. We must consider cuts across the board to ensure that everybody reaps the benefits, because everybody is affected.

The price of competitiveness that Scotland pays cannot be sustained. The Government must hear that point. That price is hitting the rural economy, where almost everything moves by road and there is almost no opportunity to use public transport. The essential car user has had enough.

The Liberal Democrats, through Mr Rumbles, told us that the Government should not listen to the people. That was a strange comment. The Conservative party listens to the people and will deliver. I do not know whether Tavish Scott included the new Liberal Democrat policy on his list, but it is this: indirect taxation will not be pursued but there will be higher direct taxation. That will kill investment and enterprise. The Liberal Democrats might like to clarify that later in the day.

Mr Lyon promised to renationalise rail, although I am not quite sure what that has to do with the fuel tax debate. His party still talks about raising fuel tax, but none of its members has said what they are proposing for taxation in the future.

Tavish Scott was, as I said, extremely excitable this morning. He got on to his usual point about Tories and the EU. However, we like the Common Market—we went into the Common Market—but we do not like having to swallow every piece of legislation that other EU countries think is good for them, but which does not suit Britain. That is the difference between us and the Liberal Democrats.

Tavish Scott: Does Mr Davidson agree that what has come out of the Conservative party conference this week has been Euro-sceptic all the way down the line, including the shadow Chancellor of the Exchequer's speech on Tuesday? Their message has been: "We don't want to be part of Europe and we will do what we want." The Conservatives want to get out of Europe.

Mr Davidson: Our position is clear. We want to be in Europe, but not run by it. That is the end of that.

It is right that the Scottish Parliament should discuss all matters that affect Scotland. The view that fuel duty can be discussed only in Westminster is a cop-out and makes no sense. The Scottish people expect the Scottish Parliament to discuss the issues that matter in Scotland. The job of the Executive and the minister is to make sure that that message is passed to the Cabinet in Westminster.

We said that our policy is to reduce fuel tax across the board. The content of Miss Goldie's amendment is a direct response to the public, to whom we have listened. I must point out that we did not make such a move in the middle of a strike—we waited until the situation had calmed down before we made a move. We agree that a strong Government must be a sensitive Government and should not make knee-jerk reactions.

I beg the minister to take the messages that he has heard today back to the Executive and down to Gordon Brown. Scotland has had enough of the Government's fuel taxation policy.

10:49

The Deputy Minister for Highlands and Islands and Gaelic (Mr Alasdair Morrison): It is enlightening to listen to the Tories talking about the necessity of debating the matter in a Parliament that they opposed so vehemently.

Whenever I hear Kenny MacAskill shout his speeches in the chamber, I wonder whether he has an overdeveloped sense of humour or is an absolute fantasist. Whatever the answer, he would have been an excellent deputy leader of the Scottish National Party. I was also interested to note that the nationalists have turned out in force today—they have filled all their seats. It is interesting to recall that when my colleague Sarah Boyack set out her transport spending plans for Scotland last week—announcing £500 million for Scotland—those seats were empty. In that statement, she announced more money for trunk roads, local roads and public transport—much-needed resources for Scotland's transport infrastructure.

Kenny MacAskill talked about fuel duty rebate being extended to the haulage industry. We must ask him which part of public spending in Scotland he would cut. It is always a pleasure to respond to my friend, Fergus Ewing. I could not help but note that—this is merely a passing observation—when one of my colleagues criticised the Tories, the first member on his feet was Fergus Ewing.

Mr Ewing should know well that EC derogation on fuel prices in rural areas applies only to existing schemes. He chose to ignore the assistance for rural petrol stations and reductions in vehicle

excise duty for smaller cars.

Mr Stone: Will the minister give way?

Mr Morrison: I must respond to the points that Mr Ewing made in his speech. He expects swingeing rises in vehicle excise duty in the next budget. The fact is that measures in the previous two budgets have cut £400 million from motorists' car tax bills. That includes a cut of £55 in VED for the drivers of 4 million smaller cars.

It is always a pleasure to explain matters to Sandra White. She talked about red diesel, which is a concession for off-road vehicles. Again, I explain that those vehicles have that concession because they use public roads rarely and do not contribute to congestion or wear and tear on roads. She claimed that the level of fuel duty was nothing to do with the environment. It is estimated that the increases in fuel duties over the past four years will, by 2010, have saved emissions of 1 million to 2.5 million tonnes of CO₂ per year.

Ms White: I hear what the minister is saying. Does he mean that when people are unable to drive on roads in winter, he can make the excuse that road gritters—which get rebated fuel—use the roads only occasionally?

Mr Morrison: Another devastating intervention from Sandra White, Presiding Officer.

I remind members that budget increases in duty and VAT on unleaded petrol and diesel is the lowest since 1989, at 1.9p per litre. On average, that will cost less than £2 per month for people who travel about 9,000 miles per year.

As much as the Opposition—the nationalists—may malign the Chancellor of the Exchequer, the budget was good news for Scotland. Measures in the previous two budgets cut £400 million from car tax bills. Scotland's motorists and businesses will gain from lower fuel duty increases and many motorists and hauliers will gain through lower vehicle excise duty.

In future, fuel duty rates will be set budget by budget. The chancellor has also made the commitment that any real-terms rises in road fuel duties will be lower and the revenues will go straight to a ring-fenced fund for the modernisation of roads and public transport.

I will highlight some of the transport initiatives that were announced recently by the Executive. The list is long, but I will mention only a few. I cite the rural transport fund for 2001 to 2004, which will be increased by about £18 million as part of the spending review. Support for lifeline services in 1999-2000 was at record levels; the highest ever level of subsidy went to Highlands and Islands Airports Ltd. The revenue subsidy for Caledonian MacBrayne Ltd was also the highest ever, at £15 million. Two CalMac ferries have been ordered

since 1997 and both orders were won by Scottish shipyards.

Those figures and initiatives illustrate clearly the Executive's commitment to rural Scotland and to island communities. The investment is not only in transport, but in industry and jobs.

I turn now to rural fuel and the oft-cited Office for Fair Trading report into high fuel prices in the Highlands and Islands. That recently published report identified high costs of distribution in remote areas and low turnover as key factors. It found no evidence of profiteering on the mainland or the northern isles, but the OFT will undertake further investigation into unexplained price differentials in the Western Isles. I can assure members that I will take a keen interest in their findings.

Following the OFT report into fuel prices, a contract has been awarded for a study into bulk purchasing of fuel. The consultation exercise is already under way. It would be premature to speculate on the outcome of that study.

I will finish on another important initiative. Liquefied petroleum gas is not only cleaner than traditional fuels, but cheaper by up to 5 per cent. We are making an additional £0.3 million available in 2000-01 for powershift vehicle conversion schemes in rural areas, which will encourage more people to convert their cars to LPG. The recent spending review increased powershift funding by almost £1 million for the years between 2001 and 2004. Following discussions with the Government, Shell UK has begun a programme of introducing 23 LPG outlets in the Highlands and Islands and the rural north-east. I know that Kenny MacAskill denounces that, time and again. Those are just a few of the significant Executive initiatives of the past 14 months.

Finally, to respond to Tricia Marwick's point of order at the beginning of the debate, it has been both an honour and a pleasure to respond on behalf of the Executive.

10:56

Bruce Crawford (Mid Scotland and Fife) (SNP): That was interesting—it is good to see a minister make such a sturdy defence of the chancellor and his fuel tax rises.

The SNP stands accused of wanting to discuss reserved matters in the Scottish Parliament. Some people have had a go at that, while others have said that it is okay. Things were different when we raised pensioners' issues and the Act of Settlement. When the heat is on, the Executive does not like it. That is why we have heard some spin today.

Incredibly—but not surprisingly—we have not heard the word "listen" once from the Labour,

Liberal Democrat or Tory benches.

Mr Davidson *rose*—

Bruce Crawford: If David Davidson used the word, he was the only member of those parties who did—I apologise to him. Examination of the amendments that were lodged by Annabel Goldie and George Lyon and the language that was used in support of them reveals that the Tories and the Liberal Democrats have fallen into the same trap as the new Labour Government—

The Deputy Minister for Local Government (Mr Frank McAveety): Will Mr Crawford take an intervention?

Bruce Crawford: I will take a leaf out of Sandra White's book. The Executive has had the chance to listen to the Scottish people's views on fuel during the past few weeks, so the deputy minister should sit and listen to me on the issue. [*Interruption.*]

The Deputy Presiding Officer: Order.

Bruce Crawford: Like the Government, the Executive wants to foist on the people solutions to an extremely complex and serious situation. Quick soundbites will not provide the answer, but pragmatism and common sense might.

When will the unionist parties—I except Murray Tosh from this—learn that politicians do not have all the answers? When do they propose to talk to and listen to our farmers, hauliers and fishermen to find out what they think is important? As our motion shows, the SNP wants to establish a summit of interested parties and to begin a dialogue, to listen and to help find a lasting solution.

Many members have, understandably, become hung up on the fuel tax escalator, but if we are to get to the bottom of the issue, we must examine Gordon Brown's statement of intent on taxation policy. In July 1997, he set himself and the Government four key tests for what he saw as good taxation policy. First, such policy must be well designed to meet objectives without undesirable side effects—that is a beauty. Secondly, it must keep dead weight compliance costs to a minimum. Can we see that happening with fuel tax? Thirdly, distributional impact must be acceptable. Fourthly, a care must be had for the implications for international competitiveness. Andy Kerr may look through his notes, but I bet that he will not find that.

The chancellor set those four tests, but he and the new Labour Government have comprehensively failed to pass them. The failure is clear for all to see. As far as undesirable side effects are concerned, we can say pretty safely that something undesirable happened in the past few weeks—fuel was in short supply and the life of

the nation was grinding to an abrupt halt.

We need only ask our farmers, fishermen and hauliers—and, indeed, our hoteliers—about the dead hand that crippling tax costs place on their businesses. Even George Lyon would agree that there is a big difference in distributional impact between rural and urban Scotland. He would also agree with the points that were made about low-income car-owning households. However, it is in competitiveness that we see the chancellor's biggest failure.

Mr Stone: Will the member give way?

Bruce Crawford: When Mr Stone listens to people in Scotland, I will give way to him.

Andy Kerr said that the price of fuel was not too high.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member give way?

Mr Kerr *rose*—

Bruce Crawford: Scotland has the highest fuel prices in Europe. The average cost of the hauliers' tank in Europe stands at £350, while in Scotland it is £868.

Mr McAveety *rose*—

The Deputy Presiding Officer: Order. The member is not giving way.

Bruce Crawford: Gordon Brown's tests have been blown out of the water. It is time that he and Tony Blair swallowed a couple of humility pills. They should start listening to people and put matters right before Scotland finds itself on the brink again.

Cathie Craigie: I thank Bruce Crawford for giving way—people will talk about us. I am all for listening to the public, but I am also all for telling the public the truth. Will Mr Crawford tell the truth to the people of Scotland—and to the people of the UK, if he wants a wider audience—and admit that the increases in fuel costs are not the result of taxation by the Labour Government? Motoring organisations recognised that the previous budget was the best motorists' budget for years. Will the member acknowledge that?

Bruce Crawford: Well, I am really reeling now. Will Cathie Craigie tell us how her party raised an additional £5.17 billion in oil revenues and an additional £500 million from VAT?

The action that was taken by our farmers and hauliers represented an outpouring of anger by ordinary people over unreasonably high taxation on a vital commodity. However, it was not only the farmers' and the hauliers' protest: it was the people's protest. The First Minister asked in the chamber who the protesters represented. As far

as I am concerned, the people who stood at the gates in Grangemouth represented me and millions of other Scots who are fed up with paying Gordon Brown's tax.

The people of Scotland—an oil-rich nation—cannot understand why we must fork out more for fuel than people in any other country in Europe do.

Mr Kerr *rose*—

Bruce Crawford: I have seen Pop Up Pirate jumping up and down all day—I have had enough.

The protesters, who were backed by a huge majority of the people of Scotland, sent a wake-up call to new Labour. Unfortunately, new Labour has not listened. Today, the SNP has given Parliament the chance to send its own message to the new Labour Government. The Government should sit down with our hauliers, our fishermen, our farmers, our people in the tourism industry and others and give them the relief that they so desperately require. If new Labour sits down with those people, it should really listen to them.

The people will say that the situation is like Chinese water torture and that they do not know how long they will be able to stand the pain, so the Government should stop attacking them and give them relief now. There is no need for the Labour party to prove how tough or strong it is; it is time for listening and for common sense and pragmatism. If new Labour is not prepared to do that simple and dignified thing, it should pass the powers to decide on fuel taxes and other fiscal matters to the Scottish Parliament—let us sort out Labour's mess.

Local Government

The Deputy Presiding Officer (Mr George Reid): We move to the next item of business, which is the Scottish National Party debate on motion S1M-1239, in the name of Kenneth Gibson, on proportional representation in local government, and amendments thereto.

11:05

Mr Kenneth Gibson (Glasgow) (SNP): I hope that my speech will be less controversial than my tie has been this morning.

In July 1999, we debated the report of the McIntosh commission on local government and the Scottish Parliament. The report recommended that:

“Proportional representation (PR) should be introduced for local government elections. A review should be set up immediately, to identify the most appropriate voting system for Scottish local government, with a view to legislation which should take effect in time to govern the next council elections in 2002 . . . The criteria to be used in determining the system or systems of PR to be adopted for Scottish local government should be

- proportionality
- the councillor-ward link
- fair provision for independents
- allowance for geographical diversity and
- a close fit between council wards and natural communities.

. . . Of the possible electoral systems, AMS, STV and AV Top-up should be given particular consideration.”

The Minister for Communities subsequently established the all-party renewing local democracy working group, chaired by Richard Kerley. The remit included

“the most appropriate system of election”,

taking into account the five criteria that were established by McIntosh.

Why change? If it ain't broke, don't fix it. Well, the system is broke.

I am sure that members are aware of a certain council, not too far from here, where one party with less than half the vote holds such an overwhelming number of seats that the main opposition party can muster only two members. For donkey's years, the administration has been able to ensure complete domination of the council, knowing that it has only a rump opposition, unable to provide an effective political challenge and struggling to ensure democratic accountability and scrutiny. In that council, members of the ruling party standing for election are almost guaranteed

a place on the council, simply because of their political allegiance. It cannot go on. We cannot continue with one party completely dominating on less than half the vote, as happens in SNP-run Angus Council.

In Angus, the SNP has one councillor for every 1,063 votes that are cast; Labour has only one councillor, despite the fact that the party gained 8,931 votes. Is it right that an SNP vote in Angus is worth eight times a Labour vote? I think not. If we look elsewhere in Scotland, we will see a similar pattern. New Labour, the party of government in Holyrood and Westminster, is discriminated against by an out-of-date and unfair system that has given Labour only one seat out of 36 in Argyll and Bute, one out of 34 seats in the Borders and none of the 68 seats in Aberdeenshire.

What about the voters? As Kerley stated in his report, where a seat never changes hands

“and the same party gets its candidate home repeatedly, even by a narrow margin and on a small minority of the vote. . . . those who do not support it never get the effective use of their votes, and this produces two ill effects - fatalism and disillusion on the part of voters and complacency on the part of the winning party. Both are bad for democracy. The essence of the case for proportional representation is that it produces a result which more fairly represents the spectrum of opinion within the electorate.”

That is where there is a choice. However, in much of Scotland, voters have no opportunity even to cast a vote—let alone a vote for their favoured party—or to see their party of choice elected.

In last year's local government elections, 59 wards were uncontested. In Alex Salmond's constituency, the shambolic nature of the local unionist parties allowed five SNP councillors to be elected unopposed, leaving voters with no choice. Across Scotland's 1,222 wards, new Labour failed to field candidates in 262 wards. The Tories did not field candidates in 499 wards, the Liberal Democrats did not field candidates in 499 wards, including, astonishingly, all 92 Ayrshire seats, and the SNP did not field candidates in 165 wards. Tens of thousands of voters were denied any choice, let alone the option to vote for their preferred party.

We need a system that will increase voter choice, between candidates and not only between parties. We need a system that will ensure that no vote is wasted and that puts power in the hands of the electorate, rather than the selectorate. We must eliminate the anomaly that means Labour can win overall control of Aberdeen Council and City of Edinburgh Council on 32 per cent of the vote while the SNP in East Ayrshire gained 51 per cent of the vote and remain in opposition.

We need a system that does not discriminate against parties that appeal across the social and

geographic spectrum, in favour of those with, traditionally, a much narrower focus and relatively concentrated vote. We need a system that will be a cornerstone of a modern and responsive local government, able to improve service delivery more effectively and efficiently. We need a system that works for urban, rural and mixed authorities and one that meets the five criteria set out by McIntosh, which form the cornerstone of Kerley's work. That system is the single transferable vote.

Let us consider choice. Under STV, we would have multi-member wards of three to five members, or two in the most sparsely populated areas, reflecting natural communities. All councillors would be elected in the same way. Under STV, voters would not have to consider tactical voting, supporting a candidate of dubious merit out of party loyalty or the fatalist view that no one else could win in that ward. Voters would not be stuck with a candidate who may have been deselected from another part of the local authority and selected unopposed in a smoke-filled room by three men, or women, and a dog. They could choose between two, three or even four individuals from the same party who are standing in the same multi-member ward, and perhaps give their second or third preference to an individual from another, or no, party. Over time, that would weed out less effective members and improve the calibre of councillors and the quality of representation.

Parties that are unable to contest every seat under the current system would be much more able to select and field candidates, leading to fewer uncontested wards or wards where voters have no opportunity to vote for their favoured party. Political parties would gain strength where they currently are under-represented, and also would gain through an improvement in the quality of councillors where they are successful already. The possibility of more hung councils would inject co-operation and more innovative ideas into local government, given that single parties are not the font of all knowledge, and would make committee or executive meetings more meaningful. Indeed, policy making would be likely to be debated and analysed more thoroughly with more councillors involved in the decision-making process, leading ultimately to better service delivery.

In councils where a party clearly has lost the confidence of two thirds or more of the electorate, one-party administration would be impossible, just as it would be impossible to gain 31 per cent of the vote, as the SNP did in Midlothian, and have no elected representatives. Such a democratic deficit is no longer acceptable following McIntosh and Kerley.

How does STV shape up against the five McIntosh criteria? As everyone in the chamber will

agree, no system is perfect. We need a balance, for example, between the impact of any system on proportionality and the member-ward link. STV maximises the use of each vote to ensure that the representatives who are elected in a ward reflect voting patterns. Voters simply vote for their favoured candidates—1, 2, 3 in order of preference—by party, or whatever other criteria they consider to be important, using a single ballot paper. From the total votes cast a quota is calculated, which is the minimum number of votes that is needed for a candidate to be elected. Elected candidates have their surplus votes transferred in proportion to their next preference. The candidate coming last drops out, and his or her votes are transferred to their voters' next preference. In that way, all votes are fully utilised. The greater the number of councillors per ward, the greater the proportionality.

As for the ward-member link, each elector would have an equal link to several councillors, and a choice of whom they wished to advocate for them. Multi-member wards existed in Scotland prior to 1975, albeit the members were elected by the first-past-the-post system. In England and Wales that system still exists, and appears to present little difficulty. The Tories introduced STV in multi-member wards in Northern Ireland, and no one would argue that that has been unsuccessful. Given that parliamentary constituencies are considerably larger than any ward would be under STV, I doubt that anyone in the chamber would argue about the weakness of the constituency-voter link.

In any case, members may wish to reflect on whether it is the primary function of elections to elect individual councillors, determine who should form the administration, or both. If it is the first of those, it is clear that under the current system many voters never have a chance to express judgment on how well their councillor performs anyway, given frequent boundary changes, deselections and retirements.

Independents would be just as able to win election under STV as anyone else, and in an urban setting perhaps more so. Kerley makes it clear that geographical diversity can be served, even in areas that are represented exclusively by independents, with STV, given the flexibility that is proposed in the number of councillors. That flexibility should end the situation whereby so many councillors are elected unopposed.

As far as establishing a close fit between wards and natural communities is concerned, all parties in this chamber have expressed great concern about current boundaries, which often cut through the heart of communities. Larger wards under STV would limit the risk of dividing communities, or combining areas that have no community feeling.

It is for those reasons that Kerley concluded that STV is the most appropriate electoral system for local government.

What of the other systems that McIntosh suggested should be looked at? Briefly, the additional member system, or AMS, which is the system that we have here in Parliament and which was cobbled together as a second-best compromise between Labour and the Liberal Democrats, and the additional vote plus system, or AV-plus, fail the McIntosh criteria. While they meet the proportionality test, they both result in two categories of councillor—ward and list—which breaks the ward link for list councillors, who would cover the whole council. That would present considerable difficulties in the Highlands and elsewhere. In addition, voters would have no direct voice in compiling party lists, which would put power in the hands of party apparatchiks, not the public. Independents would be discriminated against when additional lists are allocated. Unless there was a substantial increase in councillor numbers there would have to be considerable redrawing of ward boundaries.

The Kerley group was hand-picked by the Executive and it has spoken, so why, months after publication of the Kerley report, is the Executive procrastinating and prevaricating on this issue? One could argue that the next council elections are too close—hardly. STV could easily be introduced for the next elections by merging existing wards. There is plenty time to do that. Local authorities are already implementing other McIntosh recommendations, and looking closely at Kerley.

I am saddened by the Executive amendment, which is simply an attempt at delay. I hope that Labour members will remember that it is the chamber that legislates on the matter and not the Jimmy Hoods or Charlie Gordons of this world. We must not yield to pressure from Westminster or council chambers on the matter.

What of the Lib Dems? I am confident that they will see the Executive amendment for the holding operation that it is. It is a fudge to delay the day of reckoning, but the issue can be kicked into the long grass no further. We all know that STV is a fundamental Lib Dem manifesto commitment, which that party is determined to implement. That is why I am confident that our Lib Dem colleagues will snub the Executive and come on board today on this issue. I welcome that support.

On 9 September, Donald Gorrie said in *The Scotsman*:

"If we don't get it"—

electoral reform on the statute book before the next council elections in 2002—

"I believe most of my colleagues and the party in general would decide that the coalition should stop. This is my personal guess."

On 24 March, Andy Myles, former Liberal chief executive, said in the same newspaper:

"People had better start to accept that PR is going to happen. Labour is not going to get off the hook on this. Donald [Dewar] cannot dither . . . PR is on the way for local Government."

Come on in, folks—the water is lovely. Introducing the single transferable vote is best for democracy, best for local government and best for Scotland. I ask members to support the motion.

I move,

That the Parliament agrees that there is a democratic deficit at the heart of local government and resolves to implement the single transferable vote system of proportional representation for the next local government elections.

11:16

The Deputy Minister for Local Government (Mr Frank McAveety): It is national poetry day and, after hearing Kenny Gibson, it would be appropriate to quote from the great imperial poet—not normally my reading material in the evenings—Rudyard Kipling:

"If you can keep your head when all about you
Are losing theirs and blaming it on you;
If you can trust yourself when all men doubt you,
But make allowance for their doubting to".

I hope that those words are a helpful contribution to the debate.

Kenny Gibson made a measured contribution and a substantial exposition on the nature of the STV system. I nearly changed my suit for an anorak after his speech. I want to touch on the fundamental issues that were mentioned by Kenny. I thank him for identifying some of the issues that the ministerial group is considering.

I remind the chamber that we said that on receiving the McIntosh recommendations we would follow an immediate programme of change, which would include progress on electoral reform. Wendy Alexander and I made a commitment on the first day of the Parliament to ensure that we considered that in the round. The all-party Richard Kerley working group was set up to identify a number of key principles and to consider the way in which we address the future governance of Scottish local government. Those are complex matters. They are not simple, definitive, soundbite matters—I will try to avoid those where possible in my contribution this morning.

We should recognise that there are many complex interactions. Kenny Gibson touched on the creation of the additional member system. That happened largely because the Liberal

Democrats and the Labour party engaged in genuine discussion through the Scottish Constitutional Convention. The two main Opposition parties walked away from that democratic debate. The Presiding Officer was part of a process—intellectually, at least—that recognised the convention as a substantially important development for Scotland.

AMS has been developed elsewhere in Europe, largely because of the tension in trying to create the conception of a constituency link while maintaining a regional link. Those are issues that must be deliberated thoroughly and formally, which is why the ministerial working group was set up, post-Kerley.

The important thing to all councils in Scotland is that my contributions, and those of Wendy Alexander, do not happen in isolation but are part of a wider modernisation agenda. It is unfair to single out one issue and suggest that it is the cure for whatever ills there are in local government. People should judge the Executive parties on the way in which they address the complex matters of finance, language and partnership approach and there should be a fundamental recognition that we operate differently from the way that we operated in the past.

It is not a singular agenda. People do not have to be rocket scientists to know that there are divisions and differences within parties and across parties on the nature of electoral systems. There are those who favour electoral reform but not STV. There are those who favour electoral reform in its different definitions, whether it is AV or AV-plus. There are those who will argue consistently—and importantly for local government—that it is critically important to have a ward-member link. Kenny Gibson and I, and many others in the Local Government Committee, know that that is a compelling issue throughout Scottish local government. At a local level, it is the idea that people should identify with a particular individual where possible.

On the modernisation agenda, I do not want to rehearse any of the contributions that I have made in the past. However, we should consider how local government is part of the process of change. That is why there are commitments in both the Labour and the Liberal Democrat manifestos about modernisation, the concept of community initiative and community planning and the issue of considering finance within local government. While we have delivered on those issues over the past year, we still have a long way to go, but that journey is worth making.

Kenny Gibson was right to say that the renewal of local democracy working group considered a number of important questions, which included the following. How does one widen council

membership? How does one address the age profile, gender profile and ethnic profile of Scottish councillors? Those are legitimate issues and all parties should genuinely participate in a discussion about them. How do we recognise the time and commitment given by people to their role as elected councillors? Along with Kenny Gibson and many others in the chamber, I have played that role, and I know that the time involved in being a councillor is punishing and that the remuneration offered is punitive. We should have a genuine, open debate on those issues.

The ministerial working group is considering the Kerley report, which made 36 wide-ranging recommendations. Twenty-one recommendations were on widening participation in and membership of councils and addressing changes to existing structures within councils. Six related to the package of remuneration paid to a councillor and to the training and development of councillors. Four recommendations dealt with electoral systems and five with the size of councils.

It is important that we consider those recommendations in the round—we cannot avoid doing so. It is quite right and proper for the ministerial working group to deliberate on how those recommendations relate to the timing of future decisions on their implementation. The timing of those decisions is critical. We must get that right for the longer-term changes to Scottish local government.

The agenda is different in two respects from that of the previous reorganisation of local government, which had no democratic mandate: there was no cross-party consent for it and it did not recognise natural boundaries. Some local government boundaries are absurd and are based on parliamentary constituency boundaries, such as those for my own constituency, Glasgow Shettleston, which is divided by the River Clyde. I would have thought that the Clyde should have been considered to be a reasonably obvious natural geographic boundary when the ward and constituency boundaries were being drawn.

It is important that we address these questions properly, which is why a ministerial working group has been set up to consider them.

We are aware that, according to statute, local government elections are due to take place in 2002. Substantial submissions have been made to the Executive and to the Local Government Committee about whether those elections should run parallel to the Scottish Parliament elections in 2003. It is important that we recognise that the timing of elections will have an impact on the nature and structure of the electoral system, should that system change.

We are committed to making progress on many

of the Kerley recommendations. However, it is important that we take into account the fact that the recommendations are complex and interrelate.

As we discuss local democracy, we must also take into account the role of the elector. Should we propose a system that assists and develops the elector's role? We must address whether introducing changes to the system will impact on the electorate's response to having three or four different electoral systems in different layers of democracy. Voter fatigue is a point that has been made to all parties—individuals tell us that there are far too many elections and that elections are held too frequently. The ministerial working group should also consider those legitimate issues.

We recognise that such widespread changes should take time to implement. I pay tribute to members of the partnership parties who are prepared to engage in that extensive debate. No doubt members of the Local Government Committee will identify how they should address the Kerley recommendations.

We must consider properly the debate around electoral reform, find an appropriate time scale and work out how to deliver much more effective local government. There are different views in the chamber on those issues, but those views will stimulate and contribute to the debate, both at ministerial level and at a wider parliamentary level. We must examine the recommendations over a period of time and arrive at appropriate conclusions.

I move motion S1M-1239.2, to leave out from "agrees" to end and insert:

"notes that the Partnership Agreement contains a commitment, following the publication of the final report of the McIntosh Commission, to an immediate programme of change including progress on electoral reform; notes too that the Executive established the Renewing Local Democracy Working Group chaired by Richard Kerley, and welcomes the decision by the Executive to establish a Ministerial Group to consider its recommendations and the Executive's commitment to continue to make progress on electoral reform and other issues relating to the modernisation of local government."

11:24

Mr Keith Harding (Mid Scotland and Fife) (Con): We believe that this debate is premature and should have awaited the outcome of the deliberations of the Scottish Executive's ministerial working group. It is obvious that the Scottish National Party is using this opportunity as a vain attempt to embarrass the Labour-Liberal coalition.

Scottish Conservatives have consistently opposed any moves towards proportional representation in local government elections. We support the present first-past-the-post system. I will elaborate on the reasons for that in a few

moments. To some, it may seem strange that we oppose systems that have benefited us in the Scottish and European Parliaments. However, it is not about party games but about what we believe is best for the electorate. We support the first-past-the-post system because it provides strong governance with clear accountability to a party that wins an outright majority. It ensures that the electors, and not politicians, choose the ruling administration. Most important, it provides a direct link between the elected member and the people who elected him or her.

Robert Brown (Glasgow) (LD): Will Mr Harding give way?

Mr Harding: I would like to get started on my speech. We oppose proportional representation because it would remove the advantages of the current system and mean that administrations would be made up through deals among politicians in smoke-filled rooms after the election is over, as has happened in this Parliament.

A major reason why the Labour party has a firm and unfair grip on local government is the way in which local government boundaries are drawn. Although they are independently agreed, it is the councils themselves that initially draw them up. A draft is then agreed by the council on the votes of the ruling group and passed to the Local Government Boundary Commission for Scotland. We believe that that system is unfair and has allowed councils to manipulate boundary commission findings as they put together the first draft on which all proposals are based.

If the boundaries were more independently drawn up, it would negate some of the need for PR, as the electorate would be able to have more effect on the elected member that they would get and therefore on the council administration. At present, boundaries often stack up opposition votes in a small number of wards and spread the remainder thinly across the council.

Mr Gibson: Will Mr Harding give way?

Mr Harding: No, I will not.

An example that has already been quoted is that of City of Edinburgh Council, where, despite gaining more votes than Labour in 1992, the Conservatives got fewer seats. Even a relatively large increase in votes for Conservatives may not change the administration. Meanwhile, Labour can maintain control and a similar percentage of seats, even with far fewer votes, because the distribution of votes and wards is weighted unfairly.

A new, fairer and more independent system for drawing up boundaries must be devised.

The Deputy Minister for Parliament (Iain Smith): Will Mr Harding accept an intervention?

Mr Harding: No thank you.

We believe that the Local Government Boundary Commission for Scotland should start from scratch, rather than using the existing boundaries as a basis for change.

Bristow Muldoon (Livingston) (Lab): Will Mr Harding accept an intervention?

Mr Harding: No thank you.

The commission should determine the first proposals for consultation and party groups on each council should then be asked for their comments, along with members of the public and other interested bodies. Redrawing boundaries will be essential if the Kerley proposals to reduce the number of councillors and to increase remuneration are implemented. Incidentally, we support those proposals, provided that they are self-financing.

We believe, in spite of what Kenny Gibson keeps saying, that the Kerley remit was flawed, as the working group was not allowed to consider PR alongside first past the post. Even within the Kerley committee there were differences of opinion, and we await with great interest the outcome of the deliberations of the ministerial task group.

The Scottish Conservative position on PR remains clear. We believe that the current first-past-the-post electoral system should remain for local government elections. To alter the system creates confusion, as Labour has now forced three different electoral systems on us at four levels of government.

Mr Gibson: Keith Harding was a member of Stirling Council for a number of years. Would he accept what Stirling Council's chief executive said in a report on community councils, which are now being elected by STV? It says that the introduction of STV has brought in

"an unprecedented degree of representative legitimacy".

Mr Harding: He says that the representativeness increased because there was a postal vote, but I do not agree with his comments.

Proportional representation for local elections would mean yet another different system and even more confusion, and would lead to the danger of a change to the system for general elections. Any such change would be out of keeping with the British political system. For general elections, first past the post provides a clear result and leads to strong government. PR would most likely lead to permanent coalition government, with politicians controlling the agenda through secret deals such as we have seen in this Parliament.

Robert Brown: Will Mr Harding give way?

Mr Harding: Coalition government takes power from the electorate and concentrates it in the hands of politicians. It has led to the Liberals selling out on tuition fees for political power. The outcome of PR is that it becomes much harder to remove an unpopular Government, and clear victories, such as Labour's decisive win in 1997, would not be possible.

In local elections it is vital to retain the link between a councillor and the ward that he or she represents. It is only through that link that councillors remain responsive to the needs of their local communities and can provide the effective representation of local needs that the electorate value. That is best done by direct election of all councillors on a first-past-the-post basis at ward level. Whichever candidate gets the most votes wins, a principle that most people subscribe to and understand. However, if it becomes inevitable that some form of PR will be introduced in the Scottish local government elections, it is vital that it should retain the link between councillors and the communities that they represent. The alternative member system comes closest to meeting the criteria with which Kerley was presented for choosing a system, although it still has inherent flaws.

Mr Gibson: Will Mr Harding give way?

Mr Harding: No, I will not give way. I do not have time.

The system has a high level of proportionality, at least partially retains the member-ward link and gives a fairer provision for independents. The system is already in place for this Parliament and so is understood by the electorate.

We would like this to be implemented in conjunction with directly elected provosts, where there is a demand, to retain strong governance and give the electorate the chance to change the administration quickly at the next election.

In conclusion, any form of PR will increase the number of councillors who are elected from parties that are proportionally under-represented, as the Conservatives have been in recent elections. We would be likely to increase our number of seats throughout Scotland under PR, but we argue against it on principle—actually against our party's own interests.

I move amendment S1M-1239.1, to leave out from "agrees" to end and insert:

"resolves that no alteration to the voting system for local authority elections should be considered until after the publication of the report of the Ministerial Task Group being chaired by the First Minister; agrees that this report, together with the McIntosh and Kerley recommendations, should be debated as a whole, and, in view of the limited time scale, resolves that the next local authority elections should take place on the basis of the existing first-past-the-

post electoral system which delivers accountability, a clear link between elected member and voter and puts the power to create administrations in the hands of voters rather than politicians."

11:31

Donald Gorrie (Central Scotland) (LD): Kenny Gibson made a good speech, and I agree entirely with everything that he said. However, I speak in favour of the Executive amendment. That amendment, like most amendments, is not ideal but it twice contains the word "commitment" and it refers to

"the Executive's commitment to continue to make progress on electoral reform".

We feel that that is a very important commitment. All Liberal Democrat members strongly want a reform of local government voting. A considerable number of Labour members also want a reform of local government voting, but a considerable number of Labour members are strongly opposed—at the moment, anyway—to local government electoral reform. We must recognise that fact and work through it.

We faced a similar proposition before, in the Scottish Constitutional Convention that worked towards setting up our Parliament. Liberal Democrats, a considerable number of Labour people, the trades unions, the Churches and a lot of the other bodies wanted proportional representation, but a considerable number of Labour people did not. The system was negotiated, worked through and discussed, and we ended up with a Parliament that was elected under a PR system—not the Liberal Democrats' chosen proportional system, but at least a satisfactory one. We achieved something, and we want to work in the same way to achieve local government reform. The SNP pranced about outwith that convention, said it would never work and achieved nothing at all. With due respect, Kenny Gibson is doing the same today.

Mr Gibson: The Liberal Democrats and Labour combined in the convention to force a decision whereby all parties who were represented on that convention would have to support one policy regarding the future Scottish constitution. How could Scotland's party of independence possibly have participated in a convention that was rigged against a campaign for independence?

Donald Gorrie: The SNP made a tactical decision that I think was wrong.

Mrs Margaret Ewing (Moray) (SNP): Will Donald Gorrie give way?

Donald Gorrie: No. I really must progress.

As for the Tories, although Mr Harding made the point, it is an interesting spectacle to see people

who have enjoyed eating turkey at Christmas voting to abolish Christmas—that turns the situation on its head.

How are we to achieve PR for local government? We are to do it by persuasion, not by soundbites or by premature debates. The Liberal Democrats support the use of the STV system in all elections, but feel that is especially suited to local government elections. It is much better than list systems.

Mrs Ewing: I am listening to Donald Gorrie with interest, as, over the years, he and I have shared many platforms on the issue of proportional representation.

I have read carefully the Executive amendment. In the context of the commitment that is being given in the name of Frank McAveety, surely the Liberal Democrats feel that there should be a clear commitment to a time scale? Does Donald Gorrie want PR to be introduced before the next round of local government elections, or is he prepared to wait another six or seven years?

Donald Gorrie: We will not wait for six or seven years, but it is often foolish to give time commitments. It is better to get the right answer than to get a quick answer. We are prepared for negotiation to go on. However, we have said that we would seek to see legislation being passed during this session. That is a reasonable time scale.

STV is much better than the list system used in the European Parliament elections, which was proportional but failed to retain the ability of a voter to choose an individual. STV retains the ward link, contrary to what a lot of propaganda says. A ward has several members, but there is still a ward. I was elected—and other members in this chamber may have been as well—to a council in a three-member ward. It worked perfectly satisfactorily. Half the councillors in local councils in England are elected on the basis that there are three members per ward. It works well.

The idea that one member representing one ward is a holy grail is a load of rubbish. Competition is good in most spheres. I thought that the Tories favoured competition. What is the merit in one member having a monopoly to represent one area? If there are several members, the voter can go to someone that they have voted for. If they have a useless member, they can go to someone else. Not all councillors are marvellous and conscientious; not all MPs and MSPs are marvellous and conscientious. It is good to give the voter a choice. It will reward good ones.

The merit of STV is that the councillor would be rewarded for good service. He or she would represent an area. It would encourage co-operation within the council. It would produce

competition between councillors to give a better-quality service to their voters. It would avoid the landslides that have occurred—more often in England, but also in Scotland—when, because of a political feeling, a lot of very good councillors have been swept away as well as the bad ones. It would give more scope for those of us with a somewhat rebellious disposition to be a bit free of the party's choice. It would no longer be the case that the party would determine the single representative for an area, so if someone has strong local support they could stand up for themselves. The system works well in Northern Ireland; it could surely work well here.

I endorse many of Kenny Gibson's arguments. It is important that we make progress, but the way forward is through discussion. People are genuinely of a different opinion from myself and others. We must argue, discuss and explain because sometimes people are not fully conversant with the merits of the system.

I am happy to support the Executive amendment. It is a step forward and we will continue an adult dialogue on the subject. I hope that we will end up with the right answer.

11:38

Mr Gil Paterson (Central Scotland) (SNP): When Neil McIntosh recommended a move to proportional representation, he described it as

“an essential step towards the goal of enhancing local democracy.”

McIntosh did not concentrate on electoral reform: he reported on all sorts of measures to overhaul local government. The debate is on electoral reform, but we must keep it in mind that that is part of a wider scheme of reform, which will work only in conjunction with a general move towards democratic accountability.

The present electoral system of first past the post is becoming redundant. We did not use it in our parliamentary election, Wales did not use it in its Assembly election and Westminster is considering reform. No other country in Europe uses first past the post; most use PR.

The SNP advocates a move to the single transferable vote system. We do not recommend that system because it complies with the criteria laid down by Neil McIntosh, neither do we recommend it because it is the system that the Kerley report recommended. We recommend STV for local government elections because it delivers a highly proportional result and it is closest to an optimal system for elections—in other words, it makes almost every vote count.

Mr Harding: Why does the SNP favour STV? It is used in only one country in Europe—Ireland.

Why is it so wonderful?

Mr Paterson: After examining all the systems, we, like many other people in Scotland, have plumped for STV, for reasons of fairness and equality.

What is the point of turning out to vote when the chances are that that vote will make no difference? In Dundee last year, the SNP won more votes than did Labour, but Labour took more seats. In Scotland as a whole, it took more than twice as many votes to elect an SNP councillor as it did to elect a Labour councillor.

Glasgow City Council provides the most extreme example. In Glasgow, the Labour party ended up with 94 per cent of the councillors on just 49 per cent of the votes, while the SNP took 29 per cent of the votes but gained only 2.5 per cent of the seats. The Liberal Democrats and the Conservatives both lost out: they each gained 1.2 per cent of the seats on, respectively, 7 per cent and 6 per cent of the votes.

Although the Labour party mainly benefits from the current system, it can lose out as well. As Kenny Gibson mentioned, despite taking 18 per cent of the votes last year in Angus, Labour gained only 3 per cent of the seats—I suppose first past the post is not all bad, Kenny.

If voting patterns remain the same at the next election, electoral reform will hurt the Labour party most—it will be the biggest loser. However, one would have to live on another planet to think that the electoral performance of the parties will remain the same. Opinion polls—not just the most recent one—suggest that there will be change in Scottish politics. If that is so, everybody will benefit from a move to an equitable electoral system.

Democracy is about people rather than parties. That fact should outweigh any consideration of political advantage. Do we not always claim that, rather than political advantage, we seek democracy for the people?

The first-past-the-post system encourages people to stay at home. It reduces the influence of any vote and it produces disproportionate results. No electoral system is perfect, but STV would achieve a closer correlation between the percentage of votes cast and the percentage of seats won. STV would maximise the influence of votes and ensure that fewer votes were wasted. It complies with all the criteria that were set out by McIntosh, including—this is most important—the high degree of proportionality and the maintenance of the councillor-ward link. It is the system that Kerley recommended as the form of PR that is most suited to Scotland and most beneficial for Scottish voters. If it is good for the Scottish people, it should be good enough for us.

11:43

Trish Godman (West Renfrewshire) (Lab): In choosing the best electoral system for local government elections in Scotland, we must consider carefully what we hope that change will achieve. It is beyond doubt that the current system is flawed, but it is also clear that there are limitations in any system that we might introduce in place of first past the post. We must be clear about what those limitations are.

The Local Government Committee has read many pages of reports and heard hours of evidence and debate. I will be honest and admit that I am still undecided. That is not a sign of weakness, failure to understand the issues, or lack of courage to make a decision. Rather, I am undecided because I want an electoral system that delivers more than only a fair division of seats among the political parties. I want a system that holds out the hope of an improved quality of representation.

There is no doubt that the link between the councillor and the ward is significant and should be preserved. However, one question then arises: would five councillors facilitate a better link by offering constituents a choice of personalities and political parties? A representative who does not hold surgeries, does not answer correspondence and merely drops leaflets through doors just before the election is a bad representative, regardless of the system by which he or she was elected. I remain to be convinced that today's motion would go any way towards addressing accountability, about which I am concerned.

We all have experience of the challenges thrown up by the electoral system that was chosen for the Parliament. Our system does not meet the objectives of making votes count and giving the electorate access to MSPs from different parties. For example, constituents of the leader or deputy leader of the SNP have no access to a Labour MSP. I remind members of my opening remarks—we need to be clear about our objectives before making a decision.

Those who were sceptical about our electoral system were wrong in their understanding of the Scottish electorate. They did not struggle with the task on 6 May 1999. They clearly used their second votes to ensure that parties that had been unsuccessful under the Westminster system were represented in this Parliament. Some may think that that is good; some may think it not so good.

The process of reaching a position on Kerley is still incomplete. We must ensure that the electoral system makes councillors accountable for their decisions and connects them to the communities that they represent.

Politics has made me cynical, and it has

certainly made me wary. I do not believe that the motivation behind the motion is the health of local democracy; rather, it is the health of a party that is struggling to break through and make its mark in local government in Scotland. Further debate is needed. There is honest disagreement among the parties in the chamber that must be addressed, and political parties must also be given the opportunity to address that issue. As other members have said, the voters must consider it too.

I will not be supporting Kenny Gibson's motion. It is an unnecessary, untimely and unhelpful addition to the real debate about finding an electoral system for local government that is in the best interests of the Scottish people.

11:47

Colin Campbell (West of Scotland) (SNP): I wrote this speech in pedagogic mode. I thought that I might ditch the first two paragraphs, but after hearing Keith Harding's speech I have decided to keep them.

The current system is firmly rooted in the distant past. It was ideal for a two-party electoral system, when there was a docile, undereducated and underinformed population that was accustomed to subservience to bosses, officers and the clergy, was worked to the point of exhaustion, had little leisure, was racially homogeneous and socially conventional, and was content to play an occasional part in politics when elections came along to change councils or Governments.

Now we have a population that is egalitarian and better educated, is informed on world and domestic issues several times a day, has ample leisure time and is multicultural, and in which individuals mould their own mores. It is a population used to opinion polls and interactive telephone and teletext surveys.

Johann Lamont (Glasgow Pollok) (Lab): How does the member explain the fact that historically our elderly population has been far more likely than our younger people to participate in elections and to be active citizens? We are now faced with problems of turnout and of involving people as citizens. If in the past people were so passive, why did they develop structures such as trade unions and parties to fight for them? Nowadays there is less sign of that.

Colin Campbell: If the member wants the distillation of my 28 years in education and history, she can have it. I do not deny for a minute that when they had the opportunity, people urgently went out and voted. I am suggesting that they did not have sufficient opportunities. The sad circumstance now is that an insufficient number of young people vote. That is the result partly of the

first-past-the-post system.

Our society is confident and sophisticated enough to understand the anomalies of the first-past-the-post system and to be disillusioned by it. Instead of having two parties competing for votes in Scotland, we now have four. Defenders of the status quo support it because it suits their political purposes. We must recognise that in a number of the political parties represented in this Parliament there are elements that defend the status quo.

Last week, four Azeris who had been guests at the UK Liberal Democrat and SNP conferences visited the Parliament. Some weeks previously, their ambassador in London made it clear to me that he saw our democratic process as some kind of endgame, which means a destination to be arrived at or a permanent condition. I disagreed with him, and there is a danger that supporters of the first-past-the-post system will fall into the same trap as the ambassador. However, most of those supporters are in some of Labour's urban fiefdoms and in the Tory backwoods, which appear to be larger and whose inhabitants are more willing to articulate their position than I at first thought.

As the Local Government Committee wrestles with the McIntosh and Kerley reports, quizzes the leadership advisory panel and tries to drive towards more transparent and fairer local government, it is clear that democracy, like devolution, is a process, not a destination. Although all MSPs know that, we might have to take the message elsewhere.

PR expresses the diversity of opinion within Scottish society. In 1999, PR gave a higher percentage of voters a stake in the daily processes of the Scottish Parliament. If democracy is about involving people and encouraging them to take an interest in what councils do, we must move further and faster to create a system of elected members and councils that proportionately represents the will of the people.

That takes us to consensus politics. I do not believe that anyone here seriously thinks that consensus politics is a bad thing. Of course, there are exceptions.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Will the member give way? [*Laughter.*] I would not wish to disappoint Mr Campbell. If the system he generously advocates is so popular, why do political parties such as mine—which would stand to gain from the system if it were introduced in local government—reject it for local government? Furthermore, why are political parties in nation states such as Italy looking to move towards the first-past-the-post system?

Colin Campbell: I cannot under any circumstances account for anything that the

Scottish and British Tories do, or for any decision that they ever make. However, the Italian example is trotted out fairly regularly and is in fact a classically bad example of the worst of PR. The systems in some of the more western European countries—either towards the Atlantic seaboard or possibly bordering the North sea—work reasonably well. Of course, the Irish system, which has already been referred to, works well.

PR will allow greater participation from the electorate—which the Local Government Committee and others want—and will also eradicate the very dangerous scepticism that turns to apathy, where people leave politicians to get on with the politics.

As Gil Paterson said, the debate is about the high goal of a fairer and more balanced system of local democracy. I urge colleagues today to accept the urgency of the need for that and to support Kenneth Gibson's motion.

11:53

Helen Eadie (Dunfermline East) (Lab): I whole-heartedly support the modernisation of local government. Furthermore, having served as a local councillor in senior posts, I can suggest many ways in which to value the role of councillors and to give them more support, so that, with dignity and integrity, they can achieve positive outcomes for the electorate.

However, the debate is not about the winner-takes-all system's great advantage of simplicity, nor is it about how many people in Scotland understood the d'Hondt system used in the Scottish Parliament elections. The debate is about whether we support elected bodies that are consultative or elected bodies that govern with strength and determination according to manifesto promises.

The winner-takes-all system enables voters to choose a concrete set of policies and a team to execute them. What is the point of guaranteeing that each party's number of representatives will be exactly proportional to the number of its voters if it remains free to ally itself with whomever it chooses—for whatever purpose—and to change partners at any moment?

PR generally weakens democracy and majority systems strengthen it. In the final analysis, that makes the latter more moral and just.

Mr Gibson: Will the member give way?

Helen Eadie: Sorry, I cannot—I do not have much time.

The first duty in developing morality and justice in political relationships is to reinforce democracy and weaken dictatorship. Voters should not

choose their doubles; instead, they should choose Governments with the capacity to make decisions. By dispersing the votes among numerous independent parties, PR prevents citizens from expressing a clear voice for a governmental team.

Government by majority is government by persuasion. Are we committed to the vision of strong, clear leadership? As politicians, are we about setting out our manifesto with integrity and providing the electors with clear options at the ballot box, or are we about deals behind closed doors after elections? Are we cynically saying, "We gave people the chance, but now the election is over we are going to form a coalition with one of the other parties"?

In the Scottish Parliament, the Liberal Democrats are in coalition with Labour, but on Dunbartonshire Council, they are in coalition with the Tories. If we go with PR, are we saying, "By the way, Mrs McMurdo, this is how it will be in this year's elections and next year's elections, but you never know who we might form a coalition with next year"? Do we really want to sign up to that sort of politics?

There are also evaluative considerations, such as whether stability of government is more desirable than an attempt faithfully to represent public opinion. In my opinion, the debate is as much about proportionality of power as about proportionality of representation.

When the pro-PR lobby claimed that the Jenkins system would produce a fairer result in terms of the number of seats that each party had, detailed analysis showed that it would produce a much less fair result if one compared the length of time that each party would have been in power with their share of the vote. In the past 50 years, the Liberals would have enjoyed 64 per cent of the time in power with an average share of the vote of just 13 per cent. Under PR, minor parties are able to exercise power disproportionately to the level of support they have.

I have heard speculation that one of the events that caused the Prime Minister to think again about proportional representation at Westminster was the crisis in Kosovo. He saw at first hand the difficulty that his European allies had taking tough decisions while keeping their coalition partners on board. The Green party in Germany, which received less than 7 per cent of the vote, threatened to pull out of the coalition with Gerhard Schröder's SPD.

In the Scottish Parliament elections, it took 25,000 votes to elect an SNP or Tory list member compared with 250,000 votes to elect a Labour member.

Then there is the debate about the power of the Government—whether the power of the Cabinet or

of the Executive. PR is about democratic centralism. Thus, crucial questions in all political systems in which elections are held are how parties select their candidates and what the opportunities are for the electors to influence that choice. Under PR, the political party's centre or headquarters is more likely to have control of who the candidates will be than the activists in the constituencies.

The report written for the Labour party by Professor Plant acknowledged centralised power as one of the issues that Westminster would need to address under devolution to Assemblies or Parliaments. He said that the Westminster Parliament would need to form a view on whether it wanted consultative bodies or strong governing bodies.

The debate is the same, but we are talking about Scottish local government against the background of a Westminster white paper, "Modern Local Government: In Touch with the People", in which the Government does not propose to change the voting system for electing councillors in England and Wales. Are we seeing ghosts of the poll tax emerging from the closet?

If to govern is to serve, it is surely right to serve in accordance with a party's principles, not with principles that have been merged with the principles and policies of one or two other parties through a coalition. That may be the ethic of conviction, but it is also the ethic of responsibility to the electorate.

11:59

John Young (West of Scotland) (Con): I congratulate Helen Eadie on being the first honest speaker. Come and join us, Helen; we will be delighted to accept you.

Mr Gibson rose—

John Young: Sit down, Kenny. I had enough of listening to him on Glasgow City Council.

While I am on the subject of Kenny Gibson, may I say that he made the most restrained, diplomatic speech that I have ever known him to give. Members should have seen him in Glasgow City Council. Mike Tyson would have been afraid of him there.

Then we had Frank McAveety, who disappeared for a good chunk of the debate. Frank is back. Then we had Trish Godman. I had the dubious pleasure of serving with both those nice people on Glasgow City Council, but what do we find them doing now? Trish Godman and Frank McAveety do not lack ability, but my, they waffled today and the Liberals' faces were delighted—beaming all over. The Liberals were not beaming when Helen Eadie spoke. They were out for the aspirin tablets

more often than not, because that was the true voice of the Labour party which, along with the Scottish Conservatives, appreciates the system as it is.

Why did Kenny Gibson decide to debate the issue? Because he thinks that PR will get the SNP more seats. At present, on Glasgow City Council, the SNP has John Mason and Mrs Gibson—Kenny's mother. *The Herald* indicated that bringing in PR would increase the number of SNP seats from two to five. That is not a great influx.

It was interesting that two newspaper articles that appeared before the Scottish parliamentary election said that the use of PR in the election was historic as it would be the first time that it had been used in this country. That is wrong, however, as PR was used in Scottish education boards prior to 1929 when its use was abolished. PR was also used in university parliamentary seats up to 1950, when, again, its use was abolished.

Mr Gibson: If the Tories are so opposed to STV in local government, why did they bring it in for local government in Northern Ireland?

John Young: Northern Ireland is a completely different system. Because of the mix of the electorate, the people desired STV for local government. Scotland is not Northern Ireland. Is Kenny Gibson suggesting that it is?

Donald Gorrie: The fact is that the Scottish education boards were abolished, not PR. Mr Young's argument is false.

John Young: With all due respect, it is not false. Donald Gorrie mentioned that he was a councillor in Edinburgh when there were three councillors for each ward. I had that experience in Glasgow, when I was elected in 1964 to the Glasgow Corporation. There were tensions and problems—poor little Mrs McGinty was often confused about whom she should contact about a leaking roof or a hole in the road. The system that is being suggested could well mean having five, six or seven councillors representing a vast constituency. That is not desirable and will mean that local government will no longer be local.

Mr Gibson: If multi-member wards are so bad, why did the Tories not abolish the system in England and Wales?

John Young: We leave England and Wales to control their situation. Kenny would agree with that as he does not want England and Wales controlling us.

My good friend and colleague, Brian Monteith, mentioned Italy. The Italian Prime Minister, who took office last year, indicated that he wanted a complete review of the PR system in Italy because the country lacked stability. The woman Prime Minister in New Zealand said that, after five years

of the PR system there, she felt that it should be reviewed because instability had been introduced to New Zealand politics. That is the sort of thing that we find happening again and again.

Kenny Gibson also said—remarkably—that we should not accept dictation from council chambers. Members should have heard Kenny in his bygone political life. “Why should we accept dictation from Westminster?” he would ask. “Let us make our decisions here.” Take it from me, we have seen the greatest conversion since St Paul on the road to Damascus.

It is true that councillors, particularly in the larger local authorities, have problems. Many cannot get time off work, many lose pay when they get time off work and the amount of money that is paid to them is derisory—councillors will be unanimous on that.

Keith Harding referred to the redrawing of boundaries in local government. Everything that he said was absolutely correct. I do not need to tell Frank McAveety—who has disappeared again—or Trish Godman about how some of the boundaries were drawn in Glasgow.

Fifteen countries in Europe use the PR system for local government. As Keith Harding mentioned, only in Ireland is the STV system used. Apart from Ireland, the closest to STV is Norway, which uses what it calls the STV group system.

Labour members—apart from Helen Eadie, and all credit to her—are waffling to keep their Liberal Democrat allies on board because, if the PR system is not put in place, the Liberal Democrats are out of the coalition. Ask Donald Gorrie; he will say that that is the situation. It is amazing that there are only half a dozen Liberal Democrats here for this crucial debate.

I will say no more. I hope that my words have not fallen on deaf ears.

12:04

Robert Brown (Glasgow) (LD): This has been an interesting and worthwhile debate, and I pay tribute to Kenny Gibson for having lodged his motion. It has been a high-quality debate, in which a sense of the real feeling of the whole chamber has come through: there is a desire among most members to move towards a modern, pluralistic, reasonable relationship between central and local government. One or two members, without giving their names, have given us the last roar of the dinosaurs. Members will recognise the people to whom I am referring.

Behind the debate lies a spectrum of opinion, across both the Parliament and the partnership parties. I want to introduce slightly more perspective than we have heard in one or two

recent speeches.

For 20 years or more, the power and standing of local government was deliberately reduced by the Conservative party when in government. Authorities have been capped, surcharged, regulated and underfunded. It is no wonder that there is demoralisation in local government; that council building stock is clapped out; that local services are struggling.

The Liberal Democrat-Labour Administration in this fairly elected Parliament is changing that, and is recognising the separate mandate of councils. It will introduce the power of general competence. That will deal with the increase in the strategic powers that councils will have over housing, and will progress the McIntosh-Kerley reforms that lie behind the debate.

I pay tribute, if I may, to the Labour party. In bringing about the Parliament and its electoral system, it has acted against self-interest. It did so because it was right to do so, just as it will be right to bring about a reform in the voting system of local government.

I take seriously some of the points that some of my Labour colleagues made about their concerns and reservations about certain systems of proportional representation. As Donald Gorrie said, that is a matter on which there must be further discussion and debate and whole-hearted consent to the changes.

Brian Adam (North-East Scotland) (SNP): Mr McAveety's amendment, which I assume Robert Brown is supporting, mentions

“an immediate programme of change including progress on electoral reform”.

Would Robert Brown care to tell us what, in his view, progress is? Is it merely talking about it, or is it actually delivering it?

Robert Brown: Members will be aware that it is the long-standing desire, demand and fervent hope of the Liberal Democrats that proportional representation be implemented for local government.

I want to develop the point that I was making, as it goes to the heart of something that Helen Eadie was saying. She made two points that I thought significant. The first was on her support of the idea that the winner takes all. The whole point is that the winner does not take all; the person who gets less than 50 per cent of the vote frequently takes all, which is a different concept entirely. With respect to Helen, that is far from being the democratic concept that she was going on about.

Helen Eadie's second point was also important, but rather more subtle. Coalition governments, whether here or in other countries in Europe, do

not give the minor parties—the junior partners in coalitions—some sort of absolute mandate on power.

Richard Lochhead (North-East Scotland) (SNP): Will Robert Brown give way?

Robert Brown: No, I am sorry—I will finish my point.

It seems very odd that the Liberal Democrats have been criticised here for the efforts that we have made to bring about, for example, the tuition fees deal and—

Richard Lochhead: Will Robert Brown give way?

Robert Brown: I will not, as I want to finish this point.

The Deputy Presiding Officer: You are now over your four minutes, so please begin to close.

Robert Brown: Junior partners exercise power in proportion to the voting mandate that they get from the electorate, in the same way that the senior partner does. However, that is entirely different from saying that one party—as in Glasgow or in Angus, with one party getting less than 50 per cent of the vote—should have a monopoly on power.

If it is of any comfort to my Labour colleagues, if there was a proportional system under the single transferable vote, Labour would still be in power in Glasgow. The SNP, however, would not be in power in Angus—that is a reasonable point.

Let us get down to business on PR; let us use this Parliament; let us offer a new hand of fairness and partnership to councils that recognises their independent mandate—a more democratic mandate that is based on the will of the people. That is the essential quid pro quo for the reforms that we want. It is the path on which the Liberal Democrat-Labour Administration is set.

The Deputy Presiding Officer: As this is an SNP debate, I will allow Linda Fabiani to speak, but for no more than two minutes.

12:10

Linda Fabiani (Central Scotland) (SNP): I am surprised by what Helen Eadie said. In the light of recent opinion polls I would have thought that Labour members would have been trying to rush PR in so that they can represent the people who vote for them at the next election.

We have PR in the elections to this Parliament; it is a fair system and people are well represented by the list members. The next logical step is to introduce PR in local government—the government that is closest to people. Studies have shown that people are in favour of it—people in

Scotland are inherently fair and it is obviously fair that the political balance of councils should reflect the votes cast. I find it difficult to understand how anyone can disagree with that.

In South Lanarkshire Council, Labour, with 50 per cent of the vote at the most recent local government election, has 81 per cent of the seats. That cannot be fair. Perhaps if there was a better political balance, councillors would not be selling off all the green space in East Kilbride. In North Lanarkshire Council, with 55 per cent of the vote, Labour has 64 per cent of the seats. Perhaps there would not be the same problems with privatisation of the direct labour organisation there if there was a better political balance.

I am frustrated by the Liberal Democrats. Their 1999 manifesto came out for STV in multi-member wards. They allowed that commitment to be watered down by their coalition partners and are now talking about a commitment to make progress on PR in local government. Come on—we have had the McIntosh and Kerley reports; how many reports and consultations do that lot need before they do something?

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD) *rose*—

Linda Fabiani: It is time that the Lib Dems stood up for themselves on the issue.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Ian Jenkins is standing up.

Linda Fabiani: Well, sit down. They did not stand up for themselves on tuition fees or, last week, on the Sutherland report. They should put their money where their mouth is—and stand up for themselves today by voting for the SNP motion.

12:12

Scott Barrie (Dunfermline West) (Lab): John Young seems to damn with faint praise by saying that the only honest speaker this morning was my colleague Helen Eadie, when his colleague Keith Harding spoke before she did. That perhaps says something—

Mr Gibson: He must know something we do not.

Scott Barrie: Indeed, he must.

I come to the debate from a perhaps slightly different perspective from that of many of my colleagues in the Labour party. When I was elected to Dunfermline District Council in 1988, the result—which I still remember; perhaps I am a bit of an anorak—was Labour 387, Tory 330, Liberal 327 and SNP 159, on a 30.7 per cent turnout. A 28 per cent share of the vote got me elected to the council; 9 per cent of the electorate voted for me.

That win under first past the post started me thinking about whether we need to look at different electoral systems.

Electoral systems will always give rise to passions on both sides of the debate. The Tories want to support first past the post although—fortunately, I suppose—that system has turned against them recently. First past the post has also turned spectacularly against the Labour party in other parts of the UK. Political parties should think about the issue not in terms of their own political advantage but in terms of what best serves the electors. There is no doubt that if only two candidates are standing and there are only two main political parties, first past the post is by far the best system. It has served Britain well and has shaped our politics. However, as soon as a third candidate is introduced, there is an element of distortion.

It is not fair to say that STV is a panacea. It has several drawbacks. In urban areas, it is easier to understand how it might work, but in Scottish local government we have a rich tradition, particularly in rural areas, of a large number of independent councillors being elected to serve their area. Amalgamating those small rural areas into much larger areas might make it more difficult—although I am not saying that it definitely will—for a person who truly represents that one community to be elected under STV.

Mr Gibson: I thank the member for letting me intervene. One thing that I mentioned in my speech, but which no one seems to have picked up, is that 59 councillors were elected unopposed. In the Western Isles, 12 councillors out of 31 were elected unopposed. Of the 19 who had contests, 17 were new councillors—which shows how unhappy people were with their existing councillors. Surely if wards are merged—even if it is only two or three together—that will still give better choice. For example, it is better to pick three councillors from a selection of four than to have only two wards, in one of which a councillor is elected unopposed, and in the other of which the electorate has a choice between only two people.

Scott Barrie: A point made well by Frank McAveety was that the work of the renewing local democracy working group was not only about electoral systems, but about widening access, about remuneration of members and about the number of councillors. We have to consider that whole package to answer the question that Kenny Gibson raises. In large parts of the country, people are debarred from standing for local councils. As John Young mentioned, we do not have proper remuneration for the elected members of our councils—people who do a valuable job. Those are blocks to be overcome. It does not help that the Tory party fielded not a single candidate at

local government level in Dunfermline West at the most recent council elections. Such opting out by political parties in certain areas does not help the political process.

Linda Fabiani criticised the Liberal Democrats in the partnership for not standing up for themselves. It is slightly ironic, given that her party advocates a PR system that envisages very little majority control, that she does not understand the reality of coalition politics, in which people have to compromise and to accept that other people have different ideas. Because compromise is an inevitable consequence of it, Helen Eadie criticised the system that the SNP advocates. Linda Fabiani cannot choose an electoral system and then disagree with the outcome that that electoral system produces.

12:17

Bill Aitken (Glasgow) (Con): Let us be clear about one thing: we on the Conservative benches recognise the democratic deficit in the way that we run and elect our councils. We are not convinced that the answer to that lies in Kenny Gibson's motion. We understand his sense of grievance. I think that he might forgive me if I say that the example that he cited, although appropriate, was probably not the one that he was really thinking about. The result of the elections to Glasgow City Council last year was a travesty of electoral justice.

One reason for that travesty was the way that the boundaries had been arranged or—dare I say it—fixed over the years. Once the boundaries commission had been convinced or persuaded that the way that boundaries should be drawn was on the basis of electoral parity, the democratic system of local government was lost. Let us take one example. The Hughenden district in the west end of Glasgow was in a Labour marginal constituency. Surprise, surprise—it then found itself transferred to the Jordanhill area, which meant that its electors, few of whom voted Labour, had a 40-minute trip to and from the polling station. How can that possibly be right?

Let us consider other aspects of the SNP's motion. STV poses far more questions than it answers. If PR is to be introduced, AMS is a much more realistic option. There are general disadvantages with the PR system, and Trish Godman was right to articulate them. The main one is the loss of the constituency link.

Five former Glasgow councillors have contributed to the debate. Of those councillors, four—Robert Brown, Kenneth Gibson, John Young and I—held on over many years against the electoral odds. With a touch of uncharacteristic modesty, I should perhaps exclude myself from

this, but all four of us were elected because we were very good constituency members. I acknowledge that, and it should be generally acknowledged. The fact of the matter is that if someone is a good councillor, they will be re-elected. Under these systems, good councillors could well be at a premium.

There is a lack of cohesive administration, which inevitably arises when there are coalitions. One need look no further than the set-up in the Scottish Parliament. Would members like to see our councils run in the way in which our Parliament has been run during the past year?

There is also the difficulty of the relationships between members of different parties representing the super-council wards. Consider the difficulties that are experienced between constituency and list members in the Parliament. We would be transferring those difficulties to the local government system.

Frank McAveety's amendment simply kicks the ball out of the park. It is more about throwing a few scraps to the Liberal Democrats than about making any reasoned or reasonable contribution to the debate. It has the merit of referring to the fact that the recommendations of Kerley and McIntosh have not yet been fully resolved and require further consideration. It will be interesting to see what happens. I suggest that very little is likely to happen because the Executive will not be able to deliver. The pressure from the backwoodsmen in the Labour councils and constituency parties will ensure that nothing will happen. That is the nub of the matter.

Proportional representation is one of the Liberal Democrat flagship policies. We have had to endure many sanctimonious lectures in that respect. Can they doubt but that the status quo will remain firmly in place? We have been told that there is to be no local government bill—they have swallowed that news. Last week, with gritted teeth, the majority of Liberal Democrats voted against the Sutherland proposals. Who can doubt but that, at the end of the day, in typical supine manner, they will follow the Labour party lead and vote for the anodyne Executive amendment? We must ask whether the Liberal Democrats have any pride at all. For a sniff of the varnish on the Cabinet room table, the Liberal Democrats have compromised practically every principle that they have held deeply. I urge the Parliament to support Mr Harding's amendment.

12:22

The Deputy Minister for Parliament (Iain Smith): I am pleased to wind up on behalf of the Executive.

Linda Fabiani: That sums it up.

Iain Smith: Thank you.

I would like to make it clear what the debate is about. This morning, Kenny Gibson gave an excellent academic discourse on the case for PR made by both McIntosh and Kerley. On 2 July 1999, when we debated McIntosh, Kenny Gibson said that

"the SNP is prepared to work with the Executive to get the best possible deal from this situation".—[*Official Report*, 2 July 1999; Vol 1, c 888.]

Has this morning's debate been about getting the best possible deal for Scotland and for local government? In *The Scotsman* this morning, Kenny Gibson gave the game away, as did Linda Fabiani during her speech in the debate. The SNP is not interested in getting the best deal for local government in Scotland. Even Keith Harding managed to spot the fact that this debate is yet another failed attempt to embarrass the coalition Administration.

Mr Gibson: Not the Administration, but the Liberal Democrats.

Iain Smith: The same tired old record. Yet again, the SNP is trying to claim that the Liberal Democrats have sold out their manifesto. [MEMBERS: "Yes."] I am delighted that the SNP was so convinced by our manifesto for the Scottish Parliament that it wants to see it implemented in full. I invite SNP members to come and join us.

Unlike the SNP, the Liberal Democrats are taking part in the Scottish Parliament to get things done. We are not here for soundbites or for cheap point scoring.

Richard Lochhead: Will the minister give way?

Iain Smith: Not at the moment.

We can contrast our record on getting PR for elections in Scotland with that of the SNP. We have a proven track record. It was the Liberal Democrats who got the Westminster Labour Government to bring in PR for the European elections in 1999—many said that we would not succeed. It was the Scottish Liberal Democrats who worked in the Scottish Constitutional Convention to ensure that we got proportional representation for the Scottish Parliament, whereas the SNP refused to participate. I put it to Kenny Gibson that if it were not for the Liberal Democrats, he would not be here.

Mr Gibson: If it wisnae for the voters, you widnae be here.

Richard Lochhead rose—

Iain Smith: The Scottish Parliament would be elected using a first-past-the-post system and although I would still be here, many constituency

losers, such as Kenny Gibson, would be watching the debate from the public gallery.

Richard Lochhead *rose—*

The Presiding Officer (Sir David Steel): Please sit down; the member is not giving way.

Iain Smith: Relax, Kenny. PR has been brought in for European and Scottish Parliament elections, and has enjoyed wide support. I am confident that the benefits of PR for local government will also enjoy wide support.

Richard Lochhead: Will the minister give way?

Shona Robison (North-East Scotland) (SNP): Will the minister give way?

Iain Smith: I give way to Richard Lochhead.

Richard Lochhead: Will the minister clarify whether his party attaches any time scale to the delivery of proportional representation for local government, and whether the continuance of the coalition depends on it?

Iain Smith: We will get PR for local government in Scotland right, and the time scale will follow from that. The SNP cannot tell me anything about time scales, because I thought that we were meant to be "free by '93".

Let us consider some of the contributions to the debate. Keith Harding clarified something for me. I have always wondered where the word Tory came from. It is obvious now. It comes from contradictory, because at one point he said that first past the post lets the electorate choose the administration, but later in his speech he criticised first past the post because it failed to allow the electorate to choose the administration. He cannot have it both ways; it is incredible. Keith Harding and other Tories once again accused the Liberal Democrats of selling out on tuition fees. Try telling that to Scottish students at Scottish universities who are paying no tuition fees this year.

Linda Fabiani: Until they are working.

Iain Smith: No. No Scottish student at a Scottish university will pay any tuition fees. [*Interruption.*]

The Presiding Officer: Order. Mr Smith has the floor. Keep going, and do not listen to interruptions.

Iain Smith: I realise that time is moving on, so I will move on quickly and talk about what we are doing to deliver PR. Brian Adam asked whether we want to deliver PR. We do.

Fiona Hyslop (Lothians) (SNP): Will the minister give way?

Iain Smith: I do not have time.

The partnership agreement stated clearly:

"The Liberal Democrats have a long standing commitment to proportional representation for elections to local government. We will ensure that the publication of the final McIntosh recommendations is followed by an immediate programme of change including progress on electoral reform."

Immediately after McIntosh reported and recommended a system of PR, the Scottish Executive set up the Kerley committee to take that matter forward. McIntosh recommended that the criteria for an electoral system should be

"proportionality, the councillor-ward link, fair provision for independents, allowance for geographical diversity and . . . natural communities".

Kerley examined the options against the McIntosh criteria, and it was no surprise to Liberal Democrats that he recommended STV as best meeting those criteria.

Linda Fabiani: Will the minister give way?

The Presiding Officer: No, he is in injury time.

Iain Smith: Kerley recognises the tension between proportionality and the councillor-ward link. In his view, STV is the best system to meet all McIntosh's criteria. Three members of the Kerley working group did not agree with that view, but that underlines the difficulties of the issue. It is because the issue is complex and important that the Executive decided to establish a ministerial working group.

The recommendations of the Kerley group merit thorough consideration. The issues are fundamental, and changes must be enduring. We must get them right. The ministerial working group is chaired by the First Minister, and it is considering Kerley's recommendations. It will report to the Cabinet, and the Cabinet's conclusions will be announced in due course. We will not sacrifice proper consideration for speed. We will invest the time that is necessary to get the issues right and deliver the right solutions for Scotland.

The Administration values local government, and we have shown that. In the spending statement, we announced an increase in local government spending of 10.5 per cent in real terms over the next three years. We are proposing to trust our local government with a power of community initiative, and to take the lead in community planning. We trust our local government to give best value, and to abolish compulsory competitive tendering. We trust local government. We should be trusted to deliver proportional representation.

12:29

Mr Gibson: That is right; we should trust the Executive—and the band played, "Believe it if you like." We had Dr Jekyll from me earlier; I am afraid

that I may have to give members a wee bit of Mr Hyde, but let us hope not.

First, let us consider that declining voice of yesteryear that is slowly fading away and which is banished to a few leafy enclaves. Of course, I am talking about the Tories. The contributions from Tories were shambolic. I was shocked that John Young seemed to indicate that Helen Eadie was the only honest person who had spoken, which implicated his colleague Keith Harding. John was inaccurate, as he has been often over the years, in much of what he said. If we had PR in Glasgow, we would not have two councillors; we would have 25.

As for the Tories saying that STV would benefit them—well, I am sorry, but it wouldnae. In the 1995 local council elections, I gained more votes in my ward than John Young—who was elected by a ba hair of 38 votes—Bill Aitken and Catherine Lyon combined. The Tories got three seats on 6 per cent of the vote, whereas we got one seat on 23 per cent. Clearly, the current electoral system favours the Tories—it is no wonder that they support it.

If we consider new Labour, Helen Eadie, who would not take any interventions, does not seem to realise that even under the current system, 13 of Scotland's 32 local authorities are hung. There is a rainbow coalition of independent, Tory, Labour and Liberal Democrat in Perth and Kinross. Trish Godman talked about the SNP struggling to make a breakthrough in local government. I am surprised that she said that. With 207 councillors, not only do we have our greatest number of councillors ever, but we have five in her constituency, which is the same as her party has. We have made a breakthrough, at least in her constituency. That will go a long way to unseating her at the next election.

STV requires political will—a will that is sadly lacking, as the Labour party buckles to the voice of Cro-Magnon Labour, calling for no change from Westminster to council chambers to the back benches of the Parliament. It is the voice of the vested interests of people who have no real concern for local democracy but who wish to save their political skins, of councillors who lack the confidence to put themselves up against political opponents, without the odds being heavily stacked in their favour, and of MSPs who rely on the nomenclatura of councillors, their relatives and acolytes for selection to the chamber.

We must have a system that does not lead to one party receiving such an overwhelming number of seats that its administration implodes into factionalism, as happened in Glasgow in 1997, leading to the suspension of the lord provost, deputy lord provost and the leader and deputy leader of the council. That may have been good

for the career of the Deputy Minister for Local Government, but it did nothing to enhance local government.

The deputy minister talks about a ministerial working group. Four months on, we are still unaware of how often it has met and what conclusions it has come to. We still do not have a timetable for action. The Executive talks about making progress in all areas of Kerley, but it is a bit like chicken and egg: how can we have democratic and accountable scrutiny and so on if we do not have opposition councillors?

It is important that not all councillors act, as Labour does, in naked self-interest. I am pleased that there are no such vested interests in the SNP. In Alex Salmond's constituency, the SNP holds 22 of 24 seats. In Angus, Perth and Kinross, Clackmannanshire and elsewhere, we have many councillors. They know that Kerley and the introduction of STV could bring about their demise, but not a single one opposed the introduction of STV at local government elections.

As far as the Liberals are concerned, they have done it again. I should congratulate the minister on his maiden speech. [*Laughter.*]

Dr Elaine Murray (Dumfries) (Lab): In my constituency, which as members know is largely rural, many council wards are larger in area than the average parliamentary constituency in the central belt. Very few of them are held by Labour councillors. Will the member explain how the electoral system that he proposes, with a large multi-member constituency for local government, could possibly retain the link between the councillor and the electorate in large rural areas?

Mr Gibson: I think I said that in my opening speech. The member will be aware that the number of councillors in Dumfries and Galloway declined from 70 to 47. I do not hear any of the councillors complaining about a 50 per cent increase in their ward size. Even if we had wards with two or three members in rural Dumfries and Galloway, they would still be a tenth of the area the member has to represent. She seems to get round it, so I am sure that the councillors will be able to manage just fine.

Back to those Buddhas of suburbia, the Liberal Democrats; not content with selling out on tuition fees and Sutherland, as has been so eloquently put by colleagues, the final ignominy for the Liberal Democrats is to support—

Mr Rumbles: I am getting a bit fed up with the constant reference to tuition fees. If the member asks any student who is going to university this month—or any parent of any student—whether they are paying fees, he will find that they are not. The fees are being paid for by the Scottish Executive. Let us have a bit of truthfulness here.

Mr Gibson: We have had that debate, and the public will make up their mind about it. Mr Rumbles should consider where the Liberal Democrats are in the opinion polls in relation to tuition fees. [*Interruption.*]

The Presiding Officer: Order.

Mr Gibson: Everyone knows that students who work in a burger bar after they have graduated will have to repay fees.

Iain Smith: Will Mr Gibson give way?

Mr Gibson: No—the Presiding Officer cut my time by two minutes because of Iain Smith's incoherent ramblings. [*Laughter.*] Let me continue.

By not supporting the motion, the Lib Dems are refusing to implement one of their cornerstone policies.

The Presiding Officer: Order. [*Interruption.*] Just a second, Mr Gibson. I want to make it clear that those were your words, not mine.

Mr Gibson: It is the only Lib Dem policy that the public are aware of. Bought and sold for Labour gold—what a parcel of rogues in a Parliament.

Donald Gorrie contradicted the comments that he made in *The Scotsman* three weeks ago. It is clear that only the SNP stands up against municipal Stalinism, stands for democracy in local government and opposed not only 18 years of official Thatcherism, which we got through the first-past-the-post system, but three years of unofficial Thatcherism. The SNP opposes inertia and supports McIntosh's recommendation on the introduction of PR for the elections in 2002.

I commend my motion to the chamber.

The Presiding Officer: On that note, I suspend the meeting for lunch. [*Interruption.*] I am sorry. There is a business motion. I beg members' pardon: I do not suspend the meeting just yet.

Business Motion

The Presiding Officer (Sir David Steel): The business motion is in the name of Mr Tom McCabe. I take it that Mr Smith will move that motion.

The Deputy Minister for Parliament (Iain Smith): Motion S1M-1241 sets out the business for the week following our return from our tattie howking holidays.

I move,

That the Parliament agrees the following programme of business—

Wednesday 25 October 2000

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Debate on Primary Dental Care Services

5.00 pm Decision Time

followed by Members' Business – debate on the subject of S1M-1096 Dennis Canavan: SBG and Transport Operatives Pension Schemes

Thursday 26 October 2000

9.30 am Executive Business

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Debate on the Framework for Economic Development in Scotland

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business - debate on the subject of S1M-1171 Alex Fergusson: Waiver of Groundwater Maintenance Charge

and (b) that Stage 2 of the Transport (Scotland) Bill be completed by 22 November 2000.

The Presiding Officer: The question is, that motion S1M-1241 be agreed to.

Motion agreed to.

12:36

Meeting suspended until 14:30.

14:30

On resuming—

The Presiding Officer (Sir David Steel): Before we proceed with business, I take this opportunity to inform members that I am to be in Canada on Wednesday 25 October and Thursday 26 October. Accordingly, I trust that members will grant me leave of absence.

Question Time

SCOTTISH EXECUTIVE

Dumfries and Galloway Council (Meetings)

1. David Mundell (South of Scotland) (Con): To ask the Scottish Executive when the Minister for Transport and the Environment next intends to meet representatives of Dumfries and Galloway Council. (S1O-2350)

The Minister for Transport and the Environment (Sarah Boyack): I will meet representatives of Dumfries and Galloway Council tomorrow.

David Mundell: That is excellent news. Can the minister set out what it will take to convince her at that meeting that the future of Stranraer—the United Kingdom's second largest ferry port—and the economy of Dumfries and Galloway depend on upgrades to the A75? What evidence will convince her to change her plans and initiate urgently required improvements?

Sarah Boyack: I hope that I will be able to please Mr Mundell with all my answers to his questions.

The key issue is that I need to talk to Dumfries and Galloway Council about a range of matters. As Mr Mundell suggests, the issue regarding the A75 and Stranraer is important. He may remember that last week I announced new resources for trunk roads and motorways investment for the next three years. I must now sit down and think about the best way of allocating those resources across the whole of Scotland.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): I hope that the minister realises that she will have her work cut out at the meeting tomorrow. The feeling thus far at Dumfries and Galloway Council, whose leader is a member of the minister's party, is that the Executive has given it the runaround on transport matters. Will the minister be able to explain why the officials at last week's meeting with the council were under instructions not to answer any questions apart from those of the most technical nature, which led to the meeting being cut short?

Sarah Boyack: I was keen for my officials to talk to people in Dumfries and Galloway so that they could set out the work that has been carried out on the route accident reduction plan. It would be highly inappropriate to expose officials to questions on issues for which I should be accountable to this Parliament. The answer that I gave to David Mundell's question indicates that I am considering issues such as the A75 in the context of the extra resources that we have to spend, which I announced in my statement on transport expenditure last week.

Dr Elaine Murray (Dumfries) (Lab): I thank the minister for acceding to my request that she meet members of Dumfries and Galloway Council tomorrow. The A75 will be one of the issues discussed at that meeting. Is the minister prepared to liaise with other ministers in the Scottish Executive on the broader issues relating to the A75? It is important not only as a transport route, but to the economy of the rural areas of Dumfries and Galloway and the whole of Scotland, as it brings in trade from Northern Ireland. Will the minister take a more holistic approach to this issue, bearing in mind the contribution that the A75 makes to Scotland as a whole?

Sarah Boyack: I assure Elaine Murray that Henry McLeish and I meet regularly to discuss transport and economic development issues. The future of the A75 was one of the issues flagged up in the paper published by Henry McLeish on the strategy for economic development in Scotland.

Road Haulage

2. Mr Kenny MacAskill (Lothians) (SNP): To ask the Scottish Executive what proposals it has to assist the road haulage industry. (S1O-2349)

The Minister for Transport and the Environment (Sarah Boyack): Over the next few weeks, I plan to meet the main bodies that represent the Scottish road haulage industry, to ensure that we are fully aware of the industry's concerns and aspirations.

Mr MacAskill: Given that the average age of a heavy goods vehicle driver in Scotland is 52 and that driver training has significant costs of more than £900, what measures are being taken and what financial resources are being allocated by the Executive to ensure that more drivers are trained and that Scottish drivers will be in the cabs of Scottish trucks?

Sarah Boyack: That subject has not yet arisen under the transport brief. However, I am aware that there are many proposals under the new deal. If Mr MacAskill has any specific suggestions, I would be happy to read and respond to them.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): One way of helping the

industry in areas such as the one that I represent would be to reduce the rate of VAT on motor fuel. In her answer to a question of mine a few weeks ago, the minister indicated that she was having discussions with her Westminster colleagues on the subject. What point have those discussions reached?

Sarah Boyack: I am happy to tell Mr Stone that those discussions are on-going.

Dorothy-Grace Elder (Glasgow) (SNP): Is the minister aware of the plight of thousands of freelance taxi and private hire drivers, who are suffering losses of £20 to £30 a week through Chancellor Gordon Brown's fuel tax increase? Does she have any plans to assist those drivers?

The Presiding Officer: I am not sure that those questions come under the heading of road haulage. Does the minister want to answer them?

Sarah Boyack: No.

Central Heating (Jobs)

3. Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): To ask the Scottish Executive how many new jobs will be created as a result of its announcement on 19 September 2000 that free central heating will be installed for all pensioners and social tenants across Scotland. (S10-2342)

The Minister for Communities (Ms Wendy Alexander): I am pleased to announce that, in the first year of the programme, 1,500 jobs will be created. That figure will rise to 2,200 in the third, fourth and fifth years. That announcement is good news not just good for all tenants and pensioners, but for heating engineers as well. Some of the more imaginative Labour authorities are already increasing their number of modern apprenticeships to allow young people to train as heating engineers.

Cathy Jamieson: I welcome the minister's announcement, particularly in relation to young people. How much money does the minister expect the average pensioner or social tenant to save in a year as a result of the installation of central heating?

Ms Alexander: The programme has three parts: energy advice; insulation; and the installation of the central heating itself. We expect that the implementation of the programme will save the average pensioner £500 every year and will reduce their heating bills from an average £20 a week to £10 a week every year from now on.

The Presiding Officer: I remind members with any supplementaries that the question is about jobs.

Christine Grahame (South of Scotland) (SNP): My question follows from the minister's previous answer. Will the minister confirm that, if the link between pensions and average earnings had not been broken, a pensioner couple would now have an extra £2,500 and a single pensioner £1,800, which would be enough to install their central heating now, next year and the year after?

The Presiding Officer: I am sorry. That is wide of the question.

Tommy Sheridan (Glasgow) (SSP): Does the minister have an estimate of the number of jobs that would be created in Glasgow if the programme were carried out as part of council investment rather than through stock transfer? On several occasions, she has said that stock transfer will create 3,000 jobs. How many jobs would be created if, instead of stock transfer, there were public investment in Glasgow City Council stock?

Ms Alexander: The difference between Mr Tommy Sheridan and us is that he wants us to spend just an additional £50 million a year, which would create a very small number of jobs and allow us to rehabilitate only 3,000 houses a year. The proposals that we support will allow us to rehabilitate all 90,000 houses within 10 years.

Scottish Arts Council (Meetings)

4. Mr Brian Monteith (Mid Scotland and Fife) (Con): To ask the Scottish Executive when it last met representatives of the Scottish Arts Council and what issues were discussed. (S10-2365)

The Minister for Children and Education (Mr Sam Galbraith): I last met members of the Scottish Arts Council on 14 August 2000 to discuss the national cultural strategy.

Mr Monteith: I am delighted to hear that. Has the minister visited the Richard DeMarco exhibition "The Road to Meikle Seggie"? Is he willing to suggest to the Scottish Arts Council that it conduct a feasibility study into storing and displaying Mr DeMarco's extensive collection of art from Scotland and the wider world?

Mr Galbraith: I have not had the pleasure of visiting that exhibition. However, I am sure that the Scottish Arts Council will have heard what the member has said and will want to take it into consideration at its next meeting.

Donald Gorrie (Central Scotland) (LD): Did the minister's discussions with the Scottish Arts Council include any reference to industrial museums, which seem to have been rather neglected in the national cultural strategy document?

Mr Galbraith: That is not the case. We did not have any suggestions about industrial museums at that stage, but it is a matter to which I am giving

due consideration and on which I may be able to say something further in future

Inward Investment

5. Mr Kenneth Gibson (Glasgow) (SNP): To ask the Scottish Executive what steps it is taking to increase the proportion located in Glasgow of manufacturing jobs and investment being attracted to Scotland. (S1O-2374)

The Minister for Enterprise and Lifelong Learning (Henry McLeish): Our strong commitment to helping manufacturers on a wide variety of issues is outlined in "Created in Scotland: the way forward for Scottish Manufacturing in the 21st Century", which was published in March.

Locate in Scotland and Scottish Enterprise Glasgow work closely together to ensure that Glasgow is able to offer the sites, premises and skills necessary to attract inward investors. In the year to March 2000, more than 16.4 per cent of the planned jobs attracted to Scotland were attracted to Glasgow.

Mr Gibson: I thank the minister for his reply. Can he explain why Glasgow has attracted only 2.9 per cent of the manufacturing jobs created in Scotland through inward investment since his party came to power? What will he do to attract further manufacturing investment to Glasgow?

Henry McLeish: Part of the response that I gave indicated that Locate in Scotland, Scottish Enterprise and all the enterprise agencies will be working hard to achieve that in Glasgow. However, it is important to point out that 84 per cent of all employment in the city is in services. While we are attracting manufacturing to Glasgow and to Scotland, we must consider the current distribution of employment. For the record, in the past six years, Glasgow has had 230 offers of investment from regional selective assistance accepted. The value of offers is more than £70 million and the associated project costs are worth more than £400 million. That has helped to create or safeguard more than 13,500 jobs.

A great deal is being done. That was demonstrated this week, for example, by the £60 million private investment in a new science quarter in the city of Glasgow, bringing software engineering jobs and a whole host more. Positive developments are taking place, which, I hope, will be supported by everyone in the Parliament.

Bill Aitken (Glasgow) (Con): Does the minister agree that one feature that would have brought about important investment in Glasgow is the much-promised transfer of jobs in Executive departments to the city, which has not yet happened? Will he give an undertaking that it will happen in the foreseeable future?

Henry McLeish: I am probably not the minister to whom the member should have put that question, as I have moved my whole department from Edinburgh to the city of Glasgow. The industry department was in Glasgow and the enterprise and lifelong learning department has now moved there. That brings a substantial number of jobs to Glasgow, enriching the mix for young people who want to enter the civil service. That is only part of a programme that Jack McConnell is driving forward at a fairly formidable rate. All of Scotland should benefit from the decentralisation of jobs. That is what is happening under this Labour and Liberal Democrat Executive.

Diversion from Prosecution

6. Dr Sylvia Jackson (Stirling) (Lab): To ask the Scottish Executive whether it will report on the evaluation of the 18 pilot diversion from prosecution schemes carried out by the social work research centre and on the decision to extend the scheme. (S1O-2336)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Following publication of the evaluation report by the social work research centre at the University of Stirling, I announced our future policy on diversion on 22 September. The schemes will be rolled out nationally and will target the groups that the research showed can benefit most.

Dr Jackson: I thank the minister for those details. As he will know, Cornton Vale prison is within the Stirling constituency. I have always been keen to support women in the attempt to reduce reoffending. Can the minister give details of the reduction in reoffending due to the pilots and of his plans for the future once the scheme is rolled out?

Mr Wallace: One of the purposes of diversions from prosecution is to reduce reoffending. The hope is that the cycle of offending can be broken by tackling some of the underlying problems that lead to people offending in the first place. One of the important things to emerge from the research was the identification of the target groups that would benefit most. I assure Sylvia Jackson that that includes female accused, as well as young accused between the ages of 16 and 17.

Mr Gil Paterson (Central Scotland) (SNP): Now that the minister has decided to extend the scheme, will he give a guarantee that domestic abuse offenders, sex offenders and child abusers will no longer be considered appropriate referrals for the diversion from prosecution?

Mr Wallace: The refocusing of the schemes will reduce the small number of cases of domestic violence that have, in the past, been considered

for diversion. It is important to stress that the procurator fiscal will retain the discretion to consider any case involving accused within the target groups, which include those with mental health problems and those misusing drugs and alcohol. The number of cases of domestic violence that were considered for diversion was already small and will be reduced further. There will be a discretion, as is part of the procurator fiscal's general remit, in special cases.

Road Tolls

7. Irene McGugan (North-East Scotland) (SNP): To ask the Scottish Executive whether it has any plans to repeal current road tolling legislation. (S1O-2341)

The Minister for Transport and the Environment (Sarah Boyack): The Scottish Executive has no plans to repeal current road tolling legislation.

Irene McGugan: Given that the recent European Court of Justice ruling suggests that the Skye bridge tolls should be seen as a service charge, not a tax, is not it logical that the relevant sections of the New Roads and Street Works Act 1991, which offend the European Court of Justice ruling and which subject protesters to criminal proceedings, should be repealed? That is within the remit of this Parliament.

Sarah Boyack: We have no plans to take that action.

Roads (A77)

8. John Scott (Ayr) (Con): To ask the Scottish Executive what effect the introduction of the aggregates tax will have on the cost of the upgrading of the A77. (S1O-2362)

The Minister for Transport and the Environment (Sarah Boyack): I am sorry. I missed that question.

The Presiding Officer: The question asked was number 8.

Sarah Boyack: It deals with the M77—I see that we have moved on. My apologies to Mr Scott.

The effect that the aggregates tax will have on the cost of the proposed extension of the M77 between Fenwick and Malletsheugh is unknown. It will depend on the extent to which the contractor adopts the use of recycled aggregates.

John Scott: Does the minister agree that the imposition of the aggregates tax is likely to cost jobs in Ayrshire and in the rest of Scotland? How many jobs does she estimate will be lost?

Sarah Boyack: I do not agree. The construction of the road is likely to create local employment.

Our view is that the aggregates tax will be taken on board when contractors bid for contracts. The issue of the A77 will be taken forward in the competitive tendering process, when contractors evaluate the best methods of constructing the road.

Shona Robison (North-East Scotland) (SNP): Tayside Contracts supplies approximately 60,000 tonnes of quarried material for road maintenance purposes. The tax will result in an additional cost of £96,000 to Perth and Kinross Council, Angus Council and Dundee City Council. Will the minister approach the chancellor—

The Presiding Officer: Order. We are talking about the A77.

Shona Robison: The issue is about aggregates tax.

The Presiding Officer: I know, but the question is about the A77.

Shona Robison: Oh, come on. That is outrageous.

The Presiding Officer: Order. The aggregates tax is a reserved matter. The question is about the effect of the tax on the A77.

Children (Employment)

9. Ms Margo MacDonald (Lothians) (SNP): To ask the Scottish Executive whether it supports any relaxation of the regulations covering the employment of children. (S1O-2376)

The Minister for Children and Education (Mr Sam Galbraith): The Children (Protection at Work) (Scotland) Regulations 2000, which we laid in May, tightened up the existing regulations covering the employment of children.

Ms MacDonald: I thank the minister for that and congratulate the Executive on having such a care for Scotland's children. To that end, will he advise his colleagues who are responsible for any of the purchases associated with the new Holyrood project that it is not enough to express a pious hope that materials for that building will not come from China or India and that it is absolutely imperative that strictures must appear in the procurement documents so that we do not have the exploitation of other people's children?

The Presiding Officer: Order. I saw that one coming a mile away. The minister is not responsible for the Holyrood project.

Mr Galbraith: I was going to point that out, Presiding Officer. I am glad that you have done so.

Adults with Incapacity (Scotland) Act 2000

10. Mr Andy Kerr (East Kilbride) (Lab): To ask the Scottish Executive how soon incapable adults

will benefit from the Adults with Incapacity (Scotland) Act 2000. (S1O-2330)

The Deputy Minister for Justice (Angus MacKay): The act will be implemented between April 2001 and April 2002. The new office of public guardian will open in April 2001. Parts 2 and 3 of the act, dealing with powers of attorney and the access to funds scheme, will come into force in April 2001. Draft codes of practice in relation to parts 2 and 3 were issued for consultation on 14 September and comments have been requested by 15 December.

Mr Kerr: As the minister knows, the Adults with Incapacity (Scotland) Act 2000 has been widely welcomed by people who recognised the great need for a reform in the law. Can he advise me when the medical treatment code of practice will be issued for consultation? How will he ensure an adequate consultation period?

Angus MacKay: It is extremely disappointing that, while a member is asking a question on an important issue such as the Adults with Incapacity (Scotland) Act 2000, members of the Opposition are bickering and cat-calling.

The act will be of substantial benefit to many people who have struggled for years without the support of the legislation. Mr Kerr is right to raise the question, because it has not been possible to publish the original code for consultation within the time scale that we envisaged. I assure him that the code will be published shortly and that we will ensure that there is a consultation period of at least three months in order to allow views to be properly heard.

Skye Bridge

Mr John Munro (Ross, Skye and Inverness West) (LD): I am almost surprised at the brevity of the responses given to members asking questions on the toll regime—

The Presiding Officer: Just ask your question, please.

Mr Munro: To elicit a more detailed response, I will do so.

11. To ask the Scottish Executive what percentage of total Skye bridge toll income goes towards (a) repayment of debt; (b) interest charges on the capital cost of the project; (c) annual maintenance costs; (d) toll collection costs; (e) administration; and (f) profit. (S1O-2379)

The Minister for Transport and the Environment (Sarah Boyack): The information requested relates to the concessionaire's private financial arrangements and is therefore not readily available. However, those figures can be calculated, in the main, by examining Skye Bridge Ltd's annual directors report and financial

statements, which are publicly available at Companies House.

Mr Munro: That was, again, a brief response. The minister will be aware that this weekend marks the fifth anniversary of the toll regime on the Skye bridge. Will she explain to the Parliament how a bridge that was originally estimated to cost less than £25 million will cost the bridge users and the Scottish Executive a minimum of £128 million by the end of the toll concession period?

Sarah Boyack: I will certainly not answer for the decisions taken or the contracts signed to start the bridge off, which happened before the Labour Government was elected in 1997 and before this Parliament was established.

The Executive has fulfilled its commitment to freeze the tolls on the Skye bridge. We have never said that we would buy out the contract, which would involve a major amount of money. As we know from the DTZ Pineda Consulting report, which is available in the Scottish Parliament information centre, the benefits of our commitment to freeze the tolls and to ensure that people have cheaper access to the bridge are now being delivered and are being welcomed.

Mr Jamie McGrigor (Highlands and Islands) (Con): In view of the fact that the Executive has frozen the tolls, is it not time to stop date-stamping the books of concessionary tickets?

Sarah Boyack: I am happy to say that we are currently considering that matter. I will report back to the Parliament when we have taken a decision on it.

Mr Duncan Hamilton (Highlands and Islands) (SNP): If the minister is unable to tell us the percentage of the bridge income that goes on debt repayment, can she now tell us the total outstanding debt on the Skye bridge project, a question that was asked as far back as October 1999? Will she also comment on the National Audit Office report? It said:

"But we note the contract does not guarantee either that the bridge will be toll-free within the Department's 20 year target period, or that tolls will remain lower than their target level".

Is that acceptable? Exactly when will the Skye bridge be free of tolls?

Sarah Boyack: The concessionaire indicated in its 1997 report that it expects the concession to end by 2013. The actual date depends on future traffic levels. I repeat that we have delivered a freeze on tolls, which means that the toll does not rise every year and impact on local communities. That is a delivered commitment, which this Parliament should welcome.

Bail (Breaches)

12. Lewis Macdonald (Aberdeen Central) (Lab): To ask the Scottish Executive what powers are available to procurators fiscal in relation to bail conditions when the grounds of bail are allegedly breached. (S1O-2377)

The Lord Advocate (Colin Boyd): Where the police make procurators fiscal aware of an allegation that an accused has breached a condition of bail, two options are available. First, they may serve on the accused a complaint or indictment in terms of section 27(1)(a), 27(1)(b) or 27(7) of the Criminal Procedure (Scotland) Act 1995. In addition, or alternatively, they may make an application to the court to review the grant of bail in terms of section 31 of that act.

Lewis Macdonald: Does the Lord Advocate recognise the widespread public concern arising from cases in which those accused of offences while on bail do not appear immediately in court to have their bail reviewed? Will he agree to consider a further power for procurators to direct police officers to detain such people on the ground of reasonable suspicion as one way in which to bring them before the courts in the shortest possible time?

The Lord Advocate: Although I understand Mr Macdonald's concern, section 28 of the Criminal Procedure (Scotland) Act 1995 gives police the power to arrest an accused who is on bail where the accused has broken, is breaking or is likely to break any condition imposed on his bail. That power can be exercised at the discretion of the constable. In addition, where sufficient admissible evidence comes to the attention of the procurator fiscal to prove beyond reasonable doubt that the accused has committed an offence on bail, the procurator may seek a warrant to apprehend.

Richard Lochhead (North-East Scotland) (SNP): I am sure that the Lord Advocate will be aware not only of the victims' outrage but of the fact that the police feel that they are fighting crime with one hand tied behind their back when they catch criminals only for the courts to release them to reoffend while awaiting trial. The Minister for Justice recently told me that, in 1997 and 1998, that occurred 1,300 times in north-east Scotland alone in cases involving robbery, house-breaking and drug offences.

The Presiding Officer: A question, please.

Richard Lochhead: What is even worse is when a criminal caught committing a crime when on bail is then given bail again, which undermines the delivery of justice. Will the Lord Advocate tell us how often that happens and what he is going to do about it?

The Lord Advocate: One of the grounds for opposing bail is that the person is on bail already. When appropriate, the procurator fiscal will oppose the grant of bail. Whether an accused gets bail and the conditions in which he gets bail are matters for the court.

Regional Selective Assistance

13. Euan Robson (Roxburgh and Berwickshire) (LD): To ask the Scottish Executive what progress is being made in processing regional selective assistance applications from rural areas. (S1O-2355)

The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen): All applications for regional selective assistance are processed as quickly as possible whatever the location of applicant companies. Following the agreement in July this year of the new assisted areas map, firms in rural areas such as the Borders are already benefiting from offers of regional selective assistance.

Euan Robson: Does the minister agree that the recent announcement, reported locally, of an RSA grant of £1 million to Keltek in Kelso in my constituency, creating over 100 jobs, is very welcome? Does he also agree that RSA grants are appropriate for textiles firms?

Nicol Stephen: It would be wrong for me to comment on individual applications before we have the final agreement of the company, but I know that Keltek has ambitious growth plans. The Executive is keen to help companies develop, not only in the electronics sector but in textiles and all other sectors. The proposals are good for the Borders and for the rest of Scotland.

Maureen Macmillan (Highlands and Islands) (Lab): Will the minister confirm that RSA is available to indigenous companies as well as to inward investors, and to companies that need to invest to protect existing jobs as well as to those that are investing to create new employment? Is the Executive taking any initiatives to dispel the perception that only inward investors qualify for RSA?

Nicol Stephen: I will take an initiative now to help to dispel that view. I know that there is heated argument on this matter. The Executive wants inward investment but we also want to give priority to indigenous companies. The rules for RSA do not differentiate—indigenous companies apply and are successful in their applications. I agree that we need to get that message across and do more to encourage indigenous growth.

Agriculture (Regulatory Burdens)

14. Alex Fergusson (South of Scotland) (Con): To ask the Scottish Executive how many of

the recommendations made in the report "Review of the Regulatory Burden: IACS and Inspections in Scotland" have been implemented since its publication in January 2000. R (S10-2363)

The Minister for Rural Affairs (Ross Finnie): As Mr Fergusson is aware, we published an interim report in June 2000; a copy has been placed in the Scottish Parliament information centre. Further progress has since been made, and I am pleased to say that the current position is that, of the 23 recommendations in the original report, 14 have been completed or are in the process of being completed. We are well ahead in taking action to implement a further five. The Executive has accepted the remaining four, but we require the co-ordinated action of the European Commission and the United Kingdom Government.

Alex Fergusson: I take it that the answer is that five of the proposals have been implemented. Is it not the case that, some eight months after his original announcement, the minister has been quick to grab the headlines but has lacked the technical back-up that is required to deliver the proposals? Does he agree that the headline-grabbing proposal—with a promised £6 million—to implement an electronic cattle-tagging scheme is technically, practically and financially impossible to deliver within his intended time scale?

Ross Finnie: No. That proposition is completely without foundation and Mr Fergusson knows it. Moreover, he was not listening: I said that 14 of the 23 recommendations have been implemented. Mr Fergusson knows that the working group that is dealing with the implementation of electronic data transfer has been making good progress and that initial technical problems—which were discovered after my initial announcement—are being resolved. I hope to make an announcement on the progress of EDT very shortly.

John Scott (Ayr) (Con): In the interests of cutting paperwork, will the minister consider scrapping the June and December returns, as the integrated administration and control system paperwork now makes them unnecessary?

Ross Finnie: As Mr Scott knows, we are taking steps to reduce paperwork—that was one of the recommendations that came out of the IACS working group. We have asked the group to continue its work, so that, as representatives of the industry, its members can work with the rural affairs department and the Executive to make changes smoothly. We are progressing towards amalgamating the forms. The matter is in hand.

Fife Council (Meetings)

15. Mr Keith Harding (Mid Scotland and Fife) (Con): To ask the Scottish Executive when it last

met representatives of Fife Council and what issues were discussed. (S10-2366)

The Deputy Minister for Local Government (Mr Frank McAveety): My colleague Jack McConnell, the Minister for Finance, met the leader of the administration of Fife Council on 13 September. They discussed a range of issues relating to local government finance.

Mr Harding: Does the minister share my concern about the projected £3.8 million overspend in Fife Council's education budget this year? Does he share my dismay that pupils, parents and teachers in Fife are having to pay for the administration's financial incompetence with cuts in secondary school budgets and the doubling of charges for musical instrument tuition?

Mr McAveety: I do not agree with Mr Harding's portrayal of Fife Council. It is for the council to determine its own priorities. Like councils across Scotland, Fife Council has welcomed the substantial increases in resources that are now available for local government. The increases match the figure that the Convention of Scottish Local Authorities submitted to the Executive. Resources will increase by more than 10.5 per cent over the next three years.

Scott Barrie (Dunfermline West) (Lab): Does the minister agree that the overspend that Mr Harding refers to is more or less a carry-over from last year's overspend? Fife Council is addressing the issue by redistributing money within its education budget. Cuts will not impact on pupils.

Mr McAveety: I am delighted to hear that from a local member who knows the situation much more accurately. It is for the local council to determine, within its budget, how best to deal with any situations that arise. It is good to hear that the council is addressing those matters. It will have the opportunity to do so over the next three years. For the benefit of those who are hard of hearing, I repeat that there will be substantial increases in local government spending over the next three years.

Education

16. Des McNulty (Clydebank and Milngavie) (Lab): To ask the Scottish Executive what progress it intends to make in response to the report by HM inspectors of schools, "The Use of Information and Communications Technology in Learning and Teaching". (S10-2329)

The Deputy Minister for Children and Education (Peter Peacock): The Executive is providing resources and support to schools and teachers, and will encourage the implementation of the recommendations in the report.

Des McNulty: Does the minister agree that, in addition to the welcome progress that is being made in making computers available in schools, one of the most important ways in which we can use ICT is through the development of flexible learning packages that permit individualised learning and reinforcement for pupils?

Peter Peacock: One of the advantages of modern technologies is that to a greater extent than ever before we can package and individualise learning, allowing learners to progress at a pace most suited to them. I fully support Des McNulty's point that that is a major benefit.

Irene McGugan (North-East Scotland) (SNP): Do all schools have e-mail facilities? If not, when does the minister expect that to happen?

Peter Peacock: We are committed to ensuring that every child has an e-mail address. We are making steady progress; a large number of local authorities have implemented the scheme.

Mr David Davidson (North-East Scotland) (Con): Will the minister detail the Executive's plans for community access to school ICT systems for lifelong learning purposes?

Peter Peacock: We are in the process of drawing together a range of sites, such as libraries and community centres, where people can access lifelong learning opportunities. We are preparing a comprehensive programme to ensure that access is available to all sectors of Scottish society.

National Farmers Union (Meetings)

17. Nora Radcliffe (Gordon) (LD): To ask the Scottish Executive when it last met the National Farmers Union of Scotland and what issues were discussed. (S10-2359)

The Minister for Rural Affairs (Ross Finnie): I last met the National Farmers Union of Scotland on 26 September to discuss the new support mechanism for the less favoured areas.

Nora Radcliffe: Does the minister agree that one of the issues that should be discussed with the NFUS is that of health and safety on farms, particularly in relation to the practice of belly clipping animals before they go for slaughter? Does the minister agree that there are no reliable statistics on that because of the suspected underreporting of farm accidents?

Ross Finnie: I can assure Nora Radcliffe that, although we did not discuss the matter the last time I met the NFUS, it is an issue that we discuss regularly. If there is underreporting of incidents of which the Health and Safety Executive should be made aware, that is a cause for concern. The Executive and the NFUS agree that the practice of belly clipping is essential if we are to meet our standards on health and E coli. We are satisfied

that, if the proper equipment is in place, that dangerous practice can be carried out with a degree of safety.

Alex Johnstone: At the minister's meeting with the NFUS at which the hill farm support arrangements were discussed, did the NFUS express the concern of many farmers about what will happen to the new hill livestock compensatory allowance proposals after the three-year transitional scheme finishes and the safety net is removed? Will the minister give us some indication as to when the new proposals to be put to the European Commission are likely to be approved?

Ross Finnie: Officials from the Scottish Executive rural affairs department are returning from Brussels as we speak. I have not yet had a briefing on our current position on the matter. As Mr Johnstone will know, the European Union regrettably is not concerned about the particular circumstances of Scotland, which has 85 per cent of its land designated as less favoured areas. We need a scheme that takes account of our different circumstances. The European Union is concerned only that we move from a headage to a hectare basis, without any consideration for the consequences. I make no apologies for attempting, at every stage, to persuade the European Union that that will not do. I share Mr Johnstone's concern that when the safety net is removed we might end up with a range of doubtful winners and very serious losers. The reason that I am pursuing the matter, keeping on at the European Union and being prepared to take it to the line, is to ensure that we have the maximum number of winners and very few losers, if any.

Railtrack (Meetings)

18. George Lyon (Argyll and Bute) (LD): To ask the Scottish Executive whether it has met officials from Railtrack Scotland since the fire at Taynuilt railway station and, if so, what plans there are to regenerate the site. (S10-2357)

The Minister for Transport and the Environment (Sarah Boyack): I understand that Railtrack intends to hold discussions with Argyll and Bute Council on options for rebuilding Taynuilt station.

George Lyon: My constituents will be very pleased to hear that. I advise the minister that there is tremendous local support for the regeneration of the station. Will the minister do everything possible to ensure that a new building is constructed at Taynuilt railway station?

Sarah Boyack: That is a matter for Railtrack. I hope that Railtrack will initiate improvements in passenger facilities at Taynuilt and that matters are taken in hand as soon as possible to ensure that those improvements are delivered speedily.

First Minister's Question Time

SCOTTISH EXECUTIVE

Secretary of State for Scotland (Meetings)

1. Mr John Swinney (North Tayside) (SNP): To ask the First Minister when he last met the Secretary of State for Scotland and what issues were discussed. (S1F-572)

The First Minister (Donald Dewar): I last met the Secretary of State, along with other colleagues, last week at Brighton, which is a prosperous watering place on the south coast of England. I spoke to him at length this morning. I will be seeing him in Glasgow tomorrow. Our discussions range widely.

Mr Swinney: I am sure that the Brighton event was as enjoyable as usual.

Did the First Minister's discussions with the Secretary of State for Scotland touch on the release of information to the parliamentary committees that are conducting inquiries into the exams crisis; a crisis that has affected many students in Scotland and caused distress to parents and others? It is clear that the release of information to the parliamentary committees lies at the heart of the success of those inquiries. In the discussions that the First Minister has had with Mr McLeish and Mr Galbraith, did he pay any attention to the contents of section 23(1) of the Scotland Act 1998? [*Applause.*]

The First Minister: Applause is easily earned these days.

I am very familiar with section 23, and regard it as a nuclear option, which no one would want to see used on a regular basis. Of course there is a problem, which John Swinney will be the first to recognise, because there is a code of practice on access to Scottish Executive information that deals with internal discussion and advice. The code holds that such information is exempted from the general assumption of disclosure. That is not an unusual provision. It is true of Westminster. It is also true of a large number of regimes with forward-looking freedom of information acts, such as Canada, New Zealand, Australia and Ireland. But we have made it clear to the committees concerned, and to this chamber, that we are looking for a constructive way forward.

A great deal of thought is being given to this matter by Henry McLeish and Sam Galbraith. I understand that Sam Galbraith met the conveners of the relevant committees today. There was a constructive discussion, and they have gone away to think about some of the proposals that were

made.

Mr Swinney: I am glad to hear that the First Minister is familiar with section 23(1) of the Scotland Act 1998. For the benefit of those who are not as authoritatively involved, I will read it to Parliament:

"The Parliament may require any person . . . to produce documents in his custody or under his control, concerning any subject for which any member of the Scottish Executive has general responsibility."

In one of his many distinguished contributions to the House of Commons, Mr McLeish explained that clause for the avoidance of any doubt:

"that any person can be compelled to give evidence and produce documents . . . about fully . . . devolved matters."—[*Official Report, House of Commons, 29 January 1998; Vol 305, c 597.*]

It is beyond reasonable doubt that Mr McLeish and Mr Galbraith have ministerial responsibility for the Scottish Qualifications Authority. The parliamentary committees have asked for information—[*Interruption.*] One parliamentary committee has asked for access to information. So far, the Executive has taken four weeks to refuse that access. Is not the First Minister acting in contravention of the Scotland Act 1998?

The First Minister: I am afraid that that explanation was riddled with assumptions that are unsafe and has largely been overtaken by events. Of course, the provisions in section 23 exist. One of the committees—not both—has asked for the production of documents, and so far as I am concerned, I have made it clear that section 23 exists. However, I have tried to explain to Mr Swinney that there are real difficulties about the workings of Government—[*Interruption.*]

The Presiding Officer (Sir David Steel): Order. Let us hear the answer.

The First Minister: It would be a shame if there were to be laughter about a serious matter. The point is that, for good reasons, there is protection for direct civil service advice to ministers. In the same way, as John Swinney knows, it is not possible for me to go back and look at papers from the time of Michael Forsyth. That was not open to me as the Secretary of State for Scotland, and it is not open to me as First Minister. The reasons for that are self evident, and are established by long habit. Mr Swinney should recognise that there is a problem here. He should also recognise that constructive discussions are going on and that it might be better to let them take their course than to spar in this way.

Mr Swinney: All I am doing is reminding members of the law and of what is in the Scotland Act 1998, which was put through Parliament by Mr Dewar and Mr McLeish. I have been considering the guidance notes that go with the issues to

which the First Minister has referred. One of the points in the notes is that

“potential embarrassment which may be caused to civil servants or Ministers should not be a factor in deciding whether information should be made available.”

Would it not be better—for the thousands and thousands of people who were affected by the crisis over the summer—to be open and accountable with the public than to operate in a culture of secrecy? Is it not time for the First Minister to order the release of those documents, or will he continue to be in contravention of the Scotland Act 1998?

The First Minister: First, I am not in contravention of the Scotland Act 1998. Section 23 is a power that has not yet been invoked and if Mr Swinney wants to bandy legal points with me, I must point out to him that that is the legal position. I said that I thought that section 23 was something of a nuclear option. If carelessly invoked, it will do great damage to relationships between ministers of any political party and the civil service and the way in which it operates. If he was a little nearer to Government, he might see that rather more clearly than he does at the moment.

In any event, I have made it clear that discussions are in hand. My understanding is that the discussions today were fairly constructive. Proposals are on the table. I very much hope that they will not be rejected out of hand, simply because of the *démarche* that Mr Swinney has made at question time today.

Cabinet (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when the Scottish Executive's Cabinet will next meet and what issues will be discussed. (S1F-591)

The First Minister (Donald Dewar): The Cabinet will next meet on Tuesday and we will discuss the issues of the day.

David McLetchie: I hope that the Cabinet will discuss the bitter disappointment that many older people in Scotland will feel when they learn later this afternoon that the Scottish Executive will not implement for Scotland the Sutherland commission recommendation that all personal care costs should be met out of the national health service budget.

Last week, in the debate on the issue, we were told that Labour opposed that recommendation because it would benefit so-called rich pensioners. Does the First Minister consider the many thousands of pensioners who bought their council houses to be rich and that they should be forced to sell their houses to pay for their long-term care?

The First Minister: Mr McLetchie will have to

wait a little while for the statement that Susan Deacon will make later.

I have said repeatedly that the test that we will apply is whether expenditure—it will be big expenditure—raises the standard of care for a significant number of people who require support in their homes or who are in residential care. When I talk to pensioners, the common complaints that I hear—certainly in my surgery and I suspect it is true of most members—concern a range of matters that are immediate priorities: the difficulty in getting appliances; the difficulty in getting the right support package that will allow someone to leave hospital; and the difficulties for families who are struggling with a heavy caring burden and looking for respite care. I repeat: the test is how we raise the standard of care for those who need it.

David McLetchie: I thank the First Minister for that, but if he considers the record, he will see that the test that he was proclaiming last week in our exchange on the matter was one of fairness and equity. I agreed with him that it is a question of fairness and equity. Why then should the pensioner who bought his council house and developed Alzheimer's disease have to pay for his care, while the next-door neighbour, who remained a tenant, is entitled to care, irrespective of what illnesses may strike him or her in later life? Where is the fairness and equity in that?

The First Minister: Fairness and equity in public funding is ensuring that the people who require help and care are the ones who get it. Choices must be made. I know that members will hear later about an exciting package—which will cost a great deal of money—investing in community care and in help and support for older people who are suffering from the infirmities of age. It is right that we should concentrate on that as an immediate priority.

Mr John McAllion (Dundee East) (Lab): Has the First Minister's Cabinet discussed the continuing potential threat to the public ownership of the water and sewerage industry that is presented by the proposal to open up that industry to competition from English and French private companies? Many of those companies have opened up offices in Glasgow and Edinburgh in anticipation of that competition.

Will the First Minister say whether the Cabinet has considered asking for a block exemption from the Competition Act 1998? The water and sewerage industry is a strategic industry in Scotland and I believe it to be the will of the Scottish Parliament and the Scottish people that, like publicly owned railways in France and Spain, it should remain under public ownership and public control.

The First Minister: There has been a great deal of discussion among colleagues, led by Sarah Boyack, about how we should face up to the challenge of the competition that is being brought in by Westminster legislation, which is a difficult and complicated matter. I believe that a consultation document is available and no doubt all who have a point of view on the matter will want to contribute to the debate by responding to the points made in the consultation exercise. I give John McAllion an absolutely clear assurance that we have every intention of, and are totally committed to, keeping the water industry in the public sector.

Exams Inquiry

3. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): To ask the First Minister whether the Scottish Executive will supply all of the papers that are being made available to Deloitte & Touche in connection with its inquiry into the handling of this year's exam results to the Parliament's Education, Culture and Sport Committee and Enterprise and Lifelong Learning Committee. (S1F-583)

The First Minister (Donald Dewar): I refer Fergus Ewing to the reply that I gave to John Swinney a few minutes ago.

Fergus Ewing: Why has the Scottish Executive chosen to employ commercial consultants at a cost of £80,000 and to call private meetings to discuss secret documents behind closed doors? Is not it imperative for the future of this Parliament and its reputation that we have open inquiries, with all evidence made available, in order to get at the whole truth? Surely the Scottish people and their elected representatives deserve nothing less.

The First Minister: All I say to Fergus Ewing is that he is taking a very simplistic approach. Let me make it clear that Deloitte & Touche is employed to provide expertise to ensure a thorough analysis of what went wrong in certain areas of particular speciality. We concluded that it was right to get outside help, as we did not have that expertise in-house.

Deloitte & Touche is employed on a confidential basis and its work is governed by the Official Secrets Act 1989. If I had any confidence that Mr Ewing would abide by that act, he might have a stronger case.

Ms Margo MacDonald (Lothians) (SNP): On a point of order. I realise that we are not honourable members in this Parliament, but we do not impugn the integrity of our colleagues.

The First Minister: If Mr Ewing feels that I have impugned his integrity, I am sorry. However—and I am not making a particular point about him—there has been a slight tendency in the committee

system for information often to reach the press with surprising speed. [*Interruption.*]

Having made the point about Deloitte & Touche, I repeat—although Fergus Ewing must know this—that talks to find a way forward that will recognise the difficulties that exist are continuing. Those talks will, I hope, produce an acceptable solution for all concerned. He ought to welcome the fact that those discussions are continuing, rather than simply ignore them in order to make points.

Marilyn Livingstone (Kirkcaldy) (Lab): Does the First Minister agree that the overriding priority must be to ensure that all those affected have clear information on where we are with outstanding papers? Can he advise me—if he knows—when all outstanding markings and assessments will be completed?

The First Minister: I cannot give Marilyn Livingstone a time scale, because talks are continuing. I understand that today Sam Galbraith met the conveners of the two committees that are involved. I described those discussions as constructive because that was the report that reached me. I know that proposals are on the table. I hope that the matter can be brought to a satisfactory conclusion shortly.

Public Spending

4. Mr Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the First Minister what assessment has been made by the Scottish Executive of the impact of increased public spending. (S1F-588)

The First Minister (Donald Dewar): As Michael McMahon knows, public spending will increase by £1.2 billion, £2.3 billion and £3.4 billion over the three years to 2003-04 cumulatively. That will have a substantial impact on the provision of services in Scotland. That spending has been widely welcomed and is dramatic. Health spending will increase by nearly 15 per cent by 2003-04, justice spending by nearly 13 per cent, transport spending by 45 per cent and education spending by 17 per cent. Those are substantial results, and there will be a multiplier effect, particularly in local government but also in many other areas of employment, which I think will be widely welcomed.

Mr McMahon: I join the First Minister in welcoming the positive impact of the Scottish Executive's spending strategy. Does he agree that the alternative of cutting public services rather than investing in them would cause massive and long-lasting problems for communities and businesses throughout Scotland, but especially in Lanarkshire? Does he agree that there is no place in Scotland for the slashing of public services, and

that employees in the public services in Scotland should also benefit from the Executive's spending strategy to boost their morale?

The First Minister: I certainly agree with Michael McMahon about that. At the moment we are faced with a debate that has a certain air of unreality about it. We have a bid on the table, one might say, and a firm intention and declaration, which will be met. From other parts of the political horizon there come some very strange claims, which do not stand even the most cursory examination. The important point is to get on with the business of improving public services in Scotland, reaching levels of public spending that are higher in real terms than ever before, and ensuring that the quality of life for those who depend on those services is improved.

Andrew Wilson (Central Scotland) (SNP): Will the First Minister confirm that, at the end of the period to which he referred, Labour will be investing a lower proportion of the national wealth in public services than was invested when the Conservatives left office? Is that true, or is that another secret?

The First Minister: I will certainly look very carefully at that. However, I can tell Andrew Wilson that, in real terms, the level of public spending will be higher than ever before. It may be that, as a percentage of gross domestic product, there is another picture, but that is because of the Government's success in expanding GDP.

National Health Service

5. Ben Wallace (North-East Scotland) (Con): To ask the First Minister what specific plans the Scottish Executive has to avert any adverse consequences of winter pressures on the provision of NHS services this winter. (S1F-576)

The First Minister (Donald Dewar): As Ben Wallace knows, after the experiences of last winter a great deal of effort has gone into planning. The winter performance group established by the Scottish Executive reported in August and a winter planning conference was held last month. Most importantly, substantial additional spending of £60 million has been specifically allocated to action that will guard against difficulties in the coming winter.

Ben Wallace: Can the First Minister tell us why the Executive did not inform the flu vaccine industry of the need for an increase in the production of the vaccine until 22 April this year, exactly one month after the appropriate deadline, which may lead to a shortage of supply this winter? Will he therefore give us his personal assurance that he is satisfied that the Executive's measures that are now in place will avoid a repeat of the crisis that we saw last year in the NHS?

The First Minister: I do not blame Ben Wallace for making that point, because there has been much speculation about it in the press. However, I am told that there will be 900,000 doses of flu vaccine available for use in Scotland. That is a 75 per cent increase on the 520,000 doses that were available last year. We are confident that that substantial increase will benefit the population and will guard against a flu epidemic, with all the pressures that it puts on individuals and on hospital services. I hope that that increase will be widely welcomed.

I have a letter from the Scottish Pharmaceutical General Council, whose chairman, George Romanes, writes:

"I was surprised to read the negative coverage which appeared . . . last weekend about the supply of influenza vaccines . . . It is therefore our opinion that most of the hype surrounding the shortage of vaccines is unfounded."

I hope that that is so.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Does the First Minister agree that the

"adverse consequences of winter pressures"

necessitate the local delivery of certain health services such as the consultant-led maternity service that is based at Wick general hospital?

The First Minister: I am not going to be tempted—even by the charm of Jamie Stone—to discuss the immediate future of the maternity unit at Wick, although I am sure that it gives great satisfaction to those who use it.

We are satisfied that standards will generally rise if we invest wisely in the health service. As Mr Stone knows, the Arbutnott committee—the findings of which are being implemented—as well as dealing with some of the problems of areas of high deprivation recognised openly, and in practical ways, the problems of delivering services in rural areas.

There is always a contest and tension between the advice that is received from the medical world about the best way in which to deliver quality services, and the loyalty that a community feels towards an individual hospital. Getting that balance right is not easy.

The Presiding Officer: That concludes First Minister's questions.

Dennis Canavan (Falkirk West): On a point of order. Can the Presiding Officer advise us how the matter that arose in the First Minister's replies to John Swinney and Fergus Ewing can be pursued? The First Minister said that section 23 of the Scotland Act 1998 is a power that has not been invoked. Can you tell us how it can be invoked? Can you, as the Presiding Officer, force the

Executive to release the relevant documents, or would it require action in the Court of Session to force the Executive to obey the law?

The Presiding Officer: At the moment, the papers that were referred to have been requested but not required. Therefore, that is a hypothetical question. Discussions are continuing between ministers and conveners of committees, and I leave the matter in their hands.

Older People (Care)

The Presiding Officer (Sir David Steel): The next item of business is a statement by Susan Deacon on care for older people. There will be questions at the end and no interventions.

15:32

The Minister for Health and Community Care (Susan Deacon): My statement sets out the Executive's plans for the care of older people and its response to the report of the Royal Commission on Long Term Care for the Elderly. I will set out a radical, wide-ranging package of measures that will deliver real improvements to the care of older people in Scotland. First, I shall put those proposals in context.

We live in an aging society. In the past 70 years, the number of over-65s has more than doubled. Between 1995 and 2025, the number of over-80s will increase by 50 per cent and the number of the very old—the over-90s—will double. Already, one in five of us is over 60.

The Labour-Liberal Democrat coalition has put older people at the heart of its agenda for social justice and has reflected that commitment in its policies, legislation and spending plans. We aim to give Scotland's pensioners warm homes, affordable transport and better care. We want to add life to years, not just years to life. We value the contribution of older people and hope to enable all Scots to fulfil their potential right through life.

The First Minister has made clear our commitment to raise the standards of care and to use our resources to deliver the maximum possible benefits to the maximum number of people, especially those in greatest need. Today, we translate that principle into practical effect. In reaching our decisions, we have had specific regard to the royal commission's report on long-term care—by any measure, a milestone in the discussion on the care of older people.

On behalf of the Scottish Executive, I pay tribute to Sir Stewart Sutherland and to the members of the commission for their thorough and sensitive report. I thank also all those who gave their time and energy to submit views and evidence to the commission. From an early stage, we have actively addressed the issue of care for older people and have taken forward many of the royal commission's recommendations.

We agree with the principles of fairness and equity upon which the report is based and are determined to give practical effect to those principles, both now and in the future. We are

determined to address the many, varied and changing needs of older people across Scotland.

The royal commission report made 24 recommendations. I have today published a detailed written response to those, which has been made available to members. We have already taken forward several of the key recommendations.

We will establish a Scottish commission on the regulation of care in a bill that will be introduced by Christmas; we have extended the system for making direct payments to the over-65s; and we have launched a strategy for carers in Scotland. But we want to go further.

First, on joint working, the royal commission report stressed, again and again, the need for far better, clearer, more co-ordinated and more co-operative arrangements between the providers of care—notably the NHS and local authorities—and the independent and voluntary sectors. In recognition of that, last November I established the joint future group, which is chaired by Iain Gray. Many of our proposals build upon that group's work.

Joint working may be desirable in many areas; in the care of the elderly it is essential. Too many people fall through the gaps between different care providers. Too many people suffer as a result of inefficiencies and demarcations. I want today to mark the beginning of the end of those system failures.

Many agencies are already doing good work to deliver care centred on the needs of older people by pooling budgets, co-locating and integrating structures and services. That good practice must stop being the exception and become the rule. We do not believe that imposed structural change or forced integration of NHS and social work services would be in the best interests of those who depend on care or those who deliver it, but we believe that much can, and must, be done to improve dramatically the current state of affairs.

I announce today that by 2002 we expect all community care services for older people to be jointly managed and jointly resourced. We will expect every health board and every local authority in Scotland to put those arrangements in place in the course of the next financial year. We will legislate to remove any remaining obstacles to effective joint service delivery.

We will also work to ensure greater fairness and equity in the provision of care across Scotland. For example, the variation in home care charging across Scotland is vast. In some local authority areas all services are free; others apply a maximum charge, which ranges from £11.50 to £85 per week, while a few charge the full cost of the service. That is patently unfair.

I am pleased that the Convention of Scottish Local Authorities shares that view and is working with local authorities to address that variation. We hope that change can be achieved by agreement, but we will not leave that to chance. I therefore announce our intention to legislate to have, in reserve, the power to issue guidance on charging across Scotland which authorities would have to follow.

I turn now to residential and nursing home care. Of the three quarters of a million Scots aged over 65, the number in long-term care at any one time is around 34,000. As the royal commission notes, one of the greatest worries facing many older people is that of selling a home to pay for care. We will act to reduce that uncertainty and distress.

I therefore announce that we will implement the royal commission's recommendation that, for the first three months following admission to residential care, the value of a person's home will be disregarded from the means test. That will give people time to think about their future after entering residential care and will enhance the possibility of rehabilitation and a return home.

We will also make more local authority loans available so that more people who are in care do not have to sell their house to fund that care. Furthermore, we will increase the capital limits used to assess charges and restore them to their 1996 values, which will bring the upper capital limit to more than £18,000, so that more people can keep more of their capital while in care—and we will do more to enhance security, reduce uncertainty and remove inequities.

We agree with the royal commission's view that the current arrangements whereby nursing care is provided free of charge in a hospital or community setting, but is charged for in nursing homes, is anomalous and neither justified nor defensible. I am pleased to announce that, in future, all nursing care will be provided free, regardless of where the person receives that care. We have set aside resources—£25 million initially—to fund that change and we will legislate for it as soon as possible.

The royal commission also recommended that personal care should be provided free of charge. The main practical effect of that proposal would be to reduce the cost of care for the 7,000 or so Scots in residential care who are self-funding. We agree with the principle of equity that underpins the recommendation, but we also believe that, to make that change at this time, when so many wider needs exist for tens of thousands of older people, would not be right.

We are determined to continue to address inequities and anomalies. For example, we believe that the old distinctions between a medical bath

and a social bath have no place in a modern care system. We recognise that people who have some conditions, such as Alzheimer's disease, require a high level of care, if not specific medical intervention. It is our view that neither the rigid definition of tasks nor the professional demarcation of nursing offers a way forward. Care must be provided on the basis of a person's need, rather than on definitions of what is done or who does it.

In making the move to the provision of universally free nursing care, we will work closely with the nursing profession and others to ensure that the arrangements for assessment and delivery of care are effective and are based on need. I have today asked Anne Jarvie, Scotland's chief nursing officer, to lead that work and to report to me by the end of the year.

Much of our discussion and this statement have focused on residential care. However, as I said at the outset, we are determined to address the needs of all Scotland's older people. Most older people, including many of the very frail, live at home. All the research, and feedback from older people themselves, confirms that, as far as possible, most older people want to stay there. They want to receive care at home—not in homes.

I am therefore announcing today a major investment package in community and home-based care for older people. It will be the biggest such investment and change since the inception of community care. It will maximise the independence, dignity and quality of life of thousands of Scottish pensioners.

It is wrong that an older person should end up in hospital or in a home simply because their carer falls ill. It is also wrong that an older person should end up in a home for lack of a zimmer frame, a raised toilet or a bath aid, and it is wrong that an older person should end up institutionalised, simply because they are no longer able to get out to the local shops.

We want to right those wrongs. Following on from the spending review commitment that Jack McConnell made on 20 September, I announce today new money for local authorities to do just that, by delivering more and better services. There will be additional resources of £30 million next year and £36 million in the following year, and by 2003 an additional £60 million will be allocated to local authorities to deliver a step change in care to older people in Scotland. Those resources will give older people the independence and choice that are currently denied.

That package will be used to deliver rapid response teams in every part of the country, which will provide fast, flexible support to up to 18,000 older people at home, such as pensioners who fall

ill and for whom a short period of help might mean they do not need to go into hospital.

The money will also be used to provide free home care support for those who need it for up to four weeks following discharge from hospital, such as a person recovering from a broken hip. That support will provide extra care at a critical time for at least 15,000 Scots—it will help them to get home from hospital more quickly, and it will actively support their recovery.

There will be 1,000 additional long-term home care packages for those in greatest need, such as people who have had a stroke and who might otherwise have to go into a nursing home. We will provide 22,000 more weeks of respite care to help thousands of older people, their carers and families, many of whom currently receive no help. Every part of the country will have a local service for shopping, laundry and minor household repairs, which will help to preserve precious independence at home for another 10,000 to 15,000 older people.

We will go further. I can also announce that we will release an additional £5 million with immediate effect to provide older people across the country with much-needed equipment and adaptations. That will make a massive impact on the backlog of 10,000 people waiting for equipment.

We will continue to invest to address the tragic situation of the hundreds of older people who languish inappropriately in acute hospital beds for want of the correct care at home or in residential care. This week, we released £10 million extra to local authorities to address delayed discharge. Today, I can confirm that that additional investment will be repeated next year, the year after and the year after that.

We will not leave change to chance. Investment must deliver improvement. That is why we will work hand in hand with Scottish local authorities to deliver change, in a partnership for Scotland's pensioners. We will now enter formal discussions with COSLA to put in place with local authorities across Scotland new partnership agreements for care of the elderly from April 2001. Our joint aim will be to ensure that the additional investment that I have announced today is spent where it is intended to be and delivers the improvements that are needed. In short, we are supplying not cash with strings but cash for results.

Our work does not end there. That is by no means the last word. We are determined to drive forward further improvements for Scotland's older people. The joint futures group's recommendations will go out to consultation shortly, to take forward measures to deliver better joint services and address the gaps and duplication that currently exist in such items as

needs assessments, occupational therapy services and equipment supply. To kick-start that work, £3 million will be made available in this financial year.

The new Scottish commission for the regulation of care, once established, will also contribute to developing policy and thinking on the future of care in Scotland. Later this year, the Health and Community Care Committee will publish its report on community care. That, too, will inform our work. In November we will publish the Scottish health plan. I give a promise now to Scotland's older people that their needs will be at the heart of our proposals.

Today's announcement is a milestone in the drive of this Labour-Liberal Democrat Executive to improve living conditions, quality of life, support and care for older people in Scotland. Wendy Alexander has set out our commitment to the warm deal—to installing central heating free for 70,000 older Scots, making their homes warmer, healthier and safer. Sarah Boyack has set out our plans for a major programme of concessionary bus fares for Scotland's pensioners, enabling older people to have greater independence and quality of life. Today I have set our plans to invest in and to transform the care and support given to Scots in their old age.

Many thousands of older people in Scotland and their families will benefit from these measures. Many thousands of older people in Scotland will be able to lead more active and fulfilling lives. Many thousands of older people in Scotland will get the care that they need, when they need it and where they need it. We want to see people living longer and living independently. That will be living proof of the place of older people at the heart of a modern Scotland.

The Deputy Presiding Officer (Patricia Ferguson): The minister will now take questions on the issues raised in her statement. I intend to allow around 30 minutes for questions, after which we will move on to the next item of business. A large number of members have indicated that they wish to question the minister on her statement this afternoon, so I ask members to keep their questions—and the minister to keep her answers—as concise as possible.

Nicola Sturgeon (Glasgow) (SNP): That might be a challenge for the minister.

I warmly welcome the measures that the minister has announced this afternoon—as far as they go. However, will she confirm that she has turned her back on the central recommendation of the Sutherland report, which is that personal care should be provided free for people who, due to the frailties of old age or because they suffer from illnesses such as dementia, require essential help

with washing, dressing or toilet needs? Furthermore, does she agree that she has denied equity both to the 7,000 people currently paying for care in residential homes who will continue to be means-tested and face the prospect of selling the family home to pay for their own care and to the 25,000 older people currently paying for their own care in their own homes?

We have waited 18 months for a response to the Sutherland report. Will the minister finally acknowledge the overwhelming body of opinion in Scotland and come back to the Parliament quickly with a clearly defined time scale for the full implementation of the Sutherland report, which is what elderly people and the organisations that represent them want? Or is she happy to confirm herself to be a minister in a Government that is quite simply not prepared to listen?

Susan Deacon: It is interesting to see that, although the SNP might have a new health spokesperson, we still have the same old tired approach every time we discuss the real issues and challenges facing Scotland.

Nicola Sturgeon: Answer the question.

Susan Deacon: Does Nicola Sturgeon agree that today's package of measures represent the biggest investment and change in home care ever for older people in Scotland? [MEMBERS: "Answer the question."] Does Nicola Sturgeon agree that free nursing care provided in all settings for Scotland's pensioners will benefit many people and develops fairness and equity in a practical way?

Members: Answer the question.

The Deputy Presiding Officer: Order.

Susan Deacon: Does Nicola Sturgeon agree that the measures introduced today will benefit tens of thousands of older people in Scotland and will make a real difference to their lives?

My statement today makes clear not only the measures that we are introducing both to improve the quality of life for tens of thousands of older people in Scotland and to implement the royal commission report, but the principles and basis on which we have acted. As I said in my statement, 7,000 people will benefit from one specific measure that will be introduced. We have reached a very clear and honest decision about why we have gone down this particular road, and I suggest that Nicola Sturgeon thinks again.

Brian Adam (North-East Scotland) (SNP): On a point of order, Presiding Officer. Given that you asked for brief questions and answers, could you please direct the minister to give some brief answers?

Susan Deacon: If Nicola Sturgeon cares to read

today's statement, she will not only receive the answer to her question, but see the real difference that we are making for older people in Scotland. I have yet to hear what the SNP would do for older people, how the party would pay for its policies and how those policies would make a difference. We are making a difference.

Mary Scanlon (Highlands and Islands) (Con): Like Nicola Sturgeon, I welcome the fact that the minister has addressed issues such as variations in home care charging and disregard of the value of a person's home for the first three months. Furthermore, I welcome the advance notice of the ministerial statement and thank Murdo MacLeod of *Scotland on Sunday* for the opportunity of reading the ministerial statement in advance.

The Sutherland commission was set up because the current long-term care system was not working. I will use that system as a benchmark: 10,000 people are currently waiting for assessment; 10,000 have been assessed and are waiting for care; and the care plan and care needs of many more thousands are totally different because councils cannot afford to provide the services. In the light of those facts, does the minister agree that the figure of 7,000 that she mentioned is grossly misleading?

Many elderly people go into care due to council cuts and end up in blocked beds because councils cannot provide a care package. In many cases, people must wait a year for occupational therapists. At the weekend, I heard that people were waiting nine months for care and repair schemes. I have used that as a benchmark to measure what has been proposed today.

Do the minister's recommendations stand up to challenges under the European convention on human rights? Does the minister agree that personal care falls under the internationally recognised definition of nursing care for the frail and elderly?

Will the minister explain the statement on page 7 of her statement, that free personal care "would not be right"? Why should we discriminate against people with Alzheimer's? Sutherland's second key recommendation was a single budget and a single point of entry. Why is the minister not funding personal care and why has she not accepted the single budget, as recommended by Sutherland?

On the local authority loans, what criteria will be used and how will they be paid back? When the chief nursing officer makes her recommendations to the minister, will she accept them? Will she give a promise to fund the recommendations?

Finally, if the Health and Community Care Committee decides to recommend the funding of personal care from general taxation, will the minister accept the recommendation of that cross-

party committee?

Susan Deacon: I am pleased that Mary Scanlon has welcomed the measures that I announced. It is a pity that her question was a little confused, like the system of care that we inherited from the Tories and are now trying to make better. The answers to many of the questions that Mary Scanlon has raised were in my statement. It is somewhat galling that Opposition members complain about the length of ministerial responses, when they ignore in their pre-written questions and speeches what has been said in the statement. Moreover, many of the problems and weaknesses that Mary Scanlon identified are precisely the problems that our measures are designed to resolve.

Reference was made to the need to invest in local authorities to provide services. I repeat: the package that I have outlined sees a rise in the additional resources allocated to local authorities to look after older people to some £60 million by the third year of the spending review. That sits alongside Jack McConnell's announcement that the local authority settlement this year will see a 10.5 per cent increase above inflation. We are acting; we are making a difference.

Mary Scanlon is wrong in the words that she put into my mouth. Let me repeat what I said in my statement. I said:

"We agree with the principle of equity that underpins the recommendation, but we also believe that, to make the change at this time, when so many wider needs exist for tens of thousands of older people, would not be right."

All that any Government can do—and this is what this Government has done—is to be true to its principles, to be honest about its priorities and to act in the best interests of the people whom it represents. That is what today's statement does.

Nora Radcliffe (Gordon) (LD): Many of the measures that were outlined in the minister's statement are extremely welcome. The minister announced that all nursing care will be provided free of charge and that Scotland's chief nursing officer will report to her by the end of the year on arrangements for assessment and effective care delivery based on need.

I have been taken aback to hear of some of the services that are delivered by home helps, for example, which presumably are not officially classed as nursing care. Will the minister give an assurance that the definition of nursing care will be wide and will include all the elements of care that most people would class as nursing care?

Susan Deacon: I have put in place the work that I announced today under Anne Jarvie, the chief nursing officer, because we want to take forward the implementation of free, universal nursing care in a way that is effective and that

assesses need effectively. Much of what I announced is about removing barriers and demarcations in the provision of care. The last thing that we want to do is to introduce new barriers or new demarcations in extending the delivery of care to people across Scotland.

We also want to ensure that people with all conditions—including conditions such as Alzheimer's disease that affect the mind as well as the body—are considered properly in the work that will be done. I will not pre-empt the outcome of that work, because we want it to be performed jointly with the nursing profession and others who have an interest, but I believe that the principles I outlined, and the mechanisms that we are putting in place to progress it, will give us an outcome that is effective and demonstrably fair.

The Deputy Presiding Officer: Before I call the next speaker, I ask members to try to ask single rather than multiple questions. That would help us to get through the questions more quickly.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I welcome the fact that older people have been made such a priority by the Executive.

How many older people will benefit from the package? Following on from Nora Radcliffe's question, I welcome the fact that nursing care will not be defined in terms of who does the job. However, will the minister say anything further about how the needs of people with dementia will be taken into account?

Susan Deacon: In addition to my statement, a detailed written response is being produced today. Members can find further information in that response on some of the issues that have been raised.

It has been on our minds, not only in the development of today's announcement, but in our work on health and community care in the past year, that we must work to extend, improve and develop services for dementia sufferers. We are giving additional support to the centre for dementia services in Scotland. The director of that centre sits on an NHS modernisation board. As I said earlier, the needs of older people—including dementia sufferers—will be at the heart of our Scottish health plan.

In addition to the work that will be done on the definition of nursing care, I hope that, across our work in the NHS and our community care policy, further and tangible improvements will be made in the months and years ahead. I look forward to working with the groups that are active in this area.

Shona Robison (North-East Scotland) (SNP): We welcome any restoration of the 30,000 home-care hours that have been cut by the Labour

Government since 1998 and the fact that the cuts that led to a disgraceful 10,000-person waiting list for aids and adaptations are to be addressed. However, does the minister agree that the announcement will neither end the disgrace of elderly people having to sell their homes or use their savings for their care, nor help the 25,000 or more people who have to pay for personal care in their homes?

Further to Nora Radcliffe's question, will the minister clarify whether nursing-type duties that are carried out in the person's home—not in residential care, which the minister talked about in her statement—such as the changing of a catheter or the giving of medication by a home help will be carried out free of charge or will they continue to be charged for?

If the Health and Community Care Committee comes out in favour of full implementation of the Sutherland report, will the minister ignore the months of work that that committee has done or will she respond with a time scale for full implementation?

Susan Deacon: Many of the measures that I outlined today will address precisely the sort of issues that Shona Robison has raised. People will be supported with home-care services in their home by the granting of a free four-week period to all older people who are assessed as needing it when they return home and by examination of the charging arrangements for home care across Scotland. Those are practical measures.

I will not prejudice the outcome of the Health and Community Care Committee's inquiry. That would be wrong, and I have made clear that we will consider the committee's findings carefully. I have also made clear the basis on which we have made the policy and spending decisions in my statement today.

It is dishonest for members to promise the world without saying how they would deliver and pay for it; they promise everything and deliver nothing. Once again, I am saddened that the SNP tells us it will do things that we know it cannot do, and makes promises that cannot be kept. I am not prepared to do that to Scotland's older people.

Mrs Margaret Smith (Edinburgh West) (LD): Like many other members, I welcome thoroughly the vast majority of what the minister has said, with one obvious exception. We have heard some good things, for example about the doubling of the money that we will put into community care consequentially. What the minister said today will make a real difference to tens of thousands of old people.

I welcome a move towards joint working by 2002—that is ambitious—and I look forward to hearing how the minister, the Convention of

Scottish Local Authorities and others will develop that proposal.

The minister said that we will legislate as necessary to remove any remaining obstacles to effective joint service delivery. Does the minister agree with me—and with the overwhelming number of councils, health boards and others from whom we have taken evidence—that having different charging systems for health and social work is an obstacle? Will she give a commitment to revisit that issue, especially with regard to charges for personal care in people's homes? I take on board the good things that the minister said today about tackling some of those matters.

Will the minister give a commitment to reconsidering charges for personal care in people's homes if COSLA tells the minister that charging differently for health services and social care services at home is too great an obstacle to delivering the joint working that she, I and everybody else in the chamber wants?

Susan Deacon: Margaret Smith is right to highlight the many anomalies and inequities that exist in the current system, and I am determined for us to work hard to remove them. She is also right to say that our programme is ambitious, but that is as it ought to be.

The work on home care charging—both the work that was undertaken by COSLA and that which we were involved in—addresses not only the levels of charging, but the way in which assessments are undertaken. All that work will go some way towards addressing the concerns that Margaret Smith raises.

There are many good examples in Scotland from which to learn and on which to build. For example, there is the Government-funded pilot project in Perth and Kinross, which has contributed to delivering a fully integrated service. Health boards and local authorities in many parts of the country are taking significant and frequently innovative steps to achieve effective integration. The work of the joint futures group has involved looking closely at how that has developed across the country. We will accelerate that work in the light of today's announcement, to ensure that effective joint working becomes a reality throughout Scotland as soon as possible.

Maureen Macmillan (Highlands and Islands) (Lab): In remote rural areas, it is extremely expensive to deliver care in the community. When the money for the proposals is disbursed, will the minister take special cognisance of the difficulties of delivering care in the community in rural areas?

Susan Deacon: The specific care in the community needs of rural areas are under discussion in relation to the formula that is applied to local authorities.

I want to make a wider point: we have made a clear commitment to give older people greater independence, and to give them the choice of remaining at home when they want to do so. That is important for older people in any part of Scotland, but it is particularly significant for rural areas, because the transfer into care or into a home can often involve a move of many miles, away from friends, family and community. I hope that the impact of the changes that we are introducing will be particularly tangible and beneficial for older people in rural areas.

Ben Wallace (North-East Scotland) (Con): It is unfair for the minister to attack the Opposition parties for promising everything without showing how they will pay for it. If she had attended last week's debate, she would know that we all proposed different ways of doing that. Now that the minister has abandoned the provision of personal care as described in the Sutherland report, will she confirm that, under her nursing care proposals, a person will not receive assistance with the management of problems associated with mobility, washing, bathing or dressing unless he or she pays for it?

Does the minister accept that the abandonment of the principle of providing free personal care means that she is punishing unfairly all those who have saved and contributed to pensions during their lifetimes? I would like specific answers, but I know the minister finds them hard to come by. How much of the additional £30 million she announced for this year is new to the moneys announced in the spending review in July? Is the £5 million that will be released this week part of the £30 million, or does it come from the NHS modernisation fund that was announced years ago?

Susan Deacon: I did not think that I was such a shrinking violet that Ben Wallace would not have noticed me during last week's debate. I assure him that I was here and that I listened very carefully. I am pleased that the measures we have announced today act on many of the points that were raised during that debate.

The resources that I announced today have not previously been announced. The £5 million that was announced today for aids and adaptations was not previously announced. We looked into our budget to see whether we could identify additional money that was available now to make an impact on the backlog of requirements for aids and adaptations. The additional money that I have announced for local authorities sits alongside, and is part of, the overall package of measures that Jack McConnell announced in his spending review plans. The resources are real and additional, and will deliver real results. I hope that we can move on a wee bit in the Parliament and—instead of the

dancing on the head of a pin that goes on—recognise that what has been announced today is radical, right and will deliver results.

Irene Oldfather (Cunninghame South) (Lab):

The minister's statement will have an impact on staffing levels. What plans does she have for ensuring the availability of a pool of appropriately trained staff to implement the reforms that she has outlined today?

Susan Deacon: Irene Oldfather is right to highlight the fact that the changes and investment that we make in health and community care must centre on the people who deliver that care. Much of the wider work that is being progressed in health and social care is about investing in the work force, not just by employing and training more people, but by giving staff the skills and training that they need.

It will of course be for local authorities to determine the staffing that will be required, but other relevant work is also being done in the Executive and the NHS. For example, work on the public health nursing function will consider the work of health visitors and the role of district nurses. I hope that we can join up our thinking and actions to consider those services not as separate categories, as happened in the past, but from the point of view of the person who is receiving the care. The recipient does not care which service delivers the care, so long as it is the right care, in the right place, at the right time and of high quality. That is our goal.

Tommy Sheridan (Glasgow) (SSP): The minister has made some welcome announcements today. I have a personal interest—I hope that my grandmother in Govan, who is 84 and has been waiting for six months for a shower to be installed in her home, may now get that shower as a result of the extra money that has been announced. If she does not, I will let the minister know.

The minister said that she, and the Executive, believes in equity. She went on to say that it is not yet the right time to implement an equitable system when it comes to paying for personal care. Is the minister saying that she cannot afford to do so? Is that why she is not implementing in full the recommendations of the Sutherland report?

The poverty audit that was released last week by Alistair Darling said that 100,000 more pensioners are in poverty now than were in 1997, when Labour came to power. Does the minister accept that that finding is a result of the means testing of pensioners? The minister's proposals will continue a means-testing system that has been discredited.

Susan Deacon: The Sutherland report did not advocate the abolition of the means test. The

means test, under the proposals, will continue, but there are recommendations for it to be applied more equitably and fairly. We are taking that forward.

We have said that the specific recommendation on personal care would not be the right use of resources at this time, given the levels of need across Scotland. The changes that we have made will benefit tens of thousands of pensioners. I hope that, in the months and years to come, those changes will benefit not only Tommy Sheridan's granny in Govan, but my mum in Musselburgh, and the aunties and uncles, grannies and granddads, and mums and dads that we, and the people who depend on us, all have.

The Deputy Presiding Officer: We are moving to the final five minutes for this item, so I ask members to keep their questions brief.

Christine Grahame (South of Scotland) (SNP): It looks as though my member's bill on dementia and personal care will have to continue—with cross-party support, I hope.

I want to be constructive. The minister talked about independence and choice, and there is much in her speech to be commended. As she is aware, during the past four years of new Labour, the percentage of the over-75s who are being helped to live at home has decreased by one sixth to just under 13 per cent. That is not a good record. Day care centres play a central role in sustaining older people at home and in their community, yet they struggle to get funding from local authorities and—for goodness' sake—from the lottery. Can the minister reconcile, on the one hand, a laudable commitment to give priority to maintaining the elderly in their homes, with, on the other hand, no commitment to require local authorities to provide day care centres and no commitment to funding them?

Susan Deacon: The whole essence of the partnership with local government that I set out today is that we are making a step change not just in the services that are delivered, but in the way that central Government works with local authorities and the way that local authorities work with the national health service. That change will ensure that we do not just keep measuring inputs to different areas, but that we get better at agreeing the outputs—the results that are required.

I know that Christine Grahame takes a keen interest in this subject, and she will know that the needs of a local population vary greatly and must be determined at a local level. Putting in place joint working arrangements, as we have done today, and putting in place the additional funding that I announced today, will make it all the more possible for all the providers of care—not only

statutory agencies, but voluntary bodies—to work together to meet needs at a local level. It will be all the more possible to be true to a promise that has often been given in the past but has never yet been delivered on—to shift the balance of care back into people's homes.

Dr Richard Simpson (Ochil) (Lab): I counted eight elements in the package—clearly, the Executive has had to make some hard choices. As the funds are not available to implement the Sutherland report recommendations on free personal care and the minister announced today that the chief nursing officer will undertake work on a definition of free nursing care, will the minister publish the remit for that work? Will she also ensure that the resulting free care element does not discriminate against mentally ill patients, wherever that care is delivered? I am thinking about people who have a severe and enduring mental illness, dementia of all types including Alzheimer's, learning disabilities, and the terminally ill. If the minister could give us that reassurance, it would move us significantly towards the equity and fairness to which the Executive stated last week it is committed.

Susan Deacon: I am happy to reassure Richard Simpson that the work that is being done by the chief nursing officer, and other work that is being done right across health and community care, will continue to ensure that those who are mentally ill are given the services, the attention and the recognition that they deserve. The remit for the chief nursing officer's work has not yet been set, but I will be happy to publish it when it is. I will also be happy to publish the outcomes of that work.

I want to correct the point that Richard Simpson made at the beginning of his question. It is not the case that the Executive has not made funds available today; the Executive has made the same—arguably, more—funds available today as would be required simply to introduce all the recommendations of the royal commission report. We have exercised choices about the most effective way of using those resources to deliver maximum benefit to the maximum number of people across Scotland.

The Deputy Presiding Officer: Eight members still wish to speak. However, the debate has overrun by five minutes and we must move to the next item of business.

Criminal Justice and Court Services Bill

16:20

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): One of the Executive's key aims is to create a Scotland where people feel safer and are safer. There can be little doubt that sex offences are among the crimes that cause greatest damage and fear, not least among parents and women. The Executive is committed to protecting the public from the risk that is posed by sex offenders and to reducing the fear that such offenders cause people.

The proposals that are covered by my motion are measures to strengthen current legislation on the registration of sex offenders. Members have been provided with a detailed background to the measures through letters that I sent out on 20 September and 28 September and a memorandum that was prepared by the Scottish Executive.

The Executive has been considering how to proceed in Scotland, given the legislative proposals that have been introduced at Westminster. We recommend to the Scottish Parliament that the relevant provisions on the registration of sex offenders that are currently being considered at Westminster should be extended to include Scotland. The motion has been lodged—under the Sewel convention—to invite Parliament to agree to that approach.

The aim of the registration system is to provide the police with up-to-date information on the whereabouts of sex offenders, which will allow better assessment and management of the risk that such offenders pose to the public. It has been widely recognised that there are weaknesses in the registration system and the Home Office and the Scottish Executive have long planned to review the Sex Offenders Act 1997 to address those weaknesses. The start of the joint review was announced in June.

The review will build on research on the operation of the act in England and Wales, which was published in August, and on the work that has been done in Scotland by the expert panel on sex offending that was chaired by Lady Cosgrove. Following extensive consultation on the experience of police in Scotland on the operation of the act, a sub-group of the expert panel—under Chief Constable John Orr—has produced recommendations for changes in the registration system. The group's provisional report has been made available to assist the Home Office joint review group and the report is being considered as

part of that work.

The measures that we want to introduce address a number of the weaknesses that were identified by the sub-group under Chief Constable Orr and which were identified in the work done in the joint review by the Home Office. The proposals are: to require initial registration by sex offenders in person within 72 hours; to provide powers for the police to fingerprint and photograph offenders on registration; to increase the maximum penalty for failure to register from six months to five years; to give ministers the powers to make regulations restricting the police stations at which offenders are able to register; to give ministers the power to make regulations requiring sex offenders to notify the police when travelling abroad; and to give ministers the power to make regulations requiring notification to the police of when sex offenders are released from custody.

Those specific measures address many of the shortcomings in the current registration system, which have already been identified, in particular by the police. In addition, there will be regulations to require notification to the police to ensure that they are aware of all registrable offenders who are leaving custody—prison, hospital or youth custody. Currently, that is not always the case, particularly for patients who are discharged from hospital, where complications can arise from the need for patient confidentiality. I should emphasise that, although the motion seeks to make those changes through legislation at Westminster, in Scotland, the powers to which I have referred will be exercisable by Scottish ministers and the regulations will be subject to approval by the Scottish Parliament.

We have identified several other weaknesses that need to be addressed, such as the range of offences that are covered by the Sex Offenders Act 1997 and the registration of those who have been convicted abroad of sex offences. Those require further consideration as do other proposals, such as making the requirement to register fully retrospective. As I have said, we will take that forward with the Home Office in the joint review of the Sex Offenders Act 1997, with a view to producing proposals next spring.

In the meantime, we believe that the proposals represent a significant improvement in the current regime for registration of sex offenders. They introduce measures to address several weaknesses in the system that have been identified, without waiting for the outcome of the rest of the work.

In addition to supporting the proposals on their merits, we believe that it is vital to maintain a common registration regime on either side of the border, to avoid any potential loopholes in enforcement. We must ensure that there is no

incentive for sex offenders to move to a particular jurisdiction, for example, because the penalty there is lighter. There would also be particular difficulties if there were a requirement to notify the police when travelling abroad from England and Wales, but not from Scotland.

Our joint review of the act with the Home Office is intended to maintain commonality. It is clear that the proposed measures concern devolved matters and are therefore within the legislative competence of this Parliament. Normally, the Executive would look to introduce suitable legislation here. However, on this occasion we believe that the best route to follow is to extend the provisions that are being tabled at Westminster to cover Scotland.

We believe that the provisions to strengthen the registration system in Scotland should be introduced as soon as possible and that we should keep a common system of registration throughout the United Kingdom, as exists at present. Given the substantive legislative programme that the First Minister announced last month, it would be difficult to introduce the necessary legislation to Parliament before April. That would result in the provisions being enacted in Scotland nine months or even a year after similar legislation had been enacted for England and Wales. That is an unacceptably long time to have a less effective registration regime in Scotland, and in which to operate with differences that have the potential implications that I mentioned. Therefore, we believe that the best way to proceed is to extend the planned amendments to the Criminal Justice and Court Services Bill at Westminster to cover Scotland.

I should add that a number of measures are being introduced by the Home Secretary that we do not propose to introduce in Scotland at the moment. They are: a statutory duty on chief constables and probation services to work together on risk assessment and management; a power for ministers to issue guidance on such arrangements and on the publication of information to the public about them; a duty to consult and inform victims of the release arrangements and conditions relating to violent and sexual offenders; and a power for the court to make an order—at the time of sentencing—which would place restrictions on more serious sex offenders and take effect from an offender's release from custody.

We intend to consider the proposals in the context of other work that is on-going in Scotland, particularly Lord MacLean's committee on serious violent and sexual offenders—his report is currently subject to consultation—and the expert panel, to which I have referred. I have mentioned our intention to publish our proposals in light of

consultation early next year, with a view to further legislation as soon as is practicable thereafter. Lady Cosgrove's expert panel is considering monitoring and supervision, information issues, accommodation, risk assessment and management and intervention programmes. That panel is due to report next spring and its recommendations are expected to be wide ranging and comprehensive.

Before I conclude, I would like to take this opportunity to record that the Executive is firmly of the view that there should be no general right of access to the sex offenders register. In our view, a general right would not assist in the protection of children or public safety, because such a right would be likely to result in dangerous sex offenders failing to register and the police losing track of their whereabouts. We have already seen the risk of vigilante action. Our view is supported by the MacLean committee, which examined a range of models of community notification in other countries. That committee concluded that the adoption of widespread public notification would not enhance public safety.

As I have said, we believe that the Home Secretary's proposed measures strengthen the registration of sex offenders and that they should be extended to Scotland. We believe that the measures should be enacted in Scotland as soon as possible and that the best way of achieving that is to extend the current provisions at Westminster to Scotland. We believe also that the best way to progress the other measures is to consider them with the outcome of other continuing work.

I move,

That the Parliament notes that changes to the current registrations scheme for the registering of sex offenders under the Sex Offenders Act 1997 are proposed in amendments in the Criminal Justice and Court Services Bill currently before the UK Parliament; recognises the practical importance of consistency across the United Kingdom, and agrees that provisions to achieve these ends should be considered in the Bill by the UK Parliament.

16:28

Roseanna Cunningham (Perth) (SNP): Presiding Officer, you will have noted that I was putting a line through certain sections of my speech so that I would finish it in on time.

I start by placing on record again my concern at the frequency with which the mechanism of a Sewel motion is being employed in Parliament. At the time of the debates over the then Scotland Bill, one clause stood out as representing a matter of concern—that was the catch-all clause that allowed Westminster to go on legislating for Scotland, even on devolved matters. Of course, we were continually reassured that that power was intended to be used very rarely indeed. The First

Minister—then the Secretary of State for Scotland—said on 28 January 1998:

“there is a possibility . . . of the United Kingdom Parliament legislating across those areas, but it is not one which we anticipate or expect.”

Since the turn of the year, in the justice remit alone, there have been three such rubber-stamping exercises, which have been dubbed Sewel motions. That figure suggests to me that such motions are becoming—and again I quote the then Secretary of State for Scotland—

“a practical part of the daily passage of politics . . . in this country.”—[*Official Report, House of Commons*, 28 January 1998, Vol 305, c 402-403.]

That is a suggestion to which the First Minister has strongly objected.

The Executive memorandum on the Sexual Offences (Amendment) Bill stated:

“It would remain open to the Scottish Parliament if it so wished to amend or repeal in the future any Scottish provisions enacted by the passage of the Bill.”

That was missing from the memorandum on the Regulation of Investigatory Powers Bill and I note that it is absent from the memorandum that we received in advance of today's debate.

No matter how important the topic, or how valid the reasons for opting for a Sewel motion, we are abdicating our responsibility to the Parliament if we fail to assert our present and future legislative competence over the policy area in which we are allowing Westminster to legislate in our stead, purely for reasons of practical expediency.

The new convener of the Justice and Home Affairs Committee pointed out to me that a drawback of Sewel motions is that they are much less likely to be subject to the kind of committee scrutiny that the Parliament has prided itself upon. In this case, of course, there is some practical expediency to be gained by invoking the procedure—that is why the Scottish National Party is not opposing the motion.

However, the arguments that have been made for a common approach to sex offenders throughout jurisdictions within the UK are strong, although it might be argued that, logically, we should extend the cross-jurisdiction approach further than the remainder of the UK. There is no doubt that it is an issue on which international co-operation is required and that that would receive support. I note in passing however, that neither the Irish, with whom we share a border, nor the French, with whom we have a direct link through the channel tunnel, are allowing Westminster to legislate on their behalf.

Having said that, the SNP fully supports legislation to increase the safety of children and we have argued for the sort of improvements that

are before us today. I note in particular that the minister intends to consider further the proposed new restriction order that will be made on conviction. I hope that that process addresses the issue of introducing lifetime supervision of serial sexual offenders. If a repeated pattern of sexual offending exists, it is unlikely that there will ever come a time when that pattern will not need to be controlled. If serial sexual offenders are to live within our communities, we need a mechanism in place that will ensure that they are under supervision for as long as they are at liberty; the SNP has called repeatedly for such a mechanism to be put in place. I hope that the Executive is at least considering that.

Tragic cases such as that of Scott Simpson, who was murdered by a man who was seven months into a nine-month supervision order, show that we cannot simply depend on supervision orders, however long they are in place. Much more must be done to address offenders' behaviour while they are in prison. There is little point in imposing prison sentences and supervision orders if no steps are taken to tackle the offending behaviour in the first place. Until the resources and programmes are put in place to do that, the motion—and any other proposals about registers, supervision orders and so on—will be nothing but sticking-plaster solutions.

I know that the minister will want to see progress made on that in future and I look forward to him responding positively to my suggestions.

16:33

Mrs Lyndsay McIntosh (Central Scotland) (Con): I support the measures that are designed to tackle crime. I appreciate that some members might wish that the legislation were handled here in Scotland, but that is for another debate. Today, the Scottish Conservatives lend their support to the Executive. We want to see effective proposals turned into effective legislation as soon as possible and we are happy to do our part to speed up the process.

Events during the late spring and summer concentrated much attention on campaigns for a Sarah's law. The Sex Offenders Act 1997 and the shortcomings of the sex offenders register hit the headlines for the worst possible reasons. Parents, whose concern is perfectly understandable, must be reassured. We are not in the business of providing havens for paedophiles. We want to keep an eye on them and, hopefully, prevent them re-offending. The key is in keeping track of them. I hope that the minister will look favourably on developments in electronic tagging. Perhaps he will comment on that later.

The Conservatives will support measures that

increase penalties for failure to register. We welcome the proposed reduction in time for initial registration and the stiffer regulations regarding the police stations where some offenders are able to report.

Current proposals do not include provisions whereby sex offenders who plan to travel abroad are required to provide their residential addresses while they are abroad and details of their points of entry and re-entry. Many Scots would be happier if those proposals were included. Will the minister comment on that?

The minister can be assured that we wish the measures good speed and that the Conservatives will do what we can to assist.

16:35

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): At the end of Jim Wallace's recent letter to all MSPs, he stated:

"There is no one solution, and certainly no easy solution, to the risks posed by the presence of sex offenders in the community".

There is also no easy solution to people's fear of sex offenders being placed in the community, as I know from my constituency.

When I returned from my holiday, I discovered that a house in Cumnock had been attacked by a group of local people who had the wrong information. They believed that a sex offender was to be relocated in their community, courtesy of misleading third-hand information, which originated in the *News of the World*. I want to pay tribute to the local newspaper, the *Cumnock Chronicle*, which reported that story responsibly. Instead of trying to scandalise or to highlight problems, the *Cumnock Chronicle* took the responsible attitude and tried to calm the situation. The paper reinforced the point that the information was wrong and resolved the problem.

People who have been abused or who have been subjected to sex offences want the legislation to be changed and improved. They are less concerned about who changes that legislation and the technicalities of how it goes through Westminster or the Scottish Parliament. They want action to be taken to make life better for people who have suffered. We must reassure them that children and women will be safe to go about their daily business in our communities.

I recognise that a number of contentious areas remain, but the Executive is well on the way to addressing them. For example, the issue of whether someone who is accused of rape or sexual offences should have their anonymity protected until there is a conviction remains contentious, not least because of the distress that

that can cause their family.

However, I refute totally the idea that is circulated by some people, that women and children make false rape allegations regularly. They are more likely to keep quiet because they have no confidence that they will be believed or that the system will offer them justice or support.

I welcome the Executive's commitment, given elsewhere, that it will consider legislating to outlaw the practice of cross-examination of victims in rape cases by the alleged accused. I also welcome the additional support that is being made available to victims and that the Executive is undertaking to give victims information on release dates voluntarily. I know that young people who have been subjected to abuse welcome the knowledge that they will not have to be surprised by meeting their abuser in the street without being given advance warning that that person was about to be released.

There are also tensions about the proposal for a register of people who are not fit to work with young people because of suspicions that they might have abused young people. Every report that has been written on child abuse in care has highlighted that issue. Every investigation into such scandals has highlighted the problem of everybody having suspicions somewhere down the line, but no one having enough information to convict the person who was suspected of abuse. Despite the human rights difficulties that are associated with the matter, we must remember that the rights of children are paramount in such situations. We must grapple with the difficulties of getting the balance right.

I realise that my speech has run over time and I conclude by reminding members of the last sentence in Jim Wallace's letter. He said that

"the steps we are taking across the UK and more particularly in Scotland"

give us the opportunity to review the legislation, to get it right and to safeguard

"our communities, and especially our children".

The debate also gives me an opportunity to give a timely reminder: most young people who are victims of abuse are abused in their homes by people whom they know well. We must continue to address that matter sensitively.

The Deputy Presiding Officer (Mr George Reid): We move to the open part of the debate. So far, I have been notified of three members who wish to speak. They will each have about three minutes.

16:39

Kay Ullrich (West of Scotland) (SNP): As someone who was a criminal justice social worker in a previous life, as we say, I am sure that the measures announced today on the tightening of registration requirements and on the increase in the penalty for failure to register will be welcomed by many of those involved in that area of criminal justice work. We must acknowledge the devious nature of many sexual offenders. Their ability to lose themselves is a real concern, as is their ability to find accommodation and employment that give them access to often vulnerable children and families.

I will highlight a couple of areas that illustrate the need for the Scottish Parliament to take a distinctive approach to addressing the problems that exist in Scotland. The first is the importance of accurate risk assessment. There has undoubtedly been great improvement in information sharing between social workers and the police. However, there remains a problem when a social worker is preparing the risk assessment report in terms of that social worker getting access to information held by the procurator fiscal and the police. Will the minister take steps to ensure that criminal justice social workers get access to the complaint or indictment, rather than to the sanitised versions that they currently receive, many of which I accept as having been plea-bargained down?

The second issue concerns the current unsatisfactory situation with regard to the disclosure of sexual offences to employment services. Cathy Jamieson mentioned the problem of human rights but, at present, disclosure can be made only if the offender consents to that disclosure. If we are serious about the protection of children, surely the need to place employment restrictions on potentially dangerous individuals must be paramount. Will the minister consider the situation again and allow criminal justice social workers to pass on that information regardless of permission being given by the offender?

I praise the work being undertaken based on the 1997 document, "A Commitment to Protect". Many local authorities are following those guidelines on behavioural change work with sexual offenders. That requires, among other things, that two social workers, preferably one of each sex, work together with a single offender, and that they employ more intrusive measures of surveillance. They have to do that within their current budget allocation and without additional resources.

I am sure that everyone in this chamber is anxious to address fully all the issues related to sexual offenders. Will the minister therefore ensure that local authorities have sufficient funding to allow criminal justice social workers to carry out their duties and responsibilities to ensure the

highest possible level of child and victim protection?

16:42

Euan Robson (Roxburgh and Berwickshire) (LD): I record my party's support for the motion. The six Scottish measures in the Westminster bill seem to be practical and technical in nature, rather than matters of great principle, but perhaps the minister can say whether the powers for Scottish ministers to make regulations will be by the affirmative order process.

We think that the measures will improve powers to monitor offenders. When one reads the measures, that is self-explanatory. We accept that a common UK approach is thoroughly desirable in this area. Given that a specific Scottish bill would involve a longer lead time of at least nine months, and perhaps longer, there is an overwhelming case for this Sewel motion procedure. That case is well made, because the public would not accept delay in this highly sensitive area.

16:43

Marilyn Livingstone (Kirkcaldy) (Lab): The key issue in this debate is how we can provide a safe environment for our children and for the most vulnerable people in our society. Consistency across the UK for the sex offenders register is only one issue. The Sewel motion before us today will allow us that coherence and consistency across borders. It is crucial to extend the proposed Westminster legislation to ensure that the six necessary amendments are brought forward in Scotland through the Criminal Justice and Court Services Bill.

It is vital that we maintain a common register regime on either side of the border to avoid legal complications in enforcement, and to ensure that no incentive is provided for sex offenders to move to another jurisdiction because the penalties are lighter in that area. We have taken a similar view with our drug enforcement strategy, and that is the right way to progress. Where we consider the legislation is a technicality.

As many speakers have said, we must consider the issue in a wider context, and I welcome the Executive's policy developments. I particularly welcome the report by the expert panel on sex offending and serious and violent offenders and the publication of the revised guidance for local authorities. The work with police and social workers in that operation is to be welcomed. That work has been alluded to by various members.

It is equally important that we unpack all the strands in this complex area and find out how our community as a whole is affected. The work that is being undertaken by the cross-party working

groups, which are considering related issues, must be welcomed. I am the chair of the cross-party working group that is considering the support for those who have survived serious sexual assault. I take this opportunity to thank all those in the Parliament and the kingdom abuse survivors project for their continuing work on this issue.

Like other members, I have heard of the effect that sexual abuse can have on the family and the whole community. There is no single solution, but this motion takes us a vital part of the way down that road.

16:45

Mr Gil Paterson (Central Scotland) (SNP): I have a question for the minister, relating to the point that Lyndsay McIntosh made. I understand that no provision will be made in the UK legislation on sexual offenders for the registration of residential addresses while those people are abroad or elsewhere in the country. An amendment to the bill may be lodged in the House of Lords, but that may not be agreed to. Can the minister comment on that, and will he assure us that such a provision will be made in the Scottish legislation?

Mr Jim Wallace: The United Kingdom Government has undertaken to consider a proposed amendment in the House of Lords, on ports of entry in countries of destination. The amendment was lodged this week, at the committee stage of the bill in the House of Lords, and the Government is considering whether the amendment can be made practical. Further work on the amendment will be required, but the Government has undertaken to consider that proposal.

The Deputy Presiding Officer: As that speech was so brief, Margo MacDonald can have two minutes in which to speak.

16:47

Ms Margo MacDonald (Lothians) (SNP): I take up a point that was made by Marilyn Livingstone. I am sorry that she is not in the chamber now, as I would hate it to go unremarked. Although adopting this legislation may, as Roseanna Cunningham has pointed out, be entirely effective, fair and reasonable, that should not set a precedent for this Parliament. Marilyn Livingstone referred to our drug enforcement strategy and said that there should be a commonality of drug enforcement law on either side of the border. Many of us disagree with that for profound reasons, which I cannot go into now. I want it to be noted that the fact that we agree to the effectiveness of what is being proposed should not be taken as an endorsement of that principle.

The Deputy Presiding Officer: We move to wind-up speeches. This has been a tight debate, so the wind-up speeches will last two minutes, two minutes, three minutes and four minutes respectively. I call Malcolm Chisholm to close for the Labour party.

16:48

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I thank the Presiding Officer for informing me that I am closing the debate for the Labour party. I am pleased to do so.

Clearly, there are occasions on which Sewel motions are appropriate, and I am pleased that all parties have accepted that this is such an occasion. It is important that these new laws get on to the statute book as quickly as possible. Given the Parliament's extensive agenda—especially the tight agenda that the Justice and Home Affairs Committee has—this is the correct course of action to take.

The point that I want to make—on which I am sure that all members will agree, although it has not been highlighted in today's debate—is that, while we concentrate on changing the laws to deal with sex offenders, we must keep a wider perspective of who the majority of sex offenders are. We have all encountered that issue over the summer, in the various popular campaigns on the matter. There is clearly a problem with keeping such people in the community; however, we all know that the majority of sexual abuse takes place within families. When we pass the new legislation, we should keep that fact in focus.

Yesterday, at the cross-party group on violence against women, a presentation was given by the very important person project in Dundee, which highlighted that fact and the importance of educating children about sexual abuse. As long as we keep that perspective, we can welcome the new legislative proposals that have been brought forward and hope that they can be passed into law as soon as possible.

16:50

McIntosh, Mrs Lyndsay (Central Scotland) (Con): I am sorry that I am not going to add anything new to this debate.

I welcome Jim Wallace's response to Gil Paterson on the matters that are before the House of Lords. It was discussing those matters late last night, or early this morning, and I appreciate that it might have been difficult for him to keep up to date.

I reiterate the Conservatives' support for what this Parliament is trying to do. I hope that it comes about soon. We cannot afford to wait any longer.

The Deputy Presiding Officer: That took 27 seconds, so let us see if Michael Matheson can manage four minutes.

16:50

Michael Matheson (Central Scotland) (SNP): There might be a need for some filibustering. It is good to see everyone that I have not seen for some time. Jim Wallace might have to speak slowly when he winds up.

There is no major disagreement between the parties on this serious issue about the need to improve provisions for dealing with sexual offenders via legislation here in Scotland. We have a responsibility, as a Parliament, to ensure that in Scotland we provide sufficient safeguards for children and women against those who commit sexual offences.

As Roseanna Cunningham said, we should not fall into the trap of thinking that we must follow suit whenever laws on this matter are changed in England. We have a responsibility to provide suitable safeguards, but we also have a responsibility to legislate in a manner that is appropriate to the needs of Scotland. Roseanna Cunningham talked about cross-border, transnational traffic of such offenders. We must take that issue seriously in relation to sexual offenders coming into Scotland from other countries. This Parliament should be prepared, when necessary, to work on an international basis to address those matters.

In her speech, Kay Ullrich drew on her considerable professional experience in this matter. She highlighted several issues that must be considered, not necessarily through legislation but in relation to how the system now works. One such issue is the transfer of information between social work, the procurator fiscal and the police. There is insufficient time for social workers to complete their social inquiry reports because of pressures on the court. The social worker will often be given only two to three weeks to complete a detailed social inquiry report. The evaluation of work that has been undertaken with offenders should also be improved. Another issue that Kay Ullrich highlighted was that of disclosure of information to employment services. If we tackle those issues through legislation, we must ensure that it is comprehensive and there are no loopholes.

Although legislation is important, it is also essential that we provide the necessary resources for the appropriate services so that the legislation can be responsibly implemented. We must achieve a balance between the need to have statutory provision to deal with those who have committed an offence and the need to address

offending behaviour. If we do not break the cycle of those who are repeat offenders, we can legislate for as long as we like but the crimes will continue to happen. Roseanna Cunningham highlighted that point.

When Jim Wallace sums up, I hope that he will address the need to achieve that balance and consider the possibility of introducing a measure such as lifetime supervision for repeat offenders so that we address the possibility of someone committing an offence in the future.

16:54

Mr Jim Wallace: I thank members from all parts of the chamber for their constructive contributions to this debate on an important subject. We all agree that protecting the public is one of the most important duties on any Government. When the crimes involved are as horrendous and traumatic as sex offences that duty is more keenly felt and more onerous.

I welcome the fact that the proposals have received general support. I understand Roseanna Cunningham's reservations about the use of the Sewel motions, and I acknowledge that they have been used more frequently than had been anticipated. However, I am not sure what Alasdair Morgan's reaction would have been—Roseanna Cunningham is off the hook now—if we had announced that we would introduce further legislation for the Justice and Home Affairs Committee to scrutinise.

Alasdair Morgan (Galloway and Upper Nithsdale): Does the minister accept that legislation at Westminster, no matter how well intended, is not subject to the detailed non-partisan scrutiny to which it is subject in committee here? That may lead to problems if we continue down this route.

Mr Wallace: I am sure that Alasdair Morgan's experience is similar to mine and that he will know that at Westminster there is often proper, non-partisan scrutiny on issues on which there is common ground, such as dealing with sex offenders, and on which scoring political points—I do not suggest that Alasdair was doing that—is not the order of the day.

Roseanna Cunningham mentioned practical expediency. As I said, the fact that we want this legislation in Scotland and want it quickly—we do not want to open up a gap in provision between Scotland and England—points us strongly in the direction of the Sewel convention. I think that that was recognised.

Roseanna Cunningham, and later Michael Matheson, talked about longer-term or lifetime restrictions. As they will know, the MacLean

committee recommended that high-risk offenders should be released from prison only if the degree of risk is sufficiently reduced and that they should then be subject to stricter controls in the community. It is perhaps of interest to Lyndsay McIntosh that those controls may include electronic monitoring, as well as supervision, drug and alcohol testing and conditions as to place of residence. The MacLean consultation period ended last week and we are considering the responses. A white paper is promised in the early part of next year.

I have answered the point that was raised by Lyndsay McIntosh and Gil Paterson about ports of entry.

Cathy Jamieson described an incident in her constituency in which people got it wrong because wrong information had been put into the public domain. That is important and it underlines that it would be wrong, as I said in my opening remarks, for information on the sex offenders register to be generally available, because that might lead to sex offenders disappearing or trying to avoid registration. As Kay Ullrich said in her helpful speech, which was based on her experience, sex offenders are often very devious. We do not want to put further pressure on them that might lead them to avoid the monitoring and risk assessment that result from appearance on the register.

On another point that Kay Ullrich raised, it is the case that guidance on disclosure was issued earlier in the summer. In addition, I assure her that the spending that was announced recently includes a substantial uplift in the money that is available for criminal justice social work. I certainly expect that criminal justice social workers will be able to carry out their functions of looking after and treating sex offenders.

Euan Robson asked whether orders will be subject to negative or affirmative resolution procedure. Two of the orders will require negative resolution. Those are the orders on the additional requirements to give notification and information about transfer or release. The order on the notice of intention to leave or return to the UK—as the bill stands in the House of Lords—will be a draft affirmative resolution.

Kay Ullrich asked about information being given to employers. We are currently consulting on an index of adults who are unsuitable to work with children.

The Deputy Presiding Officer: Order. There is too much ambient noise in the chamber.

Mr Wallace: The consultation finishes at the end of this month. On another point, certificates of conviction will be available to employers from July 2001.

I thank all the members who spoke. Several important points were made, not least about insidiousness and the damage that sexual abuse can do. Cathy Jamieson's point that much sexual abuse takes place in the home is important. No matter how many registers we set up or other steps we take, we must recognise that fact. That gives concern to us all and requires us to be vigilant and to devise the best ways of giving vulnerable people the protection that they undoubtedly deserve.

I commend the motion to the chamber. It ensures that the people of Scotland have the same level of protection as those in the rest of the United Kingdom and that we maintain a common and coherent system of registration across the UK. I urge members to vote for the motion.

The Presiding Officer (Sir David Steel): That concludes the debate. There are no Parliamentary Bureau motions today.

Decision Time

17:01

The Presiding Officer (Sir David Steel): There are seven questions to put as a result of today's business. The first question is, that amendment S1M-1238.2, in the name of Miss Annabel Goldie, which seeks to amend motion S1M-1238, in the name of Kenny MacAskill, on fuel duty, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

Mr Adam Ingram (South of Scotland) (SNP): On a point of order. My console does not appear to be working.

The Presiding Officer: Your microphone is working, so it is rather surprising if your console is not.

Mr Ingram: I will find another console.

FOR

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)

Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross)

(LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 18, Against 101, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S1M-1238.1, in the name of George Lyon, which seeks to amend motion S1M-1238, in the name of Kenny MacAskill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Gorrie, Donald (Central Scotland) (LD)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lyon, George (Argyll and Bute) (LD)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)

Gibson, Mr Kenneth (Glasgow) (SNP)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)

Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Presiding Officer: The result of the division is: For 15, Against 105, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S1M-1238, in the name of Kenny MacAskill, on fuel duty, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)

Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 35, Against 88, Abstentions 0.

Motion disagreed to.

The Presiding Officer: The fourth question is, that amendment S1M-1239.2, in the name of Frank McAveety, which seeks to amend motion S1M-1239, in the name of Kenneth Gibson, on proportional representation in local government, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)

McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)

Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 69, Against 54, Abstentions 0.

Amendment agreed to.

The Presiding Officer: As a result, Mr Harding's amendment falls. The sixth question is, that motion S1M-1239, in the name of Kenneth Gibson, as amended, on proportional representation in local government, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Dewar, Donald (Glasgow Anniesland) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)

McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Canavan, Dennis (Falkirk West)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)

Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 69, Against 21, Abstentions 33.

Motion, as amended, agreed to.

Resolved,

That the Parliament notes that the Partnership Agreement contains a commitment, following the publication of the final report of the McIntosh Commission, to an immediate programme of change including progress on electoral reform; notes too that the Executive established the Renewing Local Democracy Working Group chaired by Richard Kerley, and welcomes the decision by the Executive to establish a Ministerial Group to consider its recommendations and the Executive's commitment to continue to make progress on electoral reform and other issues relating to the modernisation of local government.

The Presiding Officer: The seventh question is, that motion S1M-1240, in the name of Jim Wallace, on the Criminal Justice and Court Services Bill, be agreed to. Are we agreed?

Motion agreed to.

Multiple Sclerosis

The Presiding Officer (Sir David Steel): The final item of business is a members' business debate on motion S1M-1132, in the name of Tricia Marwick, on multiple sclerosis in Scotland. The debate will be concluded after 30 minutes without any question being put. I ask members who are not waiting for the debate to leave quickly and quietly—and that includes the ministers who are deep in conversation in the second row.

Motion debated,

That the Parliament notes that Scotland, with an estimated 10,400 multiple sclerosis (MS) sufferers, is widely held to have the highest incidence of this disease, for which there is currently no cure; recognises the importance of the lobby of MSPs by people with MS which is to take place on October 5 2000; notes the important developments in MS care in recent years, including the introduction of specialist MS nurses, a concept pioneered in Scotland, and the development of the drug beta interferon, the only treatment to date which modifies the course of the disease; regrets that, despite this progress, standards of care for people in Scotland with MS remain unsatisfactory, as recognised by the recent report of the Scottish Needs Assessment Programme; further notes that the cost-effectiveness of beta interferon in the treatment of MS is currently under review by the Health Technology Board for Scotland, and believes that Scotland, with the highest incidence of MS in the world, should set the world standard for people with MS care.

17:07

Tricia Marwick (Mid Scotland and Fife) (SNP): Earlier today, we met some remarkable people—including my next-door neighbour—who came from Shetland to Dumfries to lobby us; I thank all the MSPs who spent time in the Hub listening to their lives and experiences. For many of those people, getting here was not as simple as it is for the rest of us, because they have multiple sclerosis. At this point, it is appropriate to thank all the people who made what was in many cases a difficult journey to lobby MSPs today. I also thank the Multiple Sclerosis Society in Scotland, which organised such a successful lobby. It is also appropriate to thank the staff who have made our Parliament accessible to the people here today and who have helped them to take part in this evening's proceedings.

The people with multiple sclerosis told us how difficult it is even to get out of bed in the morning, let alone travel to Edinburgh and get into the visitors gallery for this debate. Moreover, they have to fight for services that ought to be freely available. They might have to wait six months to see a neurologist; they might be told that there is no money in this year's budget to put a ramp at the front door; and they might be denied the only drug that can moderate the effects of the disease

because they have the misfortune to live in Edinburgh and not Aberdeen.

This is an important debate and I am grateful that the minister—not the deputy minister—will reply, which shows the importance that she places on the subject. The debate gives us an opportunity to turn our attention to a condition that affects more than 10,000 people in Scotland. Multiple sclerosis is an incurable and progressive disease of the nervous system. It affects different people in different ways. A significant proportion of people end up in wheelchairs, and there is no known cure.

In Scotland, we have the unenviable distinction of leading the world in the incidence of MS. The incidence of MS is far higher the further north one goes. People are twice as likely to have the disease in Orkney than elsewhere in Scotland. As with many other aspects of the disease, the scientists do not know why that is. The Executive is not funding any research to find out why Scotland has the highest incidence of the disease in the world. If we are the world capital of MS, we must start to lead the world in the standards of care that we give to people with MS. We in this Parliament must strive to set those standards of care and to provide the best care that is available.

I draw members' attention to the final report of the Scottish needs assessment programme—SNAP—which is about to be published. The report was commissioned before the current Administration took office, but its conclusions are vital to those who make decisions about the treatment of MS and the care that is given.

The report says:

“Current care is substantially sub-optimal, inadequately resourced and unacceptably fragmented.”

It states:

“There is an urgent need to develop properly resourced services in MS care.”

It also states:

“Health boards should urgently develop strategies for the achievement of good practice outlined in the MS Society's standards document.”

The extensive report does not paint a picture of satisfactory MS services in Scotland. There are seven specialist MS nursing staff in Scotland, but 10,400 people who have MS. We have some way to go before we can be proud of the standards of care that we offer to people with MS in Scotland.

It is time that we considered how to improve the level of service—how to change the sub-optimal, inadequately resourced and unacceptably fragmented situation that we have at present. One drug—beta interferon—has been proved to moderate the course of MS in some people. The drug is widely available in every developed health

service bar Britain's, but it is in danger of not being available at all to people with MS in Scotland. It is easier to be prescribed beta interferon in Turkey than it is in Tranent.

I am aware that the National Institute for Clinical Excellence believes that physiotherapy could be seen as an alternative to beta interferon, but I point out to the minister that that view is not supported by the Chartered Society of Physiotherapy, which rightly states that physiotherapy should be part of an overall programme of treatment and not a cheap substitute for drugs.

The Health Technology Board for Scotland is about to conduct its own inquiry into the availability of beta interferon in Scotland. In doing so, it should bear in mind the fact that beta interferon is widely held to be of assistance to as many as a fifth of MS sufferers. Why then are only 1.5 per cent of Scottish MS sufferers prescribed the drug? We have a responsibility to represent the interests of all our constituents and to ensure that the drug is far more freely available.

I am delighted that this debate is taking place, because it will bring hope to many thousands of people in Scotland. It will bring hope to the many people here today—and those who have never spoken to a member of the Scottish Parliament or, indeed, any elected representative—who have come to highlight their condition to us. They want a positive response from the minister.

Mrs Margaret Ewing (Moray) (SNP): On a point of order. As a regular attender at members' business, I note that there is a high turnout today. Have you any indication, Presiding Officer, of how many people want to speak? Would it be possible, at the appropriate time, to move for an extension of business to enable a full debate to take place?

The Deputy Presiding Officer (Mr George Reid): Fifteen members have asked to speak, which, I agree, is quite exceptional. My concern is whether the minister is content to extend the debate by 30 minutes. Does her timetable allow for that?

The Minister for Health and Community Care (Susan Deacon) *indicated agreement.*

The Deputy Presiding Officer: I will therefore entertain a motion to extend business by up to 30 minutes.

Motion moved,

That the meeting be extended by 30 minutes.—[*Mrs Margaret Ewing.*]

Motion agreed to.

The Deputy Presiding Officer: That is good, but speeches should still be about two to two and a half minutes.

17:14

Dr Richard Simpson (Ochil) (Lab): I congratulate Tricia Marwick on securing this debate. Multiple sclerosis is an important issue. I welcome the SNAP report and I congratulate the group on the careful manner in which it has drawn it up. The report suggests that the prevalence of multiple sclerosis in Scotland is around 203 per 100,000 and that the incidence—the number of new cases annually—is around 10 to 12 per 100,000. Data that I have obtained today from the primary care clinical informatics unit at Aberdeen University confirm the SNAP figures but suggest that, as the SNAP report indicates, the prevalence is probably somewhat higher. Based on the number of patients presenting with MS to general practitioners in the four years to April 1999, the informatics unit suggests that there are probably 11,300 MS sufferers rather than 10,300, as is suggested in the report. It is suggested that even that might be an underestimate. Whatever the figure, the condition, with its unpredictable course, causes substantial suffering and stress to individuals and their families.

The extended disability status score is one of a number of useful tools that allow us to determine the level of need in MS sufferers. It is estimated that 27 per cent have a minimal impairment, 45 per cent have a moderate impairment and 28 per cent have a severe impairment. I believe that this is another area in which it is not practical to expect every practitioner to have an expertise. The Multiple Sclerosis Society surveys show that there is a lack of knowledge among the health professionals. The numbers involved might be a reason for that.

The basic philosophy of management in relation to MS, as with other chronic diseases, must be the one to which both health ministers have committed themselves—partnership with patients and their families. Patients and their families must be fully informed and able to participate, with the health professionals, in the management of their condition.

There is no doubt that the current service is inadequate. A 70-day waiting time to see a neurologist is unacceptable and is two and a half times longer than the society recommends. I would join SNAP in identifying the shortfalls, but my time is limited.

We have a new structure in the local health care co-operatives. A medical officer should be designated in each LHCC to deal with MS sufferers; we should begin by having one for each primary care trust. We should also have a specialist liaison MS nurse in every primary care trust. That would double the current numbers and be a move towards having one for every LHCC—50 nurses in all. If we engaged the voluntary

societies, they could nominate a person to work with that doctor and that nurse as a community MS team. That would further build on the informal model that exists in one of the practices in Kinross in my constituency, where a volunteer works with the primary care team and provides them with updated information. That concept of partnership, which the Executive is striving to develop, lends itself well to this area. A vertically integrated network is an imperative to improved care for MS sufferers.

17:18

Mary Scanlon (Highlands and Islands) (Con):

I thank Tricia Marwick for securing this debate on an issue with particular significance to Scotland. Lord James Douglas-Hamilton asked me to extend our gratitude for the opportunity to meet the MS sufferers in the Hub at lunch time. Meeting people face to face to listen to their problems is better than reading about them.

I tend to associate MS with beta interferon. Because I do not have a health background, I tend to ask for advice from people who know much more than me. Last November, I wrote a letter to Harry Burns, the director of public health at Greater Glasgow Health Board, and he has given me permission to quote from his letter, as I feel that a lot of information regarding beta interferon is a wee bit misleading.

According to the Multiple Sclerosis Society, only one drug—beta interferon—is known to slow the symptoms of MS in some cases. The availability or otherwise of beta interferon on prescription epitomises the unfairness of postcode prescribing. I remind the minister, as the drug is the one most associated with postcode prescribing, that the press release of last November does not stack up with the Health Technology Board for Scotland's announcement that it will put an end to postcode prescribing.

An MS website states that beta interferon injections may limit the development of new diseases and may also lower the incidence of relapses. The drug is expensive, and its use is rationed by health authorities. As I understand it, beta interferon is an excellent drug for some people with MS and helps them enormously. However, it is a false hope to say that it can help everyone. Harry Burns wrote:

"I do not think Beta Interferon is the answer to this disease. I think it important that further research is carried out so that a genuine cure is found."

On hearing that beta interferon was the only drug available for MS, I looked through my file and found that another drug, Copaxone, is being considered. To put the cost in context, I cite the example of the spending on taxol, which is used

for cancer. Taxol is typically measured at £25,000 per quality-adjusted life year, whereas on that measurement beta interferon costs between £500,000 and £1 million. Copaxone can affect the course of MS; all other treatments simply treat the symptoms. It is available in 18 countries, and I hope that, given the points that have been raised, the Health Technology Board for Scotland will come to a sympathetic conclusion on it before Christmas.

It is time to examine drugs and therapies, to collate the information and to issue clinical protocols on MS to ensure that all sufferers are given clear, accurate information and the appropriate treatment and care for their needs. I hope that the Scottish intercollegiate guidelines network will also take up the challenge.

The Deputy Presiding Officer: Margaret Ewing has graciously ceded her place in the list of members wishing to speak to Michael Matheson, who will be followed by Maureen Macmillan. Please keep speeches to two and a half minutes.

17:21

Michael Matheson (Central Scotland) (SNP): I congratulate Tricia Marwick on securing this debate. As someone who worked with MS sufferers for a good number of years in a professional capacity, I was pleased to see so many of them coming to the Parliament today to lobby MSPs. During my discussion with MS sufferers and carers from Lanarkshire and Falkirk, it became clear that they have had to deal with some difficult situations and that they have a strong case for improvements being made in services.

I was interested to hear that the Forth Valley Health Board area has one of the highest incidences of MS in Scotland. However, the area does not have an MS nurse. When I worked in the area, I dealt predominantly with young MS sufferers. The Forth Valley Health Board area does not have any form of respite for young disabled people. I have seen a case in which, because of a lack of suitable facilities, the mother of young children had to go into a nursing home or hospital when the family were desperate for some respite. It was inappropriate for those young children to have to visit their mother in such a setting, given the client group there. If a more appropriate setting had been available in the area, that would have helped the children to cope with the situation.

Respite and the availability of MS nurses are important in providing support and assistance not only to the individual sufferer, but to their carers. Those facilities can also provide support to the professionals who, as Richard Simpson

mentioned, do not always have the necessary expertise or information to support and advise a family or individual sufferers.

Earlier today, the Minister for Health and Community Care referred to 22,000 extra weeks of respite for older people. Let us please avoid a situation in which a 64-year-old MS sufferer who desperately needs a week's respite will be denied that respite on the basis that they do not qualify for the new money. It is essential that any money that is provided for community care services is allocated flexibly enough to address needs and is not allocated to someone because of their age. There are also real problems in securing proper respite for young disabled people. It often proves to be extremely expensive, as people have to go further afield to special units. Such units charge a premium because of the limited number of places and the specialist nature of the care that they provide.

If we are to provide a coherent and cohesive service for MS sufferers, we must break down the barriers to accessing services and ensure that individuals and their families receive the support and assistance that they require from social services and the health service. I ask the minister to address those points.

17:25

Maureen Macmillan (Highlands and Islands) (Lab): This afternoon we had an excellent statement on care for the elderly. We need the same excellence in the care of MS sufferers and other disabled people. As I heard today, MS sufferers urgently need adaptations in their homes; they need them without bureaucratic delays in application and assessment. The carers of MS sufferers need help in the home. Today I heard harrowing stories from people from Ross-shire of families struggling to cope and general practitioners not fully understanding their needs.

In the Highlands, there are two major problems. The first is access to neurological services. Dr Richard Simpson spoke of a 70-day wait, but people in Caithness wait for nine months because there are no neurological services in the Highlands—services are delivered from Aberdeen. That is a problem not just for MS sufferers but for others who need neurological services. The service must be improved.

The second and biggest issue is respite care, as Michael Matheson said. There are no facilities in the Highlands for young or middle-aged disabled people, who are put in totally inappropriate places—in geriatric wards or nursing homes. The distance that people must go from their homes for respite care is also a problem. We need lateral thinking. We need to work out how we can give

people respite care in their own communities, perhaps in very small units, because their families may desperately need a break. To have to send someone 100 miles away is not a proper option.

17:27

Donald Gorrie (Central Scotland) (LD): I found the lobby at the Hub today very helpful. I promised to make a few points that were raised with me by people there. Beta interferon has been covered, as has the matter of nurses. The minister should give priority to providing more nurses.

It may be hard to create a health service in which GPs have a wee bit of time, but we must aim to do that, so that proactive support from a GP is possible. GPs could visit MS sufferers in their homes on a regular basis—perhaps every three or six months—to see how they are getting on, rather than wait until someone comes to see them.

A further, possibly contentious, point that was made to me is that waiting times should be improved generally, but young people who are diagnosed as having MS should jump the queue, as the diagnosis is such a horrific shock that they need early help.

The benefits system is outwith the Parliament's control but I hope that the minister will make representations on it. Anyone who has experience of Westminster matters in their surgery will be familiar with horrific tales of how people can be very badly dealt with by that system.

I have received today and on previous occasions a number of accounts of unsuitable attitudes from doctors inspecting and assessing people. Those doctors come under our control indirectly, so I hope something can be done to educate them. I know that doctors are not there to say yes to everything, but they can treat people in a civilised way—it is clear that some do not.

17:30

Linda Fabiani (Central Scotland) (SNP): I will be brief—I am not an expert on this subject, which some members in the chamber obviously are. Until today, my only real involvement with MS was through a very close friend, who was diagnosed within the past five years as having MS. The horrifying thing for me is that Patricia has been ill for about 15 or 16 years, but for most of that time no one really knew what was wrong with her. It would seem that she was treated for the symptoms rather than the cause. I have heard from others today that that seems to be fairly common, and that bothers me terribly.

It also bothered me terribly to discover, as I did by reading the MS Society's booklet, that the society is almost the sole funder of research in the

UK—and, therefore, of course, in Scotland. It seems a sad state of affairs, in the country with the highest incidence of multiple sclerosis, that we do not have any direct Government funding into research to try to find a cure for this disease, which affects so many of our people.

Others have focused on care for MS sufferers, so I will not go into that, except to echo Michael Matheson's concern about the situation in Forth Valley. In Lanarkshire, too, where there is a huge incidence of MS, there is no specialist MS nurse. That seems entirely unreasonable to me. My plea to the Executive is to consider direct funding into some of our excellent research centres in Scotland to assist the society in further research. Let us aim very high—not just in treatment, but to find a cure for this disease.

17:31

Tommy Sheridan (Glasgow) (SSP): Linda Fabiani has already touched on one of the difficulties with direct research; Richard Simpson has raised a number of points about nursing care; Donald Gorrie has talked about diagnosis; and the whole gamut of issues was raised eloquently and reasonably with us today in the Hub.

I apologise in advance to the minister because I will not be able to be here for her reply, but I have to home in again on beta interferon. I do not think that there are MS sufferers in Scotland who think it is the wonder drug, but a significant number of people—perhaps as many as 10 or 15 per cent of MS sufferers—would be assisted through its use.

This country has one of the highest incidences of MS in the world. I do not think that it is acceptable that people must go to Europe or other parts of the world to be prescribed beta interferon and cannot get it in Scotland. None of us knows for sure whether it can help, but people who have come to my surgery—I have written to the minister about the Buchanan family—are absolutely clear that, when they were able to procure the drug, it helped them. However, they cannot afford to continue to procure the drug privately, because it is too expensive.

We know that it is an expensive drug—treatment costs £10,000 a year—but when we consider its potential to stabilise and assist the lives of MS sufferers we can see that the money would be well invested, because in the long run we will save money that would have to be poured in because of the debilitating effects of the illness.

I plead with the minister to give us at least a five-year trial to study the effects of the drug. We can then assess whether it should be universally available. But let us make it universally available at least for a five-year period.

17:34

Nora Radcliffe (Gordon) (LD): I would like to add my congratulations to Tricia Marwick on securing this debate. I would also like to thank the many members of the MS Society who have come to Edinburgh today to talk directly to MSPs about their MS and what they need. I especially thank those with MS, because of the real effort that they have made to come here, in the knowledge that the effects of making that effort will most probably wipe out the next few days.

I will touch on two of the many issues that are raised by the prevalence of this condition and the shortfall in the services that are available. The first is the need for better awareness of MS among all health professionals. Richard Simpson's suggestion of provision within and by LHCC is good. It would also be helpful if, at the point of diagnosis, patients were directed to bodies such as the MS Society, where they can get more information about their condition and receive the support of fellow sufferers and people who understand what they are going through.

My second point is that most people with this condition are diagnosed in their 20s, 30s or 40s—a stage in life when they are likely to have young or youngish children. Those children will almost inevitably find themselves taking on a greater or lesser burden of care. There is very inadequate provision—if any—of support to those young people.

17:35

Ms Margo MacDonald (Lothians) (SNP): I have two points for the minister. I would like to add a plea in support of Tommy Sheridan's proposal that there should be a trial on the use of beta interferon and that medical advice, rather than financial consideration, should guide such a trial.

As far as I could deduce from speaking and listening to people this afternoon, many consultants have told people that they would benefit from the drug if the consultant were able to prescribe it. I spoke to a young woman who, had she been able to obtain the drug, would have more than paid back the £10,000 per annum because of what she put into the general kitty as a result of the high salary that she earned. We must look beyond the financial considerations.

I add my support to Richard Simpson's comments on the need for nurses to be attached to practices and so on.

I want to raise an issue that is slightly embarrassing to some people: the use of cannabis by MS sufferers. I spoke to folk today who can get some relief from pain by using cannabis. I urge the minister to talk to her colleague Angus MacKay, explaining to him that MS sufferers who use

cannabis do not want to be lawbreakers. Sufferers are being put in an impossible position when they cannot obtain some of the drugs that might help them and so resort to using an illegal drug. It makes an ass of the law if we ask policemen to be judge, jury and medical adviser.

17:37

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I had not planned to speak in today's debate, but I was moved to do so because of the lobby, which is the most effective that I have seen in my eight years as an MP and now MSP.

Most of the debate has focused on beta interferon, but today I learned of other drugs, such as Zanaflex. One of my constituents told me that she uses Zanaflex and that if she did not she would be unable to drive. I hope that that drug is available throughout Scotland. If the minister does not know about that just now, I will look forward to receiving a written response on the matter.

I also learned of other services that are so crucial and in many cases so lacking. I was surprised that physiotherapy is not more widely available and in once case not available at all. I hope that that, and the crucial matters of specialist nurses and neurologists, will be addressed.

I commend the minister for referring the issue of beta interferon to the Health Technology Board for Scotland; I never thought it satisfactory that that body should determine its own agenda. I am glad that that was the first instruction the minister gave the board and I hope that it will listen to people who have used and benefited from beta interferon. That process is not always possible with new drugs, but in this case it is and I hope that those voices will be heard.

17:38

Dorothy-Grace Elder (Glasgow) (SNP): We were all immensely impressed by today's demonstration. In the entire—brief—lifetime of the Parliament, the event at the Hub was the most efficiently organised demonstration that I have seen. People came from everywhere—from Caithness to Dumfries—which was wonderful. Like my colleague, Nora Radcliffe, I know that many will pay for the trip in the fatigue that they will suffer over the next few days.

I have the honour to be honorary president of the north-east Glasgow branch of the Multiple Sclerosis Society. I also have a young niece who has MS and is in a wheelchair. Her mother-in-law has had MS for 25 years—lightning has struck the same family twice, even though the sufferers are non-blood relations. On some occasions, the young husband is in hospital visiting his mum in one ward and his young wife in another. Look at

the high incidence of MS in Scotland, though, and that situation is not as unusual as one might think.

Provision for MS sufferers in Glasgow is among the worst in Britain. It is dreadful. We are the pits when it comes to provision. For starters, Greater Glasgow Health Board is one of those that will not consider prescribing beta interferon. "Too expensive," it says, so the people who approach me, including young mothers who are desperate to stay out of a wheelchair so that they can cope with their children, do not get a chance.

Beta interferon is not that expensive at all, if one considers that the price of any drug can be forced down by prescribing it more widely. Shame on Greater Glasgow Health Board that it takes that attitude. It boils down to money. It is looking at budgets and asking, "How much will this cost?" Like Tommy Sheridan, I am sick of hearing that sort of thing.

Postcode provision also applies to the most basic aids, which people in some areas cannot get. In Glasgow, people often have to wait up to two years to get an ordinary national health service wheelchair, so we have to club together and fundraise in areas such as the east end just to get someone an ordinary little wheelchair. Some people told us today that they had to wait eight months to get one of those gripper sticks that is useful for picking things up from the floor. Minister, please listen to the people. Listen to what they are saying and please lift MS sufferers off the bottom of the health pile.

17:42

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I congratulate Tricia Marwick and all our guests on a superb event. It has been a fine lobby. I have two points. First, although great strides have been made in providing for the disabled, we still have a long way to go. How many times have we all found a car without a disabled badge in a disabled parking space? Going into the Hub today, which is pretty good for disabled access, I noticed an awkward bit with steps and an unsuitable lift. We must keep bashing away on access to make it much easier for disabled people.

Secondly, Donald Gorrie referred to the benefits system. We all know that that is a reserved matter, but frankly, what goes on in some cases is a disgrace. I bet that every member has seen the most appalling delays and bureaucracy causing people to lose out. If someone appeals, what do they get? They get put before a decision maker. A lot of spade work must be done on that front.

17:43

Ms Sandra White (Glasgow) (SNP): I thank

Tricia Marwick for securing the debate, and I welcome the MS sufferers and members of the MS Society who are in the gallery. I have four friends who unfortunately suffer from MS. Two of them are young women, one of whom had a baby two years ago. I was struck by the devastating effect that MS has on those families, and by the speed at which the disease can strike. From being a young and energetic person five or six years ago, my friend is now housebound and her relatives have to look after her and her baby. I am sure that people in the gallery have similar stories.

I have some practical points for the minister, which were put to me by the many people I met in the Hub. I spoke to a lady from central area, where 10 sufferers operate a home-based telephone link. It has a freephone number that people can call up—not just sufferers, but experts too—to ask for advice. I would like that service to be extended. That is a worthwhile cause; perhaps the minister can tell us how many such services operate in Scotland.

The point came across strongly that GPs do not understand what these people go through and diagnose the wrong conditions. As Donald Gorrie said, many people are told that they are suffering from a form of mental illness and, because of that, there is a catastrophic delay in prescribing drugs and telling them that they have MS. GPs should be made more aware of the condition so that they can make an early diagnosis. I ask the minister to consider those points.

17:45

Robin Harper (Lothians) (Green): I congratulate Tricia Marwick on securing the debate and welcome all those who are attending. I add my voice to what Tommy Sheridan said about beta interferon and to what Margo MacDonald said about cannabis. It is bizarre that a derivative of a hard drug such as heroin can be legally used for medical purposes, whereas cannabis, a soft drug, cannot currently be prescribed for medical purposes. It is about time that that was changed.

I have been lobbied on an issue that highlighted for me the kind of problems faced by people suffering from multiple sclerosis—the lack of continuing care and observation, especially for physiotherapy. With a condition that gets progressively worse, people can be prescribed one kind of physiotherapy and find themselves, a year later, being offered completely inappropriate treatment, because their condition has changed so much in that time that they need to be reassessed. I hope that the minister will be able to do something about that.

The Deputy Presiding Officer: I thank members for keeping their remarks brief. I know

that the minister has another engagement quite soon, so I thank her for staying to respond to the debate.

17:46

The Minister for Health and Community Care (Susan Deacon): I congratulate Tricia Marwick on securing the debate and I am delighted that so many members have stayed to participate. This is not a party political issue and I believe that we can work together across some of our more traditional divides to make a difference. I also thank the Multiple Sclerosis Society for the lobby it organised today. I was not able to join the society today, but I recently met some of its representatives and was pleased to represent the First Minister at the millennium service that the society held in Dunblane. Through those meetings, and through personal experiences with friends and constituents, some of whom are here today, I have heard at first hand of many of the points that members have raised. I am mindful of those points and of the need for us to work hard to improve services and support for people with MS and for their carers and families.

There have been recurrent themes in today's debate and I shall attempt to pick up on them. The fact that there is a need to improve services in a range of areas and to improve awareness and information is widely recognised. When I met representatives of the MS Society, I was struck by the research, gathered directly from patients, that showed that more than 80 per cent of people diagnosed with MS were not provided with written information about the condition. That is precisely the kind of thing that must change if the NHS is to meet patients' needs effectively. I am keen to ensure that we work with the MS Society and with other patients' representative bodies to make a difference in that area.

Reference was made to earlier discussions about the need to improve the availability and provision of aids and adaptations. I agree with Michael Matheson that it is important that funding and services are organised flexibly to ensure that those who need practical support are given it when and where they need it.

I recognise the potential of specialist MS nurses for improving the care of MS patients and I look forward to receiving an evaluation of their role from the MS Society soon. I have encouraged the society to take up the question of partnership funding directly with local health boards. I have also asked the chief nursing officer to gather additional information in this area so that we can consider carefully the best way forward.

Specialist nurses are just one aspect of care that the MS Society wants developed. The society has

produced various documents which it has put to us; it has also called for the establishment of multidisciplinary teams to form the basis of good health care for people who have MS. That idea is very much in line with the Executive's wider thinking on the organisation of services in a number of areas and on the development of managed clinical networks. I am grateful for the support of the MS Society in developing those networks in various parts of the country.

Several members referred to the Scottish needs assessment programme report on MS, which is due to be published soon. I also look forward to seeing that report. I stress that the status of all SNAP reports is that they are endorsed by the Executive, which sponsors the programme. They are intended to be tools for health boards to use in improving effective service delivery. I have asked my officials to pay particular attention to the SNAP report on MS when it becomes available.

The issue of beta interferon was raised by many members and I have looked into it in some detail. The Executive is committed to tackling the variations in prescribing practice that exist across the country, not in relation just to beta interferon, but in relation to other drugs and therapies too. That is why we established the Health Technology Board for Scotland, which examines the clinical effectiveness and cost effectiveness of different drugs and treatments.

The Health Technology Board for Scotland is undertaking an evaluation and appraisal of beta interferon at my request. The time scale for that appraisal, in which the MS Society is taking part, was extended recently. I hope that that work, with other work that is being pursued by the chief medical officer, will help us to continue to reduce variation across the country and that it will inform our thinking in this area.

A great amount of research continues to be done. By June 2000, there were 218 MS-related research projects in the UK, of which 14 were in Scotland. We will continue to consider proposals for research in Scotland that are made to the chief scientist's office.

I noticed that Margo MacDonald almost turned the debate into a generalised call for the legalisation of cannabis, which, I am sure, is not the wider position of the MS Society.

Ms MacDonald *rose—*

Susan Deacon: On a serious note, I stress that research into the use of cannabis-based products for medical purposes is being conducted at UK level. We await with interest the findings of that research.

Ms MacDonald: I thank the minister for taking my very brief intervention.

I was not punting the legalisation of cannabis; I was drawing the minister's attention to the position of current MS sufferers, who can find themselves caught up in a legal cobweb. That should not happen.

Susan Deacon: If I have misinterpreted Margo MacDonald's comments, I greatly regret that. I reiterate that research into that area is continuing and we will consider the findings when they are published.

A number of practical suggestions have been made, today and in other discussions that I have had during the past weeks and months. I give to colleagues in the chamber and to the people in the gallery who attended the MS Society's lobby, the assurance that we will continue to give careful consideration to the range of points that have been raised. I hope that we can work together to make improvements.

Meeting closed at 17:53.

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