

MEETING OF THE PARLIAMENT

Thursday 29 March 2001

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CONTENTS

Thursday 29 March 2001

Debates

	Col.
BUSINESS MOTION	1033
<i>Motion moved—[Euan Robson]—and agreed to.</i>	
EDUCATION (GRADUATE ENDOWMENT AND STUDENT SUPPORT) (SCOTLAND) (NO 2) BILL: STAGE 3	1034
EDUCATION (GRADUATE ENDOWMENT AND STUDENT SUPPORT) (SCOTLAND) (NO 2) BILL	1074
<i>Motion moved—[Ms Wendy Alexander].</i>	
The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander).....	1074
Mr Kenny MacAskill (Lothians) (SNP)	1076
Mr Brian Monteith (Mid Scotland and Fife) (Con).....	1078
George Lyon (Argyll and Bute) (LD)	1079
Marilyn Livingstone (Kirkcaldy) (Lab)	1081
Colin Campbell (West of Scotland) (SNP).....	1083
Miss Annabel Goldie (West of Scotland) (Con).....	1085
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)	1087
Dennis Canavan (Falkirk West).....	1089
Alex Neil (Central Scotland) (SNP).....	1090
Robin Harper (Lothians) (Green).....	1092
Ms Alexander.....	1093
BUSINESS MOTION	1095
<i>Motion moved—[Mr Tom McCabe]—and agreed to.</i>	
QUESTION TIME	1097
FIRST MINISTER'S QUESTION TIME	1114
POINT OF ORDER	1123
JUSTICE	1124
<i>Motion moved—[Mr Jim Wallace].</i>	
<i>Amendment moved—[Roseanna Cunningham].</i>	
<i>Amendment moved—[Phil Gallie].</i>	
The Deputy First Minister and Minister for Justice (Mr Jim Wallace)	1124
Roseanna Cunningham (Perth) (SNP).....	1128
Phil Gallie (South of Scotland) (Con)	1131
Gordon Jackson (Glasgow Govan) (Lab)	1133
Mr Kenneth Gibson (Glasgow) (SNP)	1135
Pauline McNeill (Glasgow Kelvin) (Lab)	1137
Dr Winnie Ewing (Highlands and Islands) (SNP)	1138
Bill Aitken (Glasgow) (Con)	1140
Donald Gorrie (Central Scotland) (LD)	1141
Paul Martin (Glasgow Springburn) (Lab).....	1143
Richard Lochhead (North-East Scotland) (SNP).....	1144
Robert Brown (Glasgow) (LD)	1145
Mrs Lyndsay McIntosh (Central Scotland) (Con)	1146
Michael Matheson (Central Scotland) (SNP)	1148
The Deputy Minister for Justice (Iain Gray).....	1150
ARMED FORCES BILL	1154
<i>Motion moved—[Iain Gray].</i>	
PARLIAMENTARY BUREAU MOTIONS	1156
DECISION TIME	1157

HOMELESSNESS IN FIFE	1168
<i>Motion debated—[Mr Keith Harding].</i>	
Mr Keith Harding (Mid Scotland and Fife) (Con)	1168
Marilyn Livingstone (Kirkcaldy) (Lab)	1171
Tricia Marwick (Mid Scotland and Fife) (SNP)	1172
Iain Smith (North-East Fife) (LD)	1173
Linda Fabiani (Central Scotland) (SNP)	1174
Mr Keith Raffan (Mid Scotland and Fife) (LD)	1175
The Deputy Minister for Social Justice (Ms Margaret Curran)	1176

Oral Answers

Col.

QUESTION TIME

SCOTTISH EXECUTIVE	1097
Bail (Murder Indictments)	1101
Care Leavers (Funding).....	1109
Central Heating.....	1111
Child Protection	1100
Council Tax Relief	1107
Epilepsy (Guidance)	1112
Farming.....	1108
Fishing Industry (Decommissioning)	1098
Foot-and-mouth Disease (Tourism).....	1102
Hearing Aids (Information).....	1106
Lothian University Hospitals NHS Trust (Funding)	1112
Modern Apprenticeships	1104
Roads (Borders)	1103
Schools (Examinations).....	1097
Speed Reduction Schemes	1110

FIRST MINISTER'S QUESTION TIME

SCOTTISH EXECUTIVE	1114
Fishing Industry	1120
Foot-and-mouth Disease	1109
Prime Minister (Meetings).....	1115
Rape and Sexual Assault (Legislation)	1118
Secretary of State for Scotland (Meetings)	1114

Scottish Parliament

Thursday 29 March 2001

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

Business Motion

The Deputy Presiding Officer (Patricia Ferguson): Good morning. The first item of business is consideration of Parliamentary Bureau motions. I ask Euan Robson to move business motion S1M-1810, which is a timetabling motion for stage 3 of the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill.

Motion moved,

That the Parliament agrees that the time for consideration of Stage 3 of the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill be allocated as follows, so that debate on each part of the proceedings, if not previously brought to a conclusion, shall be brought to a conclusion on the expiry of the specified period (calculated from the time when Stage 3 begins)—

Group 1 to Group 3 – no later than 1 hour 30 minutes

Group 4 – no later than 2 hours 30 minutes

Motion to pass the Bill – no later than 3 hours.—[*Euan Robson.*]

Motion agreed to.

Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill: Stage 3

09:32

The Deputy Presiding Officer (Patricia Ferguson): We move to stage 3 of the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill. I shall begin by making the usual announcements about the procedures that will be followed.

First of all we will deal with amendments to the bill. We will then move to a debate on the question that the bill be passed. For the first part of the proceedings, members should have a copy of the bill—SP Bill 22—the marshalled list containing all amendments selected for debate by the Presiding Officer, and the groupings that have been agreed. Amendments will be debated in groups where appropriate. Each amendment will be disposed of in turn and an amendment that has been moved may be withdrawn with the agreement of members present. It is, of course, possible for members not to move amendments should they so wish. The electronic voting system will be used for all divisions. I shall allow an extended voting time of two minutes for the first division that occurs after each debate on a group of amendments.

Amendment 4 is grouped with amendments 5, 6, 7 and 1. I invite Dennis Canavan to move amendment 4 and to speak to the other amendments in the group.

Section 1—The graduate endowment

Dennis Canavan (Falkirk West): I will begin my opening comments by addressing amendments 6 and 7. The purpose of this group of amendments is to ensure that graduates do not have to start paying a graduate endowment until their salaries reach a minimum level of £25,000 per annum. The amendments also seek to ensure that that threshold should be increased annually in line with the increase in either the retail prices index or the average earnings index, whichever is the greater.

I would like to make it clear at the outset that I do not think that a graduate endowment system is the best way to finance higher education. I favour the complete abolition of tuition fees, whether the upfront advance payment or the postgraduate payment. Many students perceive the graduate endowment as a form of postgraduate payment of tuition fees. The Executive failed to introduce immediate legislation to abolish tuition fees completely, despite the fact that the majority of members of the Scottish Parliament were elected on commitments to abolish them.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Does Dennis Canavan recognise that tuition fees are paid in full to the universities by the Executive? Members should use the right terminology; tuition fees are in effect abolished.

Dennis Canavan: Whether we call them tuition fees or not, the fact of the matter is that, under the bill as it stands, there will be an obligation on students after they graduate to make a payment. Many students perceive that as a payment of tuition fees. Instead of introducing immediate legislation to abolish tuition fees in the first year of the Parliament, the Executive set up an independent inquiry chaired by Andrew Cubie. The Cubie committee put in a great deal of hard work. It took evidence from a wide range of individuals and organisations, including most—if not all—of the political parties that are represented in the Scottish Parliament.

Andrew Cubie's committee of inquiry eventually came out with a report, the recommendations of which were generally well received, yet the Executive is stubbornly refusing to implement them in full. Cubie recommended that graduates should not have to start making graduate endowment payments until they were earning a salary of at least £25,000 a year. As far as I can see, no threshold is mentioned in the bill, but the Executive has indicated that the threshold will be only £10,000. That is only 40 per cent of the threshold that was recommended by the Cubie report and it is only about 56 per cent of the national average wage of £18,000 a year—if we are to believe the figure that was given by the Committee of Scottish Higher Education Principals in evidence to the Enterprise and Lifelong Learning Committee.

Those who argue that graduates should contribute to the cost of their higher education attempt to justify their argument by saying that people with a university degree have greater earnings potential than people without a university degree. In general, that is true, but surely no one can argue that people who earn £10,000 a year—less than £200 a week—are so well off that they should start contributing to the cost of their higher education.

George Lyon (Argyll and Bute) (LD): Let me quote Dugald Mackie, one of the members of the Cubie committee, who gave evidence to us. When he was asked whether the £10,000 threshold had been raised with the committee—which consulted the length and breadth of Scotland with parents, teachers and university students—he said:

"that issue was not raised with us in the public consultations, particularly with students or their parents ... Although we certainly discussed whether the £10,000 threshold should be raised or stay the same, we decided to

leave the issue alone as it had not really been raised with us."—[*Official Report, Enterprise and Lifelong Learning Committee*, 14 November 2000; c 1308-09.]

Dennis Canavan: Frankly, I am not surprised that the £10,000 threshold was not mentioned by those who gave evidence to the Cubie committee. It is ludicrously low and I would not have thought that any of the bodies that gave evidence to the Cubie committee would have suggested such a pitifully low figure. I understand that all the witnesses who gave evidence to the Enterprise and Lifelong Learning Committee were of the view that the Executive's proposed threshold of £10,000 was too low. The Scottish Trades Union Congress and others indicated that the Executive should accept the Cubie committee recommendation that the threshold should be set at £25,000.

One of the bill's declared objectives is to encourage more people to enter higher education. My fear is that many people—particularly young people from low-income families—will be discouraged from entering higher education when they realise that, after graduating, they could face having to repay a loan of £12,000 or more and having to start paying a graduate endowment even if their salary is as little as £10,000 a year.

Amendments 4, 6 and 7 would help to implement the Cubie recommendations in full. They would also ensure that the threshold of £25,000 a year is uprated annually in line with either inflation or the annual increase in earnings, whichever is the greater. As I said before, that is not my ideal solution, but it would implement the recommendations of the independent committee, which was set up by the Executive, and help to ensure a fairer deal for students and graduates, especially those on low incomes. I ask the Parliament to accept my amendment.

I move amendment 4.

The Deputy Presiding Officer: I call Brian Monteith to speak to amendment 5 and the other amendments in the group.

Mr Brian Monteith (Mid Scotland and Fife) (Con): I too have lodged an amendment that seeks to change the threshold at which the repayment of this iniquitous tuition tax starts.

Amendment 5 differs slightly from amendment 4 and other amendments introduced by other members at stage 2. The difference may be considered technical. I am seeking to enshrine the idea that the threshold is guided by the national labour force survey. My reason is simple. Cubie proposed a threshold of £25,000. That proposal was based on average earnings across the country, but there are average earnings for the whole country and there are average earnings for graduates. The national labour force survey shows

graduate average earnings and is therefore more accurate in showing what graduates can expect to earn. It is therefore more accurate at showing the level at which it would be right and proper to set a threshold. That is the technical argument.

We hope, through amendment 5, to extend the relief to students from this iniquitous tax. If there is to be a collection from students—we can talk about the principles separately—it is only right and proper that the threshold is set at a level that acknowledges that they have gained some benefit from higher education.

Mr Rumbles: Brian Monteith keeps talking about a tuition tax, and we have heard about tuition fees from Dennis Canavan. I appeal to members to get the terminology right. The powers of this Parliament mean that we are not allowed to levy a tuition tax. If Mr Monteith feels that it is a tuition tax, why does he not challenge it?

Mr Monteith: The member may be anticipating one of my speeches. He will recall that that issue has already been raised by the leader of our group, David McLetchie. We will no doubt revisit it later today. If the bill does not set a threshold, we are quite within our rights to decide what name we should give it.

The national labour force survey for August 2000 showed that the average graduate of age 23 was earning £15,500, which is well over the £10,000 threshold. Even a graduate who is earning less than the average—say 70 per cent of the average—is earning £10,850, which is still over the £10,000 threshold. That graduate would still be liable to pay the graduate tax. I do not believe—and many people throughout Scotland do not believe—that collecting this tax at such a low threshold is just. That is why we have lodged amendment 5: it specifies the level at which the threshold should be set and bases that on the national labour force survey, because that survey accurately shows graduate earnings. It allows us to see the benefit that graduates have obtained.

Whenever the threshold was discussed during stage 2, the only justification that could be found for it, when reading the *Official Report*, was that it is simpler to collect, by using the Student Loans Company and the current loans system. I do not feel that it is right and proper that the Executive should introduce legislation purely on the basis of what is simple. Students are looking for justice. There is no social justice in this bill with such a low threshold. That is why we want to extend relief, if possible, by improving the bill with amendment 5. We will also support other amendments lodged by other members to make the bill better. If the bill is not improved, Conservatives will have only one option—to oppose it on principle.

Mr Kenny MacAskill (Lothians) (SNP): I agree

with much of what Mr Canavan said and with some of what Mr Monteith said. The purpose of amendment 1 is to flesh out a bill that is rather scant and lacking. Everything in it is left to regulations. We have to go back and remember the original purpose of the bill. Let us be clear: the bill came about because of election commitments on tuition fees. That will no doubt be commented on by Mr Monteith, Mr Canavan, me and others.

The First Minister himself instructed Andrew Cubie to carry out an inquiry. To some extent, the Scottish National Party did not agree with that; we just wanted election commitments to be adhered to. However, Andrew Cubie carried out an inquiry and it was made clear that the threshold should be £25,000. When the Enterprise and Lifelong Learning Committee considered the issue, Mr Cubie and others indicated that a threshold of £10,000 was far too low. That is why we want Cubie's recommendations to be implemented, at least in part, by ensuring that no payment will start until earnings of at least £25,000 are reached.

09:45

Labour should consider what it is driving towards. Earlier this week, the Minister for Enterprise and Lifelong Learning was quite rightly parading the fact that she is extending a pilot scheme from Ayrshire into Glasgow, West Dunbartonshire and Dundee to fund children to stay on at school. Mr Monteith disagreed with that. I find it rather ironic that he disagreed with that aspect of trying to improve access to education for the disadvantaged but is here today claiming that he is looking after the interests of the disadvantaged.

We could see the logic of the minister's drive to pay youngsters from disadvantaged backgrounds to stay on at school. Our objection was that we did not know any of the details of the scheme or how long it would continue. We did not know whether what was happening was simply the extension of a trial. However, we certainly agreed with the principle.

The minister is encouraging youngsters to stay on at school by paying them so that they do not have to go and work in McDonald's or in a shop but can stay at home and study—but there is irony in what she wants to happen when they leave school. In Dundee, West Dunbartonshire and Glasgow, those youngsters will be encouraged to stay on, and be paid to do so, because the intention is to get them into higher education. However, no sooner will they be ready for higher education—if, as Mr Canavan rightly said, they are not put off by the thought of incurring debt—when they will be put off by the fact that, at a very low level of earnings, they will have to start paying back.

Amendment 1 therefore seeks to ensure that the principles of Cubie are adhered to. It also seeks to ensure that the principle that the Conservatives and the Government are trying to promote—of providing access to education to those from disadvantaged areas—is met.

Mr Monteith *rose*—

Mr MacAskill: The threshold is set at such a low level—£10,000—as to put people off. Not only the disadvantaged will be impeded by the bill as it stands. I am sorry to spike Brian Monteith's guns.

We accept the Executive's point that this is not simply a question of a graduate endowment or a tuition fee. Mr Rumbles can talk about the semantics, but the fact is that those who pay it will know what they are paying and they will not be affected by the terminology.

Mr Rumbles: I would like Mr MacAskill to tell the chamber what exactly is the huge sum that someone earning £11,000 will repay each year.

Mr MacAskill: I am not going to do a quick calculation. Mr Rumbles has to understand two things. First, people are being put off going into higher education because they recognise that there will be debt. That is an impediment.

Iain Smith (North-East Fife) (LD) *rose*—

Mr MacAskill: People are being put off going into higher education, yet Mr Rumbles goes on about getting 50 per cent of people in Scotland to go into higher education.

Members should consider Finland, where they aspire to having between 60 and 65 per cent of people going into higher education. In Finland, they considered whether there should be tuition fees or a graduate tax and they decided against them because they would discourage people from going into higher education. This Government is being hypocritical. That is why amendment 1 is required.

Bristow Muldoon (Livingston) (Lab): Will the member give way?

Mr MacAskill: I am sorry, but I have to move on.

Many things put people off. The second thing Mike Rumbles has to understand concerns repayment. The threshold at which repayment will commence is at a level that means that people on limited incomes in difficult jobs will have to pay. That is unacceptable.

Iain Smith *rose*—

Mr MacAskill: The whole purpose of the bill is to provide universal education. The real irony in this debate is that we in the SNP have no difficulty supporting Mr Monteith because his position is

more radical and more consistent with the principles of Andrew Cubie than what either of the Executive partners in the coalition has proposed. Mr Rumbles may think that, by semantics, he can avoid answering to people at the ballot box, but he cannot—a tuition fee is a tuition fee, whether or not it is called a graduate endowment. That is why we will move amendment 1.

The Deputy Minister for Enterprise and Lifelong Learning and Gaelic (Mr Alasdair Morrison): I will refer to amendment 1, which was lodged by Kenny MacAskill, amendments 4, 6 and 7, which were lodged by Dennis Canavan, and amendment 5, which was lodged by Brian Monteith.

Amendments to change the threshold for the repayment of loans and for liability for the graduate endowment were lodged at stage 2. As Kenny MacAskill and Brian Monteith are well aware, they were defeated both times. However, I welcome the chance to set out the facts surrounding the graduate endowment and the threshold at which loan repayments will be collected, and the reasons why the Executive will not support the amendments. I welcome the chance, not least because of the misinformation that we have had to listen to this morning.

Mr Monteith: Will the minister give way?

Mr Morrison: I am dealing with the amendments.

Kenny MacAskill's amendment 1 suggests that we vary the threshold for repayment through the Education (Scotland) Act 1980. To do that, we would need a completely different repayment system solely for the graduate endowment. The current threshold for the repayment of income-contingent loans is set in the Education (Student Loans) (Repayment) Regulations 2000. The relevant regulation imposes a duty on the Inland Revenue to collect loan repayments when the borrower's income reaches the appropriate level.

Kenny MacAskill is aware, because I told him at stage 2, that the imposition of such duties is a reserved matter. The Scottish Parliament cannot instruct the Inland Revenue to collect the endowment for us under a different threshold from that which is used for living-cost loans. That is what Kenny MacAskill's amendment 1 would require. In order to stay within the competence of the Scottish Parliament and implement amendment 1, we would have to create a whole new system of collection.

Brian Monteith's amendment 5 proposes that we avoid making a person liable for the graduate endowment until they reach an income that is in line with average graduate earnings. For that to work, we would need to create a whole new monitoring system to gauge when graduates hit

average earnings. Moreover, graduates would appear to remain liable for repayments whether they continued to earn in excess of the average income threshold or their income fell below it.

Mr Monteith: Will the minister give way?

Mr Morrison: I point out to Brian Monteith that I am dealing with his amendment. The problem that I have outlined is exactly the same as that of Mr Monteith's similar amendment at stage 2. I pointed out the flaw to him then.

In a similar vein, Dennis Canavan's amendments 4 and 7 seek to exempt graduates who earn less than £25,000 from liability. That raises again the problems of a separate scheme, which we rehearsed before. Undoubtedly there would be higher default rates as we tracked graduates, which would be over a period of years for many of them. The potential for slipping through the net would be far higher, adding to the cost of collection. Moreover, on those terms we could wait a long time to see any benefit from the graduate endowment.

Let us be in no doubt that the graduate endowment is being introduced to help fund the future support of low-income students. Section 2 of the bill requires us to devote the endowment income to student support. That is a key part of our package to widen access. Making collection more difficult will reduce the resources that the endowment generates, and will not support a move to widen access.

Andrew Wilson (Central Scotland) (SNP): Will the minister give way?

Mr Morrison: A number of members have asked for clarification of why it is so beneficial to draw on the Inland Revenue. The reasons are the same reasons why relying on the Inland Revenue is the best way to collect living-cost loans: it is efficient and simple. Borrowers can be identified by the use of national insurance numbers without the need for a separate tracking system. The long-term default rate is negligible—the current estimate is 0.03 per cent of the total amount borrowed under the scheme. The system is straightforward, easily understood, is already in place, and most repayments are collected.

We have a clear policy of no more debt. That means that, even with a loan from the graduate endowment, the repayment period for any student will never be any longer than under the current system.

It is no coincidence that Kenny MacAskill's amendment 1 proposes £25,000 as the threshold, the same as that suggested by the Cubie committee. We know that Cubie reached that figure by adding the estimated premium that graduates earn and the average Scottish wage.

There is no significant scientific formula at work, and we should beware of adopting that figure without considering alternative thresholds and their benefits.

As I hope I made clear at stage 2, we have listened to the criticisms that have been levelled at the threshold during the progress of the bill. The threshold should be kept under review, and we are doing that in conjunction with our colleagues in the UK Government. I remind members that no one will be making graduate endowment payments for a few years yet. I therefore invite the Parliament to reject the amendment.

Iain Smith: I had no intention of speaking on the amendments until I heard Kenny MacAskill's speech, on which I tried to intervene on a couple of occasions. The simple fact is that he failed to answer the question that Mike Rumbles asked as to how much a graduate who earns £11,000 a year will pay. The total is £90 a year. I want to place that in the *Official Report*. How much do such students pay under the present student loans scheme—£90 a year. How much will they pay once the graduate endowment comes in—£90 a year.

Students will not pay one penny more per year when repaying their debt than they do under the present system. That is a fact that the SNP and the Tories wish to ignore. Under the present student loans scheme, students have to repay the loan at a rate of 9 per cent of earnings over £10,000. That will stay the same—they will not pay more. It is about time that the SNP and the Tories put that on record, instead of misleading students and graduates by saying that they will have to pay more as a result of the graduate endowment.

Dennis Canavan: The minister seemed to make only one concession, namely that the threshold should be kept under review. What does that mean? How often will it be reviewed? How will it be reviewed? Will it be reviewed in line with the retail prices index or the average wages index? The minister did not satisfactorily address my main allegation that the threshold is far too low. His attempt at justification was that it would be simpler to collect graduate endowment payments if the threshold was set at £10,000 because of the student loans system.

I am not much of a supporter of the student loans system, but if the minister is such a great supporter of it, is it beyond his wit to examine it to see how it can be reformed? If the student loan threshold is too low, and it would be better for collection purposes to have equal thresholds, why not level up the threshold, rather than level it down?

The minister also said that similar amendments were lodged at stage 2 and rejected. That may be

true, but at the final stage of the bill, the Parliament in plenary session ought to have the opportunity to express a view on the matter. I hope that the Executive will listen to that view.

The Executive's main argument seems to be that graduates tend to earn more, therefore they should contribute to the cost of their higher education. I do not quibble fundamentally with that argument. If it is the case that graduates earn more, of course they ought to contribute more, but the fairest method of contributing more is through a progressive system of income tax, rather than a graduate tax, which the bill will introduce.

I repeat my fear that, as it stands, the bill will act as a disincentive, rather than an incentive, to many young people who wish to go on to higher education. Once they graduate, not only are they entering the world of full-time employment, but many of them will have other obligations, including family obligations, mortgage repayments and so on. At that important stage in their lives, they will have to repay a debt of £12,000—or more in some cases—and they will also have to start paying the graduate endowment, even if their salary is as low as £10,000 per annum.

George Lyon: I have a point of clarification for Dennis Canavan. Under the new system, students will pay a graduate endowment of £2,000 plus the student loan repayment.

A table that was supplied to the Enterprise and Lifelong Learning Committee shows that, under the proposed system, students from lower-income backgrounds will be liable for £4,000 less debt than they incur under the present loan system and that 99 per cent of students will leave university with lower debt levels. Even including payment of the endowment contribution plus the loan, students will have less debt when they leave university than they do under the present system. That is an incentive, not a disincentive.

10:00

Dennis Canavan: Even I—

The Deputy Presiding Officer: Order. Just a second please, Mr Canavan. I remind members that interventions, by their nature, should be brief.

Dennis Canavan: What George Lyon says is beside the point. Even I must agree that the bill will introduce a system that is better than the status quo. The student support package that the bill proposes is at least an improvement on the system that the House of Commons introduced following the previous general election. However, it is not good enough to say that just because the proposal will be better than the status quo, we should accept it. My amendment would effect a much-needed improvement.

As I said, if there is an argument—and I think that there is—that people on higher earnings should contribute more to the cost of their education, the fairest way of ensuring that is by adopting a progressive income tax system, rather than placing a financial burden on many students. After those students have graduated, they will find it difficult to keep up the payments, and they may find that a disincentive to enter college or university.

I would never discourage a potential student from going to university, despite the financial difficulties that they would face. Part of the Parliament's job is to try to make it as easy as possible for young people to go on to higher education. Many members received higher education and throughout it received generous grants—many of us did not have to resort to loans or anything like that. It is wrong of us to try to treat the future generation of students less generously than we were treated. Therefore, I ask the Parliament to agree to my amendment.

The Deputy Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 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)
 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)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (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)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (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, 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)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 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)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (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)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 43, Against 61, Abstentions 0.

Amendment 4 disagreed to.

The Deputy Presiding Officer: I ask Brian Monteith to move amendment 5, which was debated with amendment 4.

Mr Monteith: I will clear up several points on which I did not intervene. I did not want to disturb the flow of some members' speeches, especially when, in some respects, we agree.

The Deputy Presiding Officer: Mr Monteith, I must interrupt you. I have a point of order.

Iain Smith: On a point of order. My understanding is that amendment 5 has been debated and is only to be moved.

The Deputy Presiding Officer: Amendment 5 has been debated, but Mr Monteith can make a brief statement, which I hope is what he is doing.

Mr Monteith: Thank you for that clarification to Iain Smith.

I will pick up several points that were made. George Lyon consistently says that the Cubie committee did not consider the loan threshold because no representation was made about it. I have consistently told him that the Conservative party made representations and advocated that the loan threshold should be increased, but the member will not listen.

Iain Smith suggests that students will not pay more than they do now. They will not pay more because the loan entitlement is being reduced. That brings us to the deputy minister's point that students will not have greater debt. Students will not have greater state debt. It is the private debt that students will incur that will provide the disincentive that worries the Government so much that it must give relief to 50 per cent of the students who would otherwise pay the iniquitous tax.

Some students will not even be entitled to a loan. The deputy minister has told us that the Government is listening, yet he has lodged no amendments that show that. The original bill was flawed and was withdrawn by a very late letter before the deputy minister had to appear before the Enterprise and Lifelong Learning Committee for a second time. The performance of the deputy minister and his officials at that point left a great deal to be desired.

The deputy minister will not listen. He took no interventions and simply read a speech. The Government is bullying the bill through Parliament. The deputy minister may wish to bully the First Minister, but we will stand up for students. I call on members to back amendment 5 to ensure greater relief and greater social justice.

I move amendment 5.

The Deputy Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (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)
 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)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (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)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
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 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
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 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)
 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)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (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)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 45, Against 59, Abstentions 0.

Amendment 5 disagreed to.

The Deputy Presiding Officer: I ask Dennis Canavan to move amendment 6, which was debated with amendment 4.

Dennis Canavan: I do not know if it is worth moving amendment 6, because it is consequential on amendment 4. Amendment 4 was not agreed to, so I do not want to press either amendment 6 or amendment 7.

Amendments 6 and 7 not moved.

The Deputy Presiding Officer: Amendment 8, in the name of Dennis Canavan, is grouped with amendments 9 and 10. I ask Mr Canavan to move amendment 8 and to speak to the amendments in the group.

Dennis Canavan: The bill refers to the

possibility—or indeed the certainty—that, if it is passed, the Executive will come to Parliament with a statutory instrument that sets out regulations. My experience of secondary legislation at Westminster is that the Government often introduces such legislation by way of a statutory instrument at dead of night. If Parliament has an opportunity to vote on the legislation at all, it is on a take-it-or-leave-it basis. In my experience, there is no opportunity to amend the regulations or the statutory instrument. Therefore, it is not the best example of parliamentary democracy in practice.

With the Scottish Parliament, I thought that we might have more opportunity not just to scrutinise secondary legislation, but to amend it and to tell the Government when it has got things wrong.

We heard the minister refer to a threshold for the repayment of the graduate endowment after graduation, but no threshold is mentioned in the bill. The Executive has indicated that it is in favour of a threshold of £10,000 per annum and has said that that threshold will be subject to review. Presumably, the Executive will come to Parliament with the regulations on the threshold and give details of the obligations on graduates to contribute to the graduate endowment fund.

In a sense, if we pass the bill in its present form, we are being asked to buy a pig in a poke, because the bill has no details about the levels of payment that students will have to make. No mention is made of the threshold. As a result, we are unable to quantify the hardship that students will suffer from the passing of the bill and the regulations or statutory instrument that the minister may lay at a future date.

When the minister comes to Parliament with the regulations in the form of a statutory instrument, Parliament should have the opportunity to consider that instrument in detail—not just to vote yes or no, but to tell the Executive that it has got it wrong. Parliament should be able to suggest to the Executive where it has got things wrong and to instruct the Executive to come back to the Parliament with amended proposals.

10:15

For example, if the Executive is intransigent and stands by the income threshold of £10,000 per annum at which a graduate must make a mandatory contribution and, by the time the proposal is laid before Parliament, members—perhaps even a majority of members—consider that that threshold would be too low and that the contributions that individual students would have to make according to their means would be wrong, we should have the opportunity not just to turn down the Executive's proposals, but to tell the Executive what an alternative, fairer proposal

would be. As well as ensuring a fairer deal for students, that would enhance the Scottish system of parliamentary democracy by giving the Parliament the power to tell the Executive to think again about detailed regulations.

I move amendment 8.

Mr Morrison: Amendments 8, 9 and 10 would introduce big changes to the procedure by which statutory instruments that relate to the bill would be made. Indeed, amendment 8 departs significantly from the existing rules that are normally followed for the making of statutory instruments. I do not believe that such changes are necessary.

The existing procedures by which statutory instruments are made are well known to, and well understood by, members. According to standing orders and the legislation that governs Scottish statutory instruments, the Parliament has a chance to formally accept or reject an instrument made by the Executive. If Parliament rejects such an instrument, the Executive is forced to withdraw it. Quite rightly, that means that ultimate control over statutory instruments rests with the Parliament.

That is not the only way in which concerns about statutory instruments can be raised. Committees scrutinise proposed statutory instruments and provide comments and criticisms on the proposals. If such comments indicate practical difficulties or fundamental defects, we have to consider and introduce an amending instrument as appropriate.

Mr Canavan should be aware that a set of draft regulations relating to the bill has been in the public domain since the bill's introduction last autumn. That practice is, as Mr Canavan knows, almost unheard of in Westminster. We have, since last autumn, consulted widely on those regulations and produced a further draft.

Amendments 8, 9 and 10 could lead to the ridiculous prospect of the Parliament requiring the Executive to introduce amendments to a statutory instrument that the Parliament has no power to make. Frankly, the Parliament would look absurd if we were to open up that possibility.

Mr Canavan is not happy that the responsibility for the making of regulations rests with the Executive and the responsibility for approving them or otherwise rests with the Parliament—he is, of course, entitled to his views on that. Amendment 8 is not specifically about the bill. I submit that it is quite wrong to try to use the bill to create a completely new form of legislation and a completely new form of legislative relationship.

Mr Canavan has not convinced me that there is anything about the statutory instruments that will be made under the bill that requires the ad hoc

invention of a completely new form of secondary legislation. I invite Parliament to reject amendments 8, 9 and 10.

Dennis Canavan: We have heard it all now. In the words of an Executive minister, it is ridiculous to give the Scottish Parliament power over the Executive. I do not see anything ridiculous in that. The Parliament has the power to amend primary legislation. The Executive must accept such amendments if they are the will of the Parliament, even if the legislation has been introduced by the Government. If the Executive is afraid to put into primary legislation the detailed principles by which it will determine the graduate endowment and what will be a fair or unfair deal for students, and if the Executive—by using fear or concealment—expects the Parliament to give it *carte blanche* to introduce detailed, unamendable regulations later, that is indeed an imperfect system of parliamentary democracy.

Amendments 8, 9 and 10 might set a precedent, in that I cannot think of any previous primary legislation that gives the Parliament the power to amend the associated secondary legislation. However, members should remember that the Parliament is in its infancy. I hope that we are not slavishly following the practices of Westminster. If such a power is a precedent, it is a very good one.

A couple of weeks ago, there was another example of the Executive treating the Parliament with contempt. As a result, more people outside the Parliament realise the distinction between the Executive and the Parliament. Part of the job of the Parliament is to bring the Executive to account, to tell it when it has got something wrong and to tell it to think again. If the Executive is afraid to present us with detailed proposals in the primary legislation, Parliament should be able—to ensure a fairer deal for students—to amend the secondary legislation. If that sets a precedent for future legislation, so be it. It is a very good precedent.

The Deputy Presiding Officer: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)

Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (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)
 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)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (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)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (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, 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)
 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)
 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)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (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)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 46, Against 60, Abstentions 0.

Amendment 8 disagreed to.

Amendment 9 moved—[Dennis Canavan].

The Deputy Presiding Officer: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
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 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
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 Hyslop, Fiona (Lothians) (SNP)
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 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)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (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)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
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 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
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 Gray, Iain (Edinburgh Pentlands) (Lab)
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 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (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, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)

Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
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 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)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 46, Against 61, Abstentions 0.

Amendment 9 disagreed to.

Amendment 10 not moved.

The Deputy Presiding Officer: Amendment 11, in the name of Dennis Canavan, is grouped with amendment 12.

Dennis Canavan: I think that amendment 12 should find the general acceptance of the Parliament, including members of the Executive, because it merely sets out a principle. Financial implications might follow acceptance of that principle, but I have not spelled out in detail what those implications would be. What I have said is that the Executive—or Scottish ministers—in exercising their powers under the proposed legislation should aim to ensure that students from low-income families are not prevented from pursuing a course of study as a result of that low income. That is an important principle.

I am sure that, in the course of their constituency case work, all members have come across students—fifth-year and sixth-year pupils—who are considering going on to college or university, or their parents who are worried sick about the financial implications, especially if the family is on a low income because of unemployment, sickness or the low pay that is all too prevalent among those who are fortunate enough to have a job. If the statements from the Executive and the Westminster Government on the matter amount to anything more than platitudes, they ought to fit well with the principles that are outlined in amendment 11. If we were to enshrine that principle in statute, Scottish Executive ministers would have a statutory obligation to take into account the possibility that young people might be deterred from going on to higher education by their, or their families', low incomes. That obligation on the part of the Executive would go some way to ensuring more access to college and university for students from low-income groups.

Over the past 20 or 30 years, under Governments of various complexions, there has been an enormous increase in the proportion of students who go on to higher education. When I went into higher education in the 1960s, the figure

was about 10 per cent—Mr Morrison says 5 per cent. It might have been a bit higher in Scotland if we take into account both those who went on to colleges of higher education and those who went to universities. The figure is now 50 per cent or thereabouts—an enormous increase. However, there has been a less significant increase in the number of students from low-income groups who enter higher education. The Executive ought to address that problem more seriously. The Executive accepts that there is a problem, but if amendment 11 were passed by the Parliament there would be statutory obligations on the Executive to take the problem into account and to take the necessary steps to remedy it.

10:30

Amendment 11 spells out in a bit more detail how the principle that would be established by amendment 12 should be put into effect. If amendment 12 were accepted, the Executive would have to prescribe a level of family income. Ministers would then have to ensure that students from families that had an income below that prescribed level received a grant or some other form of maintenance that was enough to ensure that they were not dependent on loans or parental contributions. That used to be the case many years ago, when the maintenance grant was generous enough to allow students to live off it—even students from low-income families. Then, if students were able to get jobs during the long university holidays in the summer, they could live off their grant and what they managed to earn in the summer. However, that would be very difficult, if not impossible, to do now.

I am not suggesting that the Executive should ensure that all students should have a maximum grant. That would be an ideal solution to work towards, but amendment 12 does not suggest that at this stage. What it suggests is that, for students whose family's income is below a specific threshold, the Executive should try to ensure that there is a grant that is generous enough for them to live off.

Student poverty, unfortunately, is a reality for many young people today. In fact, the front page of *The Herald* today refers to recent research that was carried out by the University of Glasgow, which reveals that

"The mental and physical health of students in Scotland is suffering as an increasing number are forced to combine part-time work with full-time study."

As I said, students topping up their grants with part-time earnings or earnings during their holidays is nothing new. However, when students must work many hours, that can interfere with their studies.

The same report in *The Herald* refers to a young student who has severe financial difficulties; he has difficulties with his studies because his financial problems are so great. The report states:

"He is contracted to work 21 hours, usually over a weekend, on Friday, Saturday and Sunday nights, but last weekend he worked 43."

That is completely unacceptable. How is any young person expected to do well in a full-time course of study when he or she works that number of hours at the weekend? I understand that the Government and the Executive are on record as saying that, if students are going to work, they should not work any more than about 10 hours a week. However, student poverty is such that many students must work long, hard hours at menial tasks. Many are tired out by the time they go to their lectures, so that they not giving of their best.

I hope that the Executive will address student poverty. If ministers accept the principles that are laid out in amendment 12, together with the mechanism that is described in amendment 11, that would help to reduce, if not to eradicate, student poverty and it would allow students—especially those from low-income families—to concentrate on their studies, to do their best at college or university and, therefore, to fulfil themselves, get a better degree and be of greater service to the nation after they graduate. It would be a good investment in our future and their future if the principles that lie behind my amendments were accepted.

I move amendment 11.

The Deputy Presiding Officer: Several members want to speak on this group of amendments. I ask members to restrict their contributions to three minutes so that we can make some progress. I call Brian Monteith.

Mr Monteith: I am happy to keep my speech brief, but I want to place on record my party's views on Dennis Canavan's amendments. On amendment 11, I hope that he will respect the fact that we have a difference of opinion on loans and grants. The Conservatives have a principled position in favour of loans and many other members have a principled position in favour of grants. That is a debate that I am quite happy to enter into in more detail later in the proceedings, but I am unable to support amendment 11.

However, I believe that it is possible for the Conservatives to support amendment 12. The wording of amendment 12 is broad enough to gain the support of all members of the Parliament and I agree with Dennis Canavan that what he proposes should be possible. It should be possible for an amendment such as amendment 12 to be made to the bill, because it aims to ensure that students from families with low incomes are not prevented

from pursuing a course of study. Amendment 12 would allow a Scottish Government the opportunity to institute new programmes of bursaries, or to change various charity laws to make it easier for universities to run bursaries and to raise income for that purpose. There are elements of amendment 12 that should allow members of all parties to support it; I offer my support for it.

Tommy Sheridan (Glasgow) (SSP): It is important for the Parliament to recognise that, some 20 years ago, we were in the midst of one of the world's worst economic recessions. We were two years into the Thatcher Government. We had high interest rates, high unemployment and high inflation. Twenty years later, we are told by all the ministers that we have never been in a healthier economic situation, with low unemployment, low inflation, low interest rates and a booming economy. Twenty years ago, under the Thatcher Government, students had full grants and could claim housing benefit and income support. The problem is that, under today's Labour Government, in better economic conditions, they cannot claim housing benefit and there are no maintenance grants.

According to the National Union of Students—and to every other independent study—more and more working-class kids who are trying to enter further and higher education must leave education because they cannot afford to stay in full-time study. The problem with the expansion of student numbers is that the Government's national commitment to the wealth that is devoted to student support has not kept track with the increased number of students. Less of our national wealth is now devoted to student support than was the case 20 years ago. Amendments 11 and 12 seek to put into statute the requirement for the Parliament to support students from low-income families, so that they are not economically barred from access to full-time education.

In 1981, I was able to get on the ladder of opportunity to full-time education because of full-time grants and access to social security payments. Other members are in the same boat because they also got that help. It is not acceptable that we kick away that ladder of opportunity for other working-class kids.

Dorothy-Grace Elder (Glasgow) (SNP): I refer to Mr Canavan's remarks about students working in jobs for as much as 40 hours a week. That is absolutely accurate; I have met students who do worse hours than that. Just the other night, I met a young lady who was working at 11 o'clock at night in an Edinburgh hotel. She told me that she was on duty again at 6 o'clock the following morning in another Edinburgh hotel. She does three jobs to keep her going as a student.

In Glasgow, it is common for students to work all day Saturday in, for example, a shop and to start working again on Sunday or Monday in a bar. Student health is back to the state that it was in during the 1920s, when the young and poor coming out of the first world war tried to get themselves an education. Those gaunt figures are with us again; student health is going down all the time and student mental health is causing serious problems. There have been several tragic suicides at Scottish universities.

I remember when Gordon Brown and Robin Cook were at the University of Edinburgh; they were full beneficiaries of what the Wilson Government brought to them. I remember how they got their start in life, so that they could ensure that a different generation of students lived in poverty. I am sorry, fellow parliamentarians, but I could never go along with that. I support fully amendments 11 and 12.

Mr Morrison: I am delighted to say that the Executive shares Dennis Canavan's concern about the position of students from low-income families. We agree absolutely that increasing the number of students who benefit from higher education and who are from groups that have traditionally been under-represented, should be our priority. We recognise that targeting support at those students is part of how we will achieve that, but I hope that I can persuade Mr Canavan that amendments 11 and 12 will do little to help those students and that the amendments would be worth far less to them than the commitments that we have already given.

Amendment 11 seeks to ensure that there is a level of family income below which students will receive grants to reduce their loan dependence. We agree absolutely with that principle. It is exactly what we are doing and I am happy to confirm that it is what we will continue to do.

Bursaries—or, if members prefer, grants—will be introduced from this autumn for young students starting in higher education. Dennis Canavan would like to see the principle of targeted support reflected in the bill. We have considered that, but simply do not believe that that is the right way forward.

This year's new grant represents the first year of a long-term commitment to providing support to students from low-income families, which will greatly reduce their reliance on debt while providing more resources for them during their courses.

Amendment 12 seeks to ensure that low income will not prevent students from pursuing a course of study. Again, we agree that family income should not be a barrier to access to higher education and I very much welcome the opportunity that that

amendment gives us to repeat that point.

I have mentioned that the changes to student support that we are introducing will target specifically low-income groups. As well as the bursary—or grant—for young students to which I have referred, we are also increasing by £500 the value of the overall package of support that is available for students from households that earn up to £15,000.

I believe firmly that the action that we are taking will, as never before, transform opportunities and unlock the talent of our least well-off young people. The Executive is happy to be judged on its record. I therefore invite the Parliament to reject amendments 11 and 12.

Dennis Canavan: I am grateful to the minister for saying that he shares my concern and that he agrees with the principle that lies behind amendment 12. I do not see why he does not accept that that principle should be enshrined in statute. It is all very well that the minister has the decency to tell Parliament today that he agrees with the principle that I am pursuing, but that might not be the case with future incumbents of his ministerial position. Here is an opportunity for the Parliament to ensure that the minister and all future ministers have regard to the special needs of students from families with low incomes, and that they ensure that the assistance that is available to them is enough to ensure that they are not prevented from pursuing a course of study as a result of their low family income.

10:45

The minister said that the Executive is providing more resources to help students. It might be the case that the Scottish Executive is providing more resources than the Westminster Government provided to Scottish students, but we should not use the Westminster Government as a yardstick. We should consider student poverty as it exists in Scotland today and we should take every available step to eradicate it. Although the Scottish Executive might be doing better than the Westminster Government, students today receive less in grants than students received 30 years ago—or 40 years ago under Harold Wilson's Labour Government. Today's new Labour ministers ought to be ashamed of that.

We all realise that a limited amount of money is available in every budget and that matters must progress more slowly than we would like. However, when over 30 or 40 years there is regression rather than progression, that does not say much for the principles that the minister has enunciated and which would be enshrined in statute if the Parliament agreed to amendment 12.

Amendment 11 would ensure that there was a

practical scheme for the implementation of the principle that is laid out in amendment 12.

I repeat that student poverty is a big problem in Scotland today. I referred to the case of the student from the University of Glasgow in my earlier speech. I will quote from him. He says:

"I went from being a full-time to a part-time student because my performance was suffering ... I felt drained during lectures and was not able to take in information. Generally, I was too tired to find the energy to study."

No wonder, when he must work for 43 hours at the weekend. Why does he have to go out and work as much as 43 hours at the weekend? It is, as the article in *The Herald* states, because he

"currently carries a student loan debt of £5000, has a £750 overdraft, and £500 of credit card debt."

That is one example—of many in Scotland today—of the poverty that is being experienced by the student population. Students are looking to the Parliament to try to eradicate that poverty, so that they are able to study with peace of mind and so that, when they eventually graduate, they will not have a millstone of debt around their necks. They will be able to go out into the world and fulfil themselves.

There is an argument that they must pay, because they will be on higher earnings because they will have had the privilege of a university education. I repeat: the mechanism for making them pay would be a more progressive system of income tax. I hope that the minister will make appropriate representations to his colleague Gordon Brown on those matters. When Gordon was student rector of the University of Edinburgh back in the 1970s, I think that he would have agreed with every word that I have said today.

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Deputy 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, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (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)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 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)
 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, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 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)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 31, Against 77, Abstentions 0.

Amendment 11 disagreed to.

Amendment 12 moved—[Dennis Canavan].

The Deputy Presiding Officer: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (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)
 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)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)

Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (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)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (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, 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)
 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, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)

Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (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)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 46, Against 63, Abstentions 0.

Amendment 12 disagreed to.

Section 3—Financial support for students

The Deputy Presiding Officer: Amendment 1, in the name of Kenny MacAskill, has been debated with amendment 4.

Mr MacAskill: In moving amendment 1, I should say that none of the deputy minister's earlier comments satisfies the SNP that section 3 is anything other than a political fix. Notwithstanding the recommendations of the Cubie inquiry, the figure of £10,000 was fixed, and the Executive has sought thereafter to justify it. Only yesterday, on 28 March 2001, the deputy minister dispatched to the convener of the Enterprise and Lifelong Learning Committee a letter that sought to justify the costs and calculations of the threshold. One would have thought that, if the Executive were progressing on that basis, it would have taken such a decision at the outset, rather than trying to justify its position the day before the stage 3 debate.

This is a matter of principle; it is about the principles that lie behind the Executive's electoral commitments, the Cubie inquiry and universal education. The SNP has no hesitation in adhering to those principles; it will be for new Labour and agricultural Labour to make up their own minds about those principles.

I move amendment 1.

The Deputy Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (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)
 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)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (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)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (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, 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)
 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, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (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)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

The Deputy Presiding Officer: The result of the division: For 46, Against 62, Abstentions 1.

Amendment 1 disagreed to.

Section 5—Short title and commencement

The Deputy Presiding Officer: Amendment 2 is in the name of Kenny MacAskill.

Mr MacAskill: Many of my points have been made previously by Dennis Canavan, Tommy Sheridan and indeed Robin Harper, not only in his role as an MSP but in his role as rector of Edinburgh University. This is also a matter of principle. The question of the restoration of benefits does not simply go back to the principles of the Cubie inquiry, which indicated that the lack of benefits was a clear factor in student debt; it goes back to the principles of the welfare state and of Beveridge, whom the members of agricultural Labour will recall was a Liberal. This issue is all about having the opportunity to receive a benefit as a citizen's right and entitlement if that individual is unable to gather or obtain any money.

When I was a student—which was many years before Tommy Sheridan was a student—benefits were available. It was not a licence to scrounge, but an opportunity for a citizen to receive his right and entitlement. If he cannot earn, he should be

able to make such a claim.

The Deputy Presiding Officer: I ask members to keep the background noise down when other members are speaking.

Mr MacAskill: Restoring benefits would not cause a deluge of claims by students, many of whom would obviously not be eligible if they were employed. However, those who are unable to obtain employment—which I hope would amount to a few—should be able to obtain a citizen's rights as a member of our society. Such principles were enunciated by the Labour Government when it set up the welfare state, and were adhered to by the Cubie committee.

The Executive has acknowledged that the problems of student debt and of students' disinclination to continue their studies are not down simply to tuition fees or graduate endowments, but to many other matters, particularly the lack of benefits such as housing benefits and social security benefit at key times. As Dorothy-Grace Elder, Dennis Canavan and Tommy Sheridan have pointed out, students are under substantial pressure. Amendment 2 provides a limited opportunity for a student who does not receive a grant or has no income at summer or Christmas to benefit from society's assistance, as is their right and as, when I and other Labour members were students, we had the opportunity to make a claim for benefit if we could not obtain employment.

We acknowledge that the Parliament does not have the power to deliver that, as social security is reserved. However, the very least that we can do and that our students are entitled to expect is for the Parliament to tell Westminster that social security benefits should be restored to students, as the Cubie committee and others have recommended. If Westminster refuses to do so, all we can do is return to Scotland and decide whether we should have power over social security instead of having to go cap in hand south of the border. I have no hesitation in moving this amendment not just because of the principles of the Cubie committee, but of the principles of the welfare state.

I move amendment 2.

The Deputy Presiding Officer: Before calling the next speaker, I appeal again to members to keep the level of background noise down in the chamber, as it is very distracting.

Robin Harper (Lothians) (Green): In supporting amendment 2, I want to give the chamber some food for thought for the future. In the Parliament, a group led by Stuart Duffin is researching a basic birth-to-death income scheme that would replace the whole system of benefits. I will not go into all the details of the scheme just

now, but I will say that introducing such a scheme for all young people from 16 to 24 would remove many of the complications that we have been debating this morning. This is a simple plea to members to start thinking about a basic income stream. The Irish are considering that possibility. It would simplify all the problems that students face if we introduced a basic income stream for all students aged 16 to 26. Future consideration should be given to that.

11:00

Tommy Sheridan: I ask all members to consider what amendment 2 is inviting them to do. We are being asked to support representation being made to Westminster to reinstate the right of students to social security benefits. Most Labour members, at some time in their previous employment, supported those calls and opposed the removal of the right of students to social security benefits. Even the Liberal Democrats at Westminster support the reinstatement of benefits for students. All that amendment 2 is asking is that representation is made.

I hope that there will be unanimous support for the amendment. It is asking for a minimum level of income to be set for students—that is what income support is: a minimum level of income. If we continue to refuse students that minimum level of income, we continue to condemn them to a life of poverty while they study.

George Lyon: When amendment 2 was discussed at stage 2, it was pointed out to Mr MacAskill that it proposes to give Westminster a veto over legislation in the Scottish Parliament and that the right way in which to tackle the situation is for SNP members to turn up at Westminster and, along with the Liberal Democrats, lobby to get it changed. I suggest that that is the right way in which to achieve what the amendment seeks to achieve, instead of holding up the Scottish Parliament in doing its work.

Mr Morrison: As George Lyon says, amendment 2 was lodged at stage 2 and was rejected. As I explained to Kenny MacAskill then, the payment of benefits is a reserved matter.

It is especially surprising that amendment 2 has been lodged by an SNP member. Let us be clear about what the amendment sets out to achieve. The bottom line is that it would make legislation that was passed by the Scottish Parliament dependent on the actions of UK Government departments. I can say categorically that it is not appropriate that the Scottish Parliament should delay its legislation pending action by the UK Government in a reserved area. That is not the way in which the Scottish Parliament should work, and it is not how it is going to work.

Andrew Wilson: Will the minister guarantee that that will never happen while the present Executive is in office?

Mr Morrison: I am delighted that Mr Wilson has made such a devastating intervention. I am at a loss as to how to answer it.

It is apparent that Kenny MacAskill and his nationalist colleagues think differently about the way in which the Scottish Parliament should work. Amendment 2 appears to suggest that we should give the UK Government a veto over legislation in the Scottish Parliament. However, it would be highly inappropriate for us to pass power back to Westminster. If the SNP and other members want to raise the matter of social security benefits for students, they should do so through the appropriate channels. As George Lyon pointed out, the proper way in which to do that would be to lobby Westminster directly, as social security is a reserved issue. We all appreciate the fact that Scottish National Party members have great difficulty in turning up for any debate in the House of Commons—only this week, they failed to turn up for an important debate on the Scottish economy.

We are not ignoring the issue of the interface between student support and the benefits system. In implementing our new student support system, we have ensured that the relationship between student support and benefit entitlement is as smooth as possible. For example, the new school meals grant will ease the transition from benefits to full-time study and help all student parents on low incomes. We are ensuring that the new assistance, such as the mature students bursary fund and the school meals grant, will not affect benefit entitlement. I therefore invite the Parliament to reject amendment 2.

Mr MacAskill: I am surprised that the minister and Mr Lyon have not read the amendment. The word veto is not mentioned. It says that representations are to be made, and thereafter, in part (b), that Scottish ministers must have

“laid before the Scottish Parliament a written report of the response made by Her Majesty’s Government to those representations.”

If Her Majesty’s Government was not prepared to restore eligibility for social security benefits to students, that would not impede an Executive of any political hue in proceeding in the matter. It would, however, raise the opportunity of inquiring whether social security benefits should continue to be run from south of the border. People would have to make their own judgment on that. What we are asking for is the minimum amount to which we think that students are entitled.

The bottom line is that the Executive should be prepared to go down to Westminster and at least

ask for benefits to be restored to students. That is what its members agreed with and supported when they were in opposition, although apparently they are now not even willing to go to Westminster to ask for that. We are not asking anyone to go cap in hand; we are asking the Executive to restore what we believe is the right of every individual citizen. Given that 50 per cent of our young people are now becoming students, the Executive is preventing 50 per cent of young people from obtaining benefits although they cannot work. That is why we have no hesitation in adhering to principle once again and in urging the Parliament to support amendment 2.

The Deputy Presiding Officer: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. [*Interruption.*] There is a problem with the electronic voting system. Members who are just entering the chamber can relax, as we are having to delay the vote. The clerks are now resetting the system.

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, Dr Winnie (Highlands and Islands) (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)
 Harper, Robin (Lothians) (Green)
 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)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (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)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 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)
 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, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 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)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 32, Against 74, Abstentions 0.

Amendment 2 disagreed to.

The Deputy Presiding Officer: That concludes consideration of amendments to the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill.

Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill

The Deputy Presiding Officer (Patricia Ferguson): The next item of business is a debate on motion S1M-1780, in the name of Wendy Alexander, which seeks agreement that the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill be passed.

11:11

The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander): I am delighted to move this motion today. The bill forms the cornerstone of a package that will deliver significant improvements to student support in Scotland.

It is a tribute to the workings of the Parliament that it has moved so quickly from the introduction of the bill to stage 3 consideration. I pay tribute to the efficient and careful way in which the Enterprise and Lifelong Learning Committee went about its task. The committee's adherence to a tight timetable means that the benefits of this bill will be felt by students from autumn this year. I thank committee members for their contribution. I am also grateful to Nicol Stephen and Alasdair Morrison for the consideration that they have given to the bill and for time that they have spent dealing with the details of the bill to ensure that we got it right.

I would also like to pay tribute to the stakeholder groups, who, in evidence-giving sessions in the committee and through the valuable work that was undertaken by the student support technical advisory group, have worked to ensure that students benefit from a scheme whose details are as fair as possible.

I also commend the Cubie committee on its 1999 report, which led to the proposals before us today. We are following the guiding principles that the committee set: targeting resources, flexibility and support for those most in need. We have also followed the recommendation that we bring in an endowment with repayment linked to earnings.

The principle of Cubie was the principle of an endowment. The principle is that an investment in a student's education allows that student to reap the rewards of that investment for the rest of their life. On average, women in Scotland who have gone to university earn £1 million more in discounted lifetime earnings than those who have not. That bounty is earned over a lifetime. We are asking for £2,000 in later life to pay for a four-year course in which the Scottish Executive will have

invested in excess of £20,000. That is the principle. I note that Cubie suggested that the endowment should be over £3,000 but we are asking only for £2,000.

The issue of the threshold dominated the debate but the threshold is not a matter of principle and we think that there is a case for revisiting it. However, no one will be making payments for a few years. I ask those in this chamber who say that they care about the burden of red tape on businesses why they want to inflict on employers two different systems of repayment.

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

Ms Alexander: I do not have time.

The Cubie principle was that the endowment should be based on the ability to pay, which should be based on income. That is different from the mortgage scheme with a market interest rate that the Tories propose.

We heard a familiar tale from the SNP. It does not believe in the graduate endowment or the Cubie principle but, again, gives us an easy, uncosted promise that nobody would have to pay anything. In the SNP's five-day-old tax plans, there was not a ha'penny to fund that promise.

The truth is that the coalition parties have stuck to the Cubie principles, have moved beyond the denunciations and have delivered for students.

The other substantive point that was made in the debate was on the issue of student poverty. I say to Dennis Canavan that it is precisely because of the kind of stories that he told today that we are committing an additional £50 million to this landmark achievement in the provision of student support.

We have abolished tuition fees and from this autumn we are introducing bursaries—grants by another name—of up to £2,000 a year for young students from the poorest backgrounds. Those with a family income of less than £15,000 will be able to access an extra loan £500. What does that mean? It means that the spending power of students living away from home will increase by 13 per cent and that that of students living at home will increase by 17 per cent—that is more than four times the rate of inflation. I note also that Cubie indicated that there should be an increase of only 13 per cent.

To put all that in perspective, I will point out that, in 1980, students had to live on £3,189, in today's prices. This August, students from the poorest families will have access to £4,315—which is more than £1,000 more in grants and loans than they would have got 20 years ago. That means that Scotland's least well-off students will get a better deal than either the SNP or the Conservatives

suggested that they would in their evidence to the Cubie committee.

Another way in which the world has changed in the past 20 years is that there are now more mature students. That is why we have introduced a mature students bursary fund.

The overall package adds up to a better deal for the least well-off students. No one will have more debt, 45 per cent of students will get more money each year than they do now and we will remove students from joint and several liability for council tax. Altogether—getting away from the denunciations and considering the delivery—we are giving young Scots their best ever chance to go to university. By reintroducing bursaries and ensuring that the poorest students have more to live on than they have had for more than 20 years, we are delivering.

The bill is ready to be approved by the Scottish Parliament and to pass into law. It is a significant achievement for the Scottish Parliament. It is a clear example of the partnership Government working together to respond to the wishes of the people of Scotland. The bill will work towards the provision of an inclusive higher education sector in Scotland that supports and empowers all Scots. I am pleased to move the motion.

I move,

That the Parliament agrees that the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill be passed.

11:17

Mr Kenny MacAskill (Lothians) (SNP): The subject matter of the bill has been discussed and debated at length in the chamber and in committee. Amendments have been few and this debate is to be brief, mainly because the bill is lacking in specification and detail. Committees have commented on the failure of the Executive to clarify the criteria that will qualify some for grants and ensnare most with a tuition fee.

In the debate following stage 3, it is customary in the Scottish Parliament to applaud the passing of another milestone as our legislature embeds further legislation for our nation. I cannot and will not do so on this occasion. Obviously, the bill contains elements that are sensible and overdue. It is right, for instance, that our Parliament should address the iniquities that students face with council tax and the difficulties that many faced in the absence of a grant. However, while such elements are welcome, the bill has to be considered as a whole. The Scottish Executive cannot mask the iniquities in the bill by lacing it with overdue and inadequate legislative advances. Moreover, it is scandalous that the Scottish Executive should seek to ensure the passage of

the meat of the legislation by leaving it to regulations. The Scottish Executive has been told and knows well that the regulations cannot be amended but can only be accepted or rejected. Accordingly, Executive diktat is to be used to enforce the digestion of the Executive's unpalatable proposal.

The nub of the matter, however, remains the same: a tuition fee is a tuition fee, whether it is paid at the beginning, the middle or the end of the course. Renaming a tuition fee a graduate endowment is not an abolition but is, in the words of Winston Churchill, a "terminological inexactitude". He who is guilty of the greatest terminological inexactitude is the minister responsible for a department in which language and interpretation is crucial—the Deputy First Minister and Minister for Justice, Jim Wallace. I am referring to his declaration before the elections to the Scottish Parliament—elections that were supposed to usher in a new era for Scotland and for Scottish politics.

As a prelude to that new way of governing, Jim Wallace indicated that tuition fees would be killed stone dead. The phraseology may have changed, but the definition remains the same: students in Scotland require to pay for their higher education. Jim Wallace may call it a graduate endowment, but the effect is the same: it is simply a tuition fee by another name. It is yet another Liberal Democrat sell-out.

Student debt will not be addressed by the endowment. Access to higher education for those from disadvantaged families will not be improved. This is a missed opportunity; this is not Cubie. The Executive partnership has excelled itself in hype and hyperbole. New Labour invents tuition fees; the Liberal Democrats rename them a graduate endowment. Then, both parties, sickeningly, claim credit for their abolition. When the bill is passed, the sycophantic Lib Dem clapometer will go off the scale. The Lib Dems will be claiming that the partnership that they brokered has delivered. However, when the minister signs the bill, she will also be putting her signature to two other things: first, an invoice—in due course—to an already indebted student community for the privilege of learning; and secondly, a political death warrant for the Liberal Democrats for selling out Scottish education, which they hypocritically claimed was so dear to their hearts.

Those of us who benefited from the foresight of a past generation, in its provision of universal higher education, can take no satisfaction from the bill. Those who gained so much, but who choose to provide so little, must hang their heads in shame. The passing of the bill will not be a milestone for the Parliament, but will be a millstone for the student community, and a

tombstone for the coalition partners.

11:22

Mr Brian Monteith (Mid Scotland and Fife) (Con): What have we heard today from the terror of the Cabinet? What will we hear today from other members of the coalition Government in their closing speeches? We will hear, and, in the press releases, we will read about a commitment to social inclusion.

Where was the principled support for social inclusion when Tony Blair introduced tuition fees? Where was the principled support for social inclusion when every Labour MSP here today defended that position in standing for the Parliament?

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will Mr Monteith give way?

Mr Monteith: I have no time; please sit down.

When will we hear of the commitment to social justice? Where is the social justice in students being penalised because of their families' incomes? At the age of 18, a student can enlist in the armed forces and die for his or her country. She or he is treated with respect, as a consenting adult, when it comes to sexuality. When attending a higher education institution, however, the student is viewed as a dependant. Where is the dignity in that? Where is the social justice in that? We will be told that the goal was to encourage students from low-income families. That is well intentioned, but the bill does not do that. The bill characterises everything that is wrong and bad with the British and Scottish Governments that run our countries.

Rather than standing up for socialist principles and redistributing income through progressive taxation, as Mr Sheridan suggests, the measures in the bill bring in stealth taxes. Make no mistake, the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill represents yet another stealth tax.

The Executive has the audacity to tell us that the bill is good for us. The Liberal Democrats have fallen for that. They have not abandoned any principles, however—because they did not have any in the first place. If the minister believed that there was no disincentive as a result of the tuition tax, why give exemptions to 50 per cent of students? Where is the social justice in forcing students to be more in debt to the banks and the credit card companies, and in forcing them to work longer hours because their loan entitlement has been cut?

We will also hear that the bill is a victory for coalition politics, a victory for the partnership and, in particular, a victory for the Lib Dems. They will

claim that the tail is wagging the dog. The truth, as always, is quite different. The bill does not abolish tuition fees, as students and anyone else who is living in the real world will realise. An undergraduate tax has been replaced by a graduate tax. It may have been reduced from £3,075 to £2,000, but it is still a tax. The eligibility for the exemptions may have expanded from 33 per cent of students to 50 per cent of students—but it is still a tax. Those reliefs have been funded by reducing the loan entitlement of students, forcing more students into greater overall debt. Students have to pay higher commercial interest rates than they would normally have expected to pay if they had not taken out the graduate investment.

Mr Rumbles: Will Mr Monteith take an intervention?

Mr Monteith: No, I will not. I have no time.

Then we have the case of Scottish students—in which Mr Rumbles will be particularly interested—who wish to study in England. Many of them have to study in England because of the nature of their chosen course.

This is nothing more than a low, shabby deal, which puts money in some students' pockets at the expense of other students. But then, when the student leaves university, not content with bullying the First Minister, the Minister for Enterprise and Lifelong Learning wants to see that student mugged and their money taken back out of their wallet.

The bill is not what it seems. We have sought at every stage to improve it, but have failed. Let us be clear: the Government has not listened. There are alternatives to the bill: tuition fees should and can be abolished. We have a bill that is available to lodge, but the Government is insisting on proceeding with its own bill. There are no principles in the bill; there are no principles in the coalition partners' support for it. We oppose the bill in principle.

11:26

George Lyon (Argyll and Bute) (LD): If ever we saw an indulgence in hype and hyperbole, that was in Mr MacAskill's speech a few minutes ago. When it—[MEMBERS: "Hyperbowl?"] When it comes to principles, let us consider the Tories, and the incredible statement from Brian Monteith that they are standing up for students. Does he not remember who abolished student grants in the first place?

David McLetchie (Lothians) (Con): It was Labour.

George Lyon: Student grants were abolished by the Tories.

Tommy Sheridan (Glasgow) (SSP): In fact, while the Tories reduced grants, it was the new Labour Government that abolished them.

George Lyon: They reduced them, yes.

The Liberal Democrats welcome the bill, because it completes the second stage of the student support package that the coalition is introducing. Let us make this clear to everyone: tuition fees are gone. No student or parent was asked to pay student fees this year—not one.

David McLetchie: Yes—one was: a Scottish student who went to England.

George Lyon: I challenge the Opposition to bring forward any student who paid tuition fees this year. No parent or student in Scotland has been asked to make a contribution after they leave university, despite the fact that they have not had to pay tuition fees this year. That is a fact—it is up to the Opposition to produce anyone who has actually been asked to make that contribution.

There has already been a response to the policies pursued by the coalition, with a dramatic increase in the number of students in Scotland last year; this year, because students do not have to pay tuition fees, their number is running 10 per cent ahead of that for last year. Students are voting with their feet, in support of coalition policies.

Every organisation that gave evidence to the Enterprise and Lifelong Learning Committee supported the principle of graduates making a contribution to funding living costs for the next generation of students. The only organisation to stand against that is the SNP. It is on its own once again.

The bill makes available to students from poorer backgrounds about £2,000 in grants. That is a huge step forward in trying to encourage students from poorer backgrounds to come into further and higher education. It is a big step forward for social justice.

The bill ring-fences the contribution made by students—remember that only 50 per cent of them have to make it—in order to ensure that funds are available for the next generation of students' living costs. The bill also reduces student debt by up to £4,000 for students from poorer backgrounds and leaves 99 per cent of students with less debt than they would have under the present system, even when the £2,000 contribution is taken into account. That is a tremendous step forward in encouraging students from poorer backgrounds to enter further and higher education.

Nobody would dispute the fact that most of the bodies that gave evidence to the Enterprise and Lifelong Learning Committee expressed concern about the £10,000 threshold, which we have heard

so much about. However, I draw members' attention again to the Cubie committee, which took evidence the length and breadth of Scotland, from students, parents and student organisations. In evidence to the Enterprise and Lifelong Learning Committee, a member of the Cubie committee stated clearly that the issue of the £10,000 threshold was not raised with it, despite the fact that under Cubie's proposals the student loan system would still be in place.

Mr Hamilton: If the threshold is not an issue, why did the member's colleague, the former Deputy Minister for Enterprise and Lifelong Learning, tell us that he thought the threshold was too low?

George Lyon: I will come to that point. I was only repeating the evidence that was given to the committee.

The Scottish Executive consultation received 106 replies, of which only five raised the issue of the £10,000 threshold. The Executive listened to students and parents in that consultation. I accept that organisations have raised the issue, but the right place to deal with it is Westminster. The Liberal Democrats are pursuing the issue and will argue for an increase in the threshold.

Students in Scotland no longer have to pay tuition fees. When the bill is passed, students will have access to grants of up to £4,000. Student debt will be reduced by up to £4,000. Ninety-nine per cent of students will have less debt, even once the £2,000 contribution is added. Most important, the Liberal Democrat-Labour coalition will have delivered the best student package in Europe.

The Deputy Presiding Officer (Mr George Reid): We now move to open debate. As we have time in hand, members' speeches can last up to five minutes.

11:33

Marilyn Livingstone (Kirkcaldy) (Lab): Thank you, Presiding Officer, for allowing me to take part in this very important stage 3 debate. As a member of the Enterprise and Lifelong Learning Committee, I thank all those who were involved in our work on the bill: the committee members, the clerks and all the stakeholders who gave evidence to the committee. Like other members of the committee, I found that evidence very interesting.

Before I was elected to the Parliament, I worked in further and higher education for 17 years, mainly during the period of Tory rule at Westminster. Like my Liberal Democrat colleague George Lyon, I say that I would not like to take a lesson on principles from Brian Monteith's party.

From my experience, I think that we certainly need to raise substantial amounts of money if we

are to widen access. We must widen access not to the groups that continually attend further and higher education colleges and universities but to socioeconomic groups 3 and 4. Even when there were full grants, the percentage of people from socioeconomic groups 3 and 4 attending university did not hit double figures. The packages that we are discussing today and our lifelong learning strategy must attack that problem. I believe that the bill does so.

I will concentrate on widening access to all within our communities, whether people want to enter a first-steps programme, a further education college or a university. The bill cannot be seen in isolation from the wider lifelong learning agenda, but it has key elements that will help to promote wider access to education and training and remove barriers. We must not forget the work that is being done across the board and in which the Enterprise and Lifelong Learning Committee is participating fully.

As George Lyon said, the proposals have been designed so that no student incurs more debt under the new system than they would have done under the current system and, crucially, so that students from poorer families end up with less debt. That is very important.

I welcome the introduction of a scheme enabling part-time students to borrow up to £500 to assist with study costs. In my previous job, I saw the changing patterns of people's learning. More and more people are studying part time. That financial help will be most welcome and will encourage more people to come through the doors, sometimes as their first step. The first step is often into part-time education.

I also welcome the introduction of a young students access bursary scheme, which will be administered by the Student Awards Agency for Scotland and will provide help for young students' living costs, depending on their family's income. I also welcome the establishment of mature students bursary funds, which the committee recommended. Those funds will be administered locally so that there can be flexibility in help and support for the mature students who need it. That represents a move away from 100 per cent loans to support through bursaries for many students.

The bill is good news for Scottish students and in particular for those on low incomes. Those on the lowest incomes, who have never paid fees, will receive up to £4,000 a year in additional bursary support.

As George Lyon said, many students will be exempt from the graduate endowment. They will also benefit from the additional £10 million access payment fund.

I am pleased that not only mature students but

lone parents and students with a disability will not be liable for the endowment.

No one has mentioned the fact that someone undertaking a higher national certificate or diploma at further and higher education colleges will be exempt. Perhaps the minister will say what stage has been reached by the technical working group that is considering how students who complete an HNC or HND at further and higher education colleges will be affected if they move on to take a degree.

Mary Scanlon (Highlands and Islands) (Con): Like Marilyn Livingstone, I was a lecturer in further and higher education. How much would it cost a student to do a one-year top-up course to upgrade from an HND to a BA, for example in business studies? Would that student pay the £2,000?

Marilyn Livingstone: That is the question that I am putting to the minister. From the evidence that we took, we learned that the technical working group was examining that matter. I am asking how far down the road the group is. We were assured that such students would not pay the full sum, but we do not know the details.

The Committee of Scottish Higher Education Principals welcomed the hypothecation of money from the endowment. That means that there will be money in further and higher education for the students who most need it—the future generation of students from socioeconomic groups 3 and 4, who we hope will attend colleges.

I welcome the bill as part of the wider lifelong learning agenda, which has social justice at its core. In particular, I welcome the announcement of £20 million over three years to ensure that further education students have equity of funding with students in higher education. I support the bill.

Mr Monteith: On a point of order, Presiding Officer. Earlier on, Conservative members sought guidance on the time that would be available for the debate and we were given to understand that it would be restricted to half an hour. As a result, not only did we trim our speeches, but we did not take interventions, as that would have made it difficult for us to put across all the points that we wanted to make. I now understand from the methodology that we are following that we are in open debate and that we will proceed to 12.30 pm. Is that correct?

The Deputy Presiding Officer: The timetabling motion allows us to run until 12.30 pm. Therefore, as I indicated to the chamber, I will allow speeches of up to five minutes in this section of the debate. We have 45 minutes in hand.

11:40

Colin Campbell (West of Scotland) (SNP): I

will pass on the opportunity of speaking for 45 minutes.

I will speak from a personal historical perspective. My wife and I put three sons through higher education, with diminishing help from the state. During their time in higher education, the minimum grant diminished, disappearing altogether by the time that my third son had gone through university. We all know that the Tories made that decision. I put that on the record because it is important to remember that they began the process that put us in the situation in which we find ourselves today.

Rather regrettably, student loans then became the flavour of the time, and with student loans came student poverty, which Dennis Canavan mentioned. I will plagiarise some of the copy to which he referred this morning. A report in *The Herald* today on research carried out by Dr Claire Carney at the University of Glasgow found that almost half of the 1,600 second-year students surveyed were working part time for an average of 14 hours a week, compared with a Government expectation of 10 hours a week. The most important part of that report was the finding that, in seven out of eight indicators of physical and mental health, student health among those surveyed was significantly poorer than the health of a comparable cross-section of the population. That is not good news.

Such reports will not encourage potential students who might be uncertain about a career choice of entering higher education. They might prefer to take their talents to jobs outwith higher education, in order to earn a regular salary. Their wasted, misapplied, misdirected or redirected talent might be a loss for them as individuals, and also a loss to the nation.

I recognise that some of the help that is being given to people from financially poorer backgrounds will be useful. However, does the minister appreciate just how much pressure there is to conform to the non-academic norms in many areas? When full grants still existed—with travel expenses and tuition fees paid for and everything that there used to be—I recall that a sixth-year girl sought an interview with me just after new year, to say that she was leaving school, because the peer-group pressure from her friends who were not studying was too much for her to sustain. Are the grants sufficient to turn such situations round? I hope so, but I doubt it. Will those who will not obtain grants, or who are on the margin of grants, and who are faced with tuition fees in the long term, be deterred? I think that they probably will be.

I propose a slightly frivolous compromise. Rather than arguing about graduate endowments or tuition fees, perhaps it would be more

appropriate if we called the bill the higher education invoice (student tariff)—or HEIST—bill.

The starter level of £10,000 for repayment is nonsense. Although George Lyon referred to how few objections there appeared to be to that level, the National Union of Students Scotland says:

“the scheme departs from any notion of financial benefit from higher education ... It cannot be right to demand a financial contribution from graduates who have not benefited financially from their education”.

Given that level of £10,000 for repayment, none of us in the chamber is able to suggest that a graduate would benefit from their higher education.

Having abolished grants completely, Labour now brings back a few; having condemned the Tories' loans system, Labour has refined it; and having abolished tuition fees, Labour reinstates them, post graduation. As I used to write on the end of essays, “Not good enough. Could do a lot better.”

11:44

Miss Annabel Goldie (West of Scotland) (Con): If any speech encapsulated the bill, it was that of Mr Lyon. If I may, I will pick upon his quaint utterance of “hyperbowl”. That is not a term with which I am familiar, but it seems redolent of a big, gaping receptacle. In the context of his contribution to the debate, that seems wholly appropriate. It was clear from his speech that ignorance is indeed bliss, because the Tories did not abolish grants or introduce tuition fees—Labour did. I say to Mrs Livingstone—who seems to have deserted the chamber—that no Scottish student paid tuition fees under 18 years of Tory government, and a grant was given to any Scottish student whose income circumstances required it. Let us have no hypocrisy from the Liberal Democrat benches.

The bill has always seemed to me to be strange: what its authors seek to present it as is not what, on analysis, it is. If the bill is to be taken seriously as a credible attempt to abolish tuition fees, where within it is the phrase “abolition of tuition fees”?

Nora Radcliffe (Gordon) (LD): Will the member give way?

Miss Goldie: Certainly.

Nora Radcliffe: Does the member not agree that the bill has nothing to do with tuition fees, which have been abolished?

Miss Goldie: The bill may, in the perception of Liberal Democrats, have nothing to do with tuition fees, but in the perception of everyone else—with the exception of Mrs Radcliffe's Labour colleagues—the bill has everything to do with tuition fees. With the fondness for verbal usage

that the Liberal Democrats are so keen on, the bill is an attempt to use vocabulary to create a postgraduate tuition fee by any other name. No one outside the chamber who has half a brain—

Nora Radcliffe: Will the member take an intervention?

Miss Goldie: No—I have already taken Nora Radcliffe's intervention.

No one outside the chamber will accept for one moment that the bill supports the abolition of tuition fees in any way. It is a patent instrument for the maintenance of tuition fees, switching them from an up-front charge for people going to university to a deferred charge for people who have left university.

Perhaps there is nothing particularly surprising about the bill. If we are to be bluntly honest about the approach of the Labour party, it never wanted to abolish tuition fees—good heavens, the Labour party introduced them, so why on earth would it seek to abolish them?

Tommy Sheridan: Will Annabel Goldie give way?

Miss Goldie: Very well.

Tommy Sheridan: For the record, does the member agree that her party's Government severely reduced the level of grant, but that it was the new Labour Government that abolished grants?

Miss Goldie: As I made clear, no student in Scotland suffered under the Conservative Government as students have suffered under the Labour Government, or as they will suffer under the bill's proposals.

The bill is both hypocritical and duplicitous. The hypocrisy is that the Labour element in the chamber does not want to abolish tuition fees—no one believes for one moment that it does. However, it had to satisfy an electoral compact with the Liberal Democrats, who were on record before the Scottish Parliament elections as telling everyone who wanted to listen that they wished to abolish tuition fees. It is amusing and, I am sure, almost distressing to the public and our audience outwith the Parliament to see the braying—some might say asinine—discomfiture of the Liberal Democrats when they are forced to try to defend the indefensible.

Quite simply, in the partnership agreement that accompanies the unholy electoral alliance that is the Executive coalition, the Liberal Democrats said, “You've got to do something that looks like abolition of tuition fees.” The Labour element of that coalition, which was not interested in the slightest in the abolition of tuition fees, said, “Leave it to us—we'll mesmerise you with a

document that will say everything but 'get rid of tuition fees'."

That is the patent nonsense with which we are now confronted.

George Lyon: Will the member give way?

Miss Goldie: No. I am sorry, but I do not have a lot of time.

The bill contains a proposal that is patently a charge on our students. Although members of the coalition parties might not want to accept the evidence, all the evidence that was taken made it crystal clear that the imposition of a deferred charge, tax or fee—members can call it what they will—on our graduates is a deterrent, and to seek repayment at a £10,000 threshold is penal. Some would say, and the Conservative party has argued, that it is a tax.

In principle, the Conservative party is unable to accept the bill, as it is patently dishonest. Section 1 does not do what it sets out to do—on the contrary, it maintains a provision for Scottish higher and further education that we, and to their credit, members of the Scottish National Party, are opposed to. Once upon a time, the Liberal Democrats were also opposed to it. Unlike the Liberal Democrats, Conservatives will not betray their commitment to the electorate; we will honour and abide by it.

11:49

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Voters often say that they are cynical about politicians. They need only listen to a speech delivered by Annabel Goldie to feel that. She talked about hypocrisy, yet I have never heard a more hypocritical speech in the chamber. We must have a little bit of honesty in politics. Annabel Goldie used the word hypocrisy—she levelled the charge at the Liberal Democrats. Dishonesty in politics serves nobody, whether it is the Tories yesterday, talking about lowering income tax but putting more into public spending, or today, talking about how much they supported the students during the 18 long Tory years. The Tories started the attack on student support, which the Labour-Liberal coalition in the Scottish Parliament is now reversing. The Tories should take the responsibility where it lies. They started the downward spiral for students. Labour and the Liberal Democrats have reversed the trend.

Miss Goldie: Will the member take an intervention?

Mr Rumbles: No. Annabel Goldie would not take an intervention.

As George Lyon said, the first stage of the process was the abolition of fees last year. The

Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill is the second stage of the process. Fees have been abolished—it is as simple as that.

Brian Adam (North-East Scotland) (SNP): If fees have been abolished and the Liberal Democrats have achieved what they told the electorate they would achieve, why, when they did not want to introduce anything else, are they in support of the introduction of a graduate endowment, otherwise known as a tax?

Mr Rumbles: I am happy to answer that question. I am absolutely clear that if the Liberal Democrats had a majority in the Parliament, we would have stopped after the first stage of the process, but we are in partnership with the Labour party in the coalition, and that is what coalitions are about—winning some, losing some and compromise. The most important point about coalition politics is that the partners do not get all that they want all the time. We have managed to abolish tuition fees, which was our main aim, and we are now in the second stage of the process, which we are happy to sign up to, which is the graduate endowment.

The most important point about the bill, and the reason why I am particularly happy to sign up to the second stage of the process, is the inclusion of section 2, on the use of graduate endowment income. When the bill was introduced in October, that section was not included. I am absolutely delighted that it is now. It says:

"The Scottish Ministers shall, in making budget proposals to the Scottish Parliament, include provision that the income arising from the graduate endowment for the financial year to which the proposals relate be used for the purposes of student support."

That is what the bill is all about—student support. There will be a ring-fenced fund, to which, in the early years, the Scottish Executive will contribute.

David McLetchie: If it is a ring-fenced fund, where is the core funding on top of which the extra comes? All the ring-fenced fund will do is substitute money that would otherwise have come from general taxation.

Mr Rumbles: That is not true. The Executive is absolutely committed to paying into the student graduate endowment fund until, in future years, the fund is completed by contributions from ex-graduates. I am delighted to support the bill. It will ensure that £2,000 grants are made available to our poorest students, which is worth while in itself. George Lyon talked about the bill providing the best student support package in Europe and I absolutely agree that that is the case.

The bill is part of a two-stage process. I am particularly pleased with the Liberal Democrats' input, working with our Labour partners in

coalition, to delivering the bill. We got rid of student tuition fees in the first stage last year; we are now instituting the student endowment as part of the second stage of the programme. The bill is about working together for the advantage of our students, enabling students to access further and higher education and removing barriers. I am particularly proud of that.

I must say that the Tories' contribution to the debate is absolutely astounding.

11:54

Dennis Canavan (Falkirk West): The main criterion on which the bill should be judged is whether it will encourage more people, especially young people, to go on to higher education, particularly students from low-income families. I doubt very much whether it will. If more students do go on to higher education—and I sincerely hope that they will—it will be despite the burden of post-graduate payments rather than because of it.

I am disappointed that the Executive refused to enshrine in statute the principle that students from low-income families should not be prevented from pursuing a course of study. The Executive refused to accept any amendments at stage 3—so much for it listening to the Parliament. Even amendments that were in line with the Executive's declared policy and those that sought to implement the recommendations of the Cubie committee, which the Executive set up, were deemed unacceptable by the Executive.

On the threshold for payment of the post-graduate contribution, Wendy Alexander asked why we should inflict on employers two different systems of collection. The main aim of the bill is not to create or reduce burdens for employers; the main aim is educational. I say to Wendy Alexander that the burden on employers would be reduced—indeed eradicated—if the proposed system of graduate endowments were replaced by a fairer system of income tax, which employers would simply operate through pay as you earn. Instead of a fairer system of income tax, whereby people, including graduates, on higher earnings pay more, we have the imposition of post-graduate tuition fees. I know that the Executive does not like that term but, like it or not, the endowment is a form of graduate tax or tax on education.

It used to be generally agreed that a progressive system of taxation was based on the principle of "from each according to their means; to each according to their needs"—that is a basic socialist principle. Today's Labour Government and the Lib-Lab Executive in Scotland seem to be afraid to implement that principle. Instead the Executive has concocted a system of graduate taxation.

Mr Rumbles: Does the member recognise that

the Scottish Parliament does not have control over income tax, which is reserved to Westminster, which the member left? Dennis Canavan keeps referring to the endowment being a tax. If he feels that it is a tax, which the Parliament is not allowed to levy, he should challenge it.

Dennis Canavan: The Parliament is allowed to levy taxation if it wants, although its taxation powers are minimal—

The Deputy Presiding Officer (Patricia Ferguson): Mr Canavan.

Dennis Canavan: The Executive is afraid to use those taxation powers—

The Deputy Presiding Officer: Mr Canavan, I must ask you to face your microphone when you are speaking, otherwise the chamber will not hear you and neither will the official reporters.

Dennis Canavan: My apologies. I was saying that the Parliament does have taxation powers and that the Executive is afraid to use them. The Parliament's taxation powers are minimal, but the Executive could make representations to the Chancellor of the Exchequer regarding a much fairer system of income tax, whereby people, including graduates, on higher incomes would pay more.

Can I say anything positive about the bill? The only thing is that it is at least an improvement on the status quo—it is an improvement on the system that was introduced by Westminster—but I do not think that that is good enough. When the matter was debated in the House of Commons, I pointed out that many of today's Cabinet ministers were beneficiaries of a generous grants system, which enabled them to go on to get the benefits of higher education. It is rather ironic that those same Cabinet ministers are now kicking away the ladder of opportunity from many of the young people of today, particularly those from low-income families. The same charge can be levelled against the Scottish Executive.

Investment in higher education is an investment in our future, but the bill does not ensure that there will be an adequate level of investment. The Executive is selling our students short. It is missing a golden opportunity to show the Scottish Parliament acting as a standard-bearer in ensuring a much fairer deal for our young people, who will, we hope, build the new Scotland and help to build better opportunities and a better future for all our people.

12:00

Alex Neil (Central Scotland) (SNP): As convener of the Enterprise and Lifelong Learning Committee, let me begin by repeating what Marilyn Livingstone said by way of thanks and

gratitude to everyone who came to give evidence to the committee during the course of the bill. I also thank the minister for her congratulations to the committee.

Before I deal with the substantial points, as the Minister for Parliament is in the chamber, I want to make a parliamentary point about the legislative process through which this bill passed because it may affect other bills in future. At stage 1, the Subordinate Legislation Committee and the Enterprise and Lifelong Learning Committee unanimously concluded that there was the wrong balance between the primary and the secondary legislation and that some materials that were designated for the regulations should really have been in the bill. The committees did not push that point because of the tight timetable that was required to implement sections 3 and 4.

I ask the Minister for Parliament to consider the issue for future legislation, because it would be bad news for Scotland if we continued to get the wrong balance. Everybody knows that to change primary legislation requires a three-stage consideration by the Parliament, whereas there is no ability to amend regulations—there is only the ability to say yes or no. The functioning of our legislative process would be helped if we took that lesson on board. I hope that the Minister for Parliament will consider that point.

Dennis Canavan hit the nail on the head when he said that, when we are considering the bill and the Cubie report, the central issue is whether the bill will increase access to higher and further education in Scotland. Marilyn Livingstone pointed out a dogged statistic that has been with us for many a long year: the percentage of students from low-income families who have gone on to higher education, irrespective of the financial regime governing grants and loans, has remained pretty much static almost since the war, despite the Robbins reforms of the 1960s and other changes that have taken place since that time.

Since the bill is likely to be passed, I hope that we do not accept that issues such as the payment threshold are carved in stone. The Enterprise and Lifelong Learning Committee is about to undertake a substantial inquiry into lifelong learning. The inquiry remit includes all post-school education and training. I imagine that a key aspect of our inquiry will be to address the issue of access to further and higher education. The committee will want to look again at whether sufficient financial and other support mechanisms are in place to try to increase the number of young people in social classes 3 and 4 going into higher education.

Kenny MacAskill mentioned the East Ayrshire educational maintenance allowance scheme initiative. I support the expansion of that scheme, and I hope to see its extension throughout the rest

of Scotland, at some time in the near future. Early indications as to the success of the pilot scheme are encouraging. It does seem to be getting people from lower-income backgrounds into higher and further education.

The threshold issue will have to be addressed again. I think that even the Executive agrees that a threshold of £10,000 is ridiculously low. The threshold at which loan repayments start has not been altered since 1997-98, when the new income-contingent scheme was introduced. The repayments for the endowment will start in 2004, by which time seven financial years will have passed. The value of the threshold has eroded by about £1,000 a year. However, the threshold was set far too low to start with; we need a substantial hike. The threshold should be set in line with earnings. That brings us back to the principle behind the Cubie recommendation of a threshold of £25,000, which was to reflect the beneficial effect of a higher education on earnings. That is an important principle reflecting fairness and equity.

Ministers have three years—or perhaps they have two years, after which we will have a year—to consider what will happen after 2003 before the scheme starts in 2004. Once the Enterprise and Lifelong Learning Committee has completed its inquiry into lifelong learning, we should take the opportunity to return to this issue and do what is necessary. Our ambition should not be that students from low-income families leave higher education with less debt; our ambition should be that they leave with no debt.

12:07

Robin Harper (Lothians) (Green): I want to reinforce a point that I made earlier. This bill is an improvement on what went before and I am very glad to see it. However, what have been shown in the debate this morning and in debates during the preceding months—and I am referring particularly to the contributions from Dennis Canavan—are the complications that remain to be addressed.

We need a system of support for all young people—a system that, in the interests of social inclusion, gives equal value to the contributions of all young people between the ages of 16 and 24. We need a system that values people and supports them whether they are employed, unemployed, still at school, leaving school, at college, at university, in full-time education or in part-time education, and whether they are single parents, leaving care, at home or leaving home. We need a system of support for young people that meets all the needs of all young people between those ages.

This bill, in part, addresses the needs of

students in colleges and universities. We need to consider wider issues and to be more progressive. I repeat what I said earlier about what the Irish are considering. With our colleagues at Westminster, we should start to consider the idea of introducing a basic income scheme, the first part of which should be for young people between the ages of 16 and 24.

12:08

Ms Alexander: I thank all members who have spoken today and I acknowledge their comments.

By supporting this bill, the Scottish Parliament is upholding three important Scottish virtues. The first is a reverence for learning, which is enshrined in the aspiration of the democratic intellect. The second is our national sense of fairness, with the greatest support going to those who need it most. The lad o pairts must not be held back by the financial circumstances of his or her home. The third Scottish virtue is honesty and thrift—*not* making fraudulent financial commitments that we neither cost nor say how they will be paid for.

The coalition parties are delivering for Scotland. We are reflecting this nation's sense of reverence for learning, our sense of fairness and our honesty and thrift in our dealings. Scotland should be proud of a Parliament that, in its first session, is upholding the virtues that Scotland holds dear and is giving Scottish youngsters, particularly our poorest youngsters, their best ever chance to go to university.

Let me deal with three of the points that have been raised. First, Marilyn Livingstone asked whether those paying for one-year top-up degrees would pay the graduate endowment. I am happy to confirm that those who transfer from a higher national diploma to a one-year top-up degree will not pay the graduate endowment. The latest draft of the regulations from the Executive is framed to say that.

Annabel Goldie talked about what the Scottish electorate wants. That is not the strongest suit of her party. I note that her party's proposals for loans not to be related to the ability to pay and for graduate endowment repayments to be related to the market's graduate mortgage rate of interest are likely to find as much favour with the electorate as some of her party's other proposals on student support.

Mr Monteith: Will the minister give way?

Ms Alexander: No, I have two minutes. Let me move on.

I will deal with the more substantive observation, which was made by Dennis Canavan and Tommy Sheridan. Dennis Canavan suggested that the ladder of opportunity is being kicked away. I want

to deal very precisely with that point, and I will do it with illustration to Tommy Sheridan, who is not gracing us with his presence any more.

Tommy Sheridan went to university in Stirling in 1980. If he went up as a low-income student in 1980, less than £3,200 in grant was available to him. If he were going up this August as a low-income student, he would have access to more than £4,300 in bursary and loan support. That additional £1,100 is the fundamental nature of our determination to tackle student poverty without raising the debts of any low-income students. No one will have more debt than they do today, but 45 per cent will have more help.

The convener of the Enterprise and Lifelong Learning Committee, Alex Neil, made a point about the threshold for repayment. We have said that there is time to revisit the threshold before anybody pays a ha'penny of graduate endowment, but this Parliament should not send a signal to employers in Scotland that we will ask them for two separate repayment schemes.

I welcome the Enterprise and Lifelong Learning Committee's determination, as the convener indicated, to examine access. That is the nature of the challenge that faces us. We need to change the fact that 10 per cent of students come from social classes D and E backgrounds. Many Labour and Liberal Democrat members feel that many challenges lie ahead of us.

Scotland's higher education tradition gave us four universities when our nearest neighbour had just two. That precious tradition extends far beyond the issues of student support. We need to nurture it more effectively as a Parliament.

Today, we have the opportunity to endorse a bill that seeks to address the long-term future of higher education support. It is the sort of measure of which the whole Parliament can be proud. It is taking an important step forward. I thank the many members who have taken an interest for their support. I call on the Parliament to give its support to the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill.

Business Motion

12:12

The Deputy Presiding Officer (Patricia Ferguson): The next item of business is consideration of business motion S1M-1804, in the name of Mr Tom McCabe, on behalf of the Parliamentary Bureau, setting out a business programme. Any member who wishes to speak against the motion should press their request-to-speak button now.

Motion moved,

That the Parliament agrees:

(a) the following programme of business—

Wednesday 4 April 2001

2.30 pm Time for Reflection
followed by Executive Debate on Looked After Children and Adoption Services
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business - debate on the subject of S1M-1683 Richard Lochhead: Removal of Reliefs for Water and Sewerage Charges for Charitable Organisations

Thursday 5 April 2001

9.30 am Executive Debate on Structural Funds
followed by Ministerial Statement
followed by Business Motion
 2.30 pm Question Time
 3.10 pm First Minister's Question Time
 3.30 pm Ministerial Statement
followed by Ministerial Statement
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business – debate on the subject of S1M-1511 Karen Whitefield: Airdrie to Bathgate Rail Link

Wednesday 25 April 2001

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Executive Business
 5.00 pm Decision Time
followed by Members' Business

Thursday 26 April 2001

9.30 am Scottish National Party Business
followed by Business Motion

2.30 pm Question Time
 3.10 pm First Minister's Question Time
 3.30 pm Executive Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

and (b) that the Rural Development Committee reports to the Health and Community Care Committee by 24 April 2001 on The Feeding Stuffs (Sampling and Analysis) Amendment (Scotland) Regulations 2001 (SSI 2001/104).—[*Mr Tom McCabe.*]

The Deputy Presiding Officer: No members have asked to speak against the motion. The question is, that motion S1M-1804, in the name of Mr Tom McCabe, be agreed to.

Motion agreed to.

12:13

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Schools (Examinations)

1. Mr Gil Paterson (Central Scotland) (SNP): To ask the Scottish Executive what measures are in place to ensure the smooth running of all examinations taken by secondary pupils this year. (S10-3198)

The Minister for Education, Europe and External Affairs (Mr Jack McConnell): Ministers have acted to strengthen the Scottish Qualifications Authority's board and its senior management team. We monitor closely progress towards the 2001 examinations and I will continue to provide regular reports to Parliament on that progress. Neither the SQA nor I are complacent. It is inevitable that some problems have been identified, but the SQA has taken action to deal with them. From now until August, it is vital that everyone who is concerned about Scottish education puts the interest of those young people first and works constructively to deliver results.

Mr Paterson: I do not disagree with anything that the minister has said so far.

Last year's problems left a lack of confidence in the examination system in Scotland. In an effort to instil confidence that the problems are in the past, will the minister give serious consideration to returning all marked scripts from this year's diet of examinations to the relevant exam centre for verification? That should be done at no expense to the school or college, given that the problems were brought about by the deficiencies of the SQA.

Mr McConnell: As I have probably said in the chamber before, I do not believe that we should take any steps this year that could detract from the key aims of completing last year's diet of examinations and ensuring that this year's diet runs accurately and on time. Returning the marked scripts could have affected not only the SQA's administrative procedures, but the recruitment of markers for the coming summer.

We will consider returning marked scripts for the new winter diet of examinations next year. The SQA is consulting on that proposal and we hope to announce the results of that consultation well in advance of the new winter diet.

Maureen Macmillan (Highlands and Islands) (Lab): Does the minister agree with the

Educational Institute of Scotland that while a close watch must be kept on the progress of arrangements for this year's exams and, in particular, on the provision of markers, those who run scare stories that have no real basis in fact cause unnecessary anxiety to teachers, parents and pupils and do no service to Scottish education?

Mr McConnell: A number of incidents have taken place in the past two or three weeks in which individual facts and figures have been either distorted or misrepresented. That does no service to the young people who are preparing for their examinations. Everyone in the chamber will agree that we want those criticisms or concerns to be reported to the Parliament and to the SQA, so that we can act upon them. However, they should not be exaggerated in public in a way that scares pupils in our schools.

Mr John McAllion (Dundee East) (Lab): As the minister knows, most of the student records and portfolios at Morgan Academy in my constituency were destroyed in the recent fire that engulfed that school. I thank him for his swift response in sending an SQA official to Dundee last week, to reassure staff and students that no candidate from Morgan Academy will be disadvantaged in the forthcoming exams as a result of that fire.

Will the minister give that same assurance on the record, both on his behalf and on behalf of the Scottish Executive? Will the report that he receives from the SQA following the official's visit to Dundee last week be made available to the school and to the education authority?

Mr McConnell: I am happy to comply with that request.

Both John McAllion and Kate MacLean were in touch with me quickly about Morgan Academy and I am happy to ensure that the SQA takes account of the special circumstances at the school. I would also be happy to visit the school, and I believe that such an arrangement will be made after the Easter break. That will be an opportunity for me to examine some of the other difficulties that will face the school following the disastrous events of last week.

Fishing Industry (Decommissioning)

2. Mr John Home Robertson (East Lothian) (Lab): To ask the Scottish Executive what assistance it will make available to crew members of fishing vessels in any decommissioning scheme. (S10-3194)

The Minister for Environment and Rural Development (Ross Finnie): The proposals for decommissioning are being worked up. The intention is that the decommissioning grant will compensate for removal of the fishing vessel and

its licence. How recipients disburse that compensation and any funds from the disposal of fixed-quota allocations is a matter for the owners and crews involved and will depend on the structure of that ownership.

The fishing industry reports a shortage of crew at present and decommissioning may help to address that issue. However, if necessary, anyone who requires appropriate support and advice on seeking alternative employment will be given it.

Mr Home Robertson: Does the minister accept that share fishermen, who share the responsibilities and hardships of fishing vessels, should have the right to a fair share of the decommissioning redundancy package? I strongly support the Executive's £25 million decommissioning scheme. However, I put it to the minister that it is imperative that the scheme includes specific conditions to require fair redundancy terms for crew members who lose their jobs.

Ross Finnie: I share the view that it would be inequitable if that did not happen, but it is difficult for the scheme to intervene in redundancy provisions, which will depend on the contracts of employment that crew members entered into.

Mr Alex Salmond (Banff and Buchan) (SNP): Will the minister confirm that during the recent tie-up campaign, Executive sources, in particular at the Labour conference, briefed journalists that one problem with a tie-up scheme was that it would not allow payments to crews? Will the minister further confirm that the Belgian tie-up scheme includes provision for crews and that the campaign in Scotland argued specifically for payments for crews, because the objective was to keep the industry together? How can the minister and Executive sources say that there is a problem with a tie-up scheme because it does not contain payments for crews, when he has just admitted that his policy of decommissioning offers nothing for crews, except the loss of their jobs?

Ross Finnie: I do not think that even Mr Salmond would expect me to answer questions about a briefing of which I am unaware and about matters that took place at a Labour party conference—he will excuse me from that.

It is quite wrong to suggest that a decommissioning scheme does nothing for crews. One of the key purposes of a decommissioning scheme is to make the fishing fleet viable and therefore to give a long-term assurance of employment in the fishing industry.

Mr David Davidson (North-East Scotland) (Con): If the minister examines the history of what happened after the closure of the Icelandic fisheries, he will learn that there are men who were employed as crewmen, for example in the

pool scheme in Aberdeen, who still await any possibility of compensation. That example should be very much in his mind at this time.

Does the minister accept that he must refine any scheme that he comes up with and acknowledge the fact that crew members will not get help from a decommissioning scheme, but could get it from a tie-up scheme, which is what members asked for before?

Ross Finnie: I am familiar with the regulations that applied at the time of the extension of the Icelandic waters. However, I do not think that that is a parallel to the way in which we are embarking on the decommissioning scheme.

Mr Davidson cannot say with absolute certainty that the scheme will not benefit crewmen, because that will depend on the structure of ownership of the vessels. I can only repeat what I said to Mr Home Robertson: I recognise the inequity of how the scheme might look, but I do not believe that we have the power to intervene in redundancies, which will depend on the contracts. I take on board the points that Mr Davidson makes.

Child Protection

3. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive when the multidisciplinary review of child protection announced on 20 March 2001 is expected to reach a conclusion. (S10-3222)

The Minister for Education, Europe and External Affairs (Mr Jack McConnell): No child in Scotland should fall through the child protection net due to poor communication or co-ordination between the staff and agencies responsible for their care. The multidisciplinary review will focus on improving systems right across Scotland with that objective. The review will start in June 2001 and the report will be published within 12 months.

Karen Whitefield: The minister will be aware of the concerns about child protection surrounding children's residential institutions in my constituency. Does he agree that staff in such homes have a demanding job, often facing violent outbursts from children from disturbed and abused backgrounds? What steps are being taken to improve the service for children who need to be removed from the family home and for the staff who work with them?

Mr McConnell: In the light of recent experience, I am considering how best we can use the provisions of the Regulation of Care (Scotland) Bill to lever up standards. When the bill is enacted later this year, we should examine the training of social workers and other staff who work in such homes and how that is integrated with the training of other staff, so that there is a multidisciplinary approach. At all times, we must not fail to

remember that children in such homes are among the most vulnerable in our society. Whatever we do for them should be at least as good as what we do for the rest.

Irene Oldfather (Cunninghame South) (Lab): What progress is being made on the consultation paper on the index of adults who are unsuitable to work with children? When does the minister expect to announce the outcome of that consultation?

Mr McConnell: The results of the consultation will be available soon. It is our intention, later this year, to legislate for that index so as to ensure that adults who are unsuitable to work with children are properly identified and restricted from so doing.

Bail (Murder Indictments)

4. Bill Aitken (Glasgow) (Con): To ask the Scottish Executive how many people are presently on bail awaiting the service of a murder indictment and what the average length of time is since the appearance of any such accused person on petition. (S10-3191)

The Lord Advocate (Colin Boyd): Fifteen people are presently on bail having appeared on petition charged with murder. In each case, Crown counsel will consider what charges should be included in any indictment that may be served in due course. The average length of time since the appearance of such accused persons on petition is 111 days.

Bill Aitken: A significant number indeed. I am obliged to the Lord Advocate for his response. Does he agree that, notwithstanding the European convention on human rights requirement that accused persons be admitted to bail unless under exceptional circumstances, the Crown Office should indict cases of homicide within four months and not use the absence of the 110-day rule to fail to proceed within a reasonable period?

The Lord Advocate: When a court admits somebody to bail, it does so in the knowledge that the Crown then has to bring the person to trial within one year of their first appearance. The Crown is required to give priority to custody cases, no matter what offence the accused is charged with, be it a violent offence or one of a less serious nature. At present, I have no proposals to bring those who are charged with murder to trial any more quickly than would be the case in any other non-custody case, except where there may be vulnerable witnesses, in which case we would give those cases priority.

Foot-and-mouth Disease (Tourism)

5. Mr Keith Raffan (Mid Scotland and Fife) (LD): To ask the Scottish Executive what its estimate is of the impact on tourism of the foot-

and-mouth disease outbreak and what plans it has to promote tourism from overseas particularly in low risk areas unaffected by the outbreak so far. (S10-3208)

The Deputy Minister for Enterprise and Lifelong Learning and Gaelic (Mr Alasdair Morrison): Visitscotland estimates that the cost to the tourism industry in Scotland is currently around £10 million per week. The Foreign and Commonwealth Office and the British Tourist Authority are putting over the key message that the United Kingdom is open for business. Information about Scotland is a key part of that message. Visitscotland is considering urgently how to get the maximum possible impact from its marketing campaigns, using both its existing resources and the additional funding that we announced yesterday.

Mr Raffan: Will the minister indicate how much of the additional £5 million that has been allocated to visitscotland will be spent on marketing? Will he encourage visitscotland to use part of the resources that it earmarks for marketing to promote Scotland overseas independently of, as well as through, the BTA, as it is entitled to do?

Mr Morrison: A fair proportion of the money that was given to visitscotland yesterday will, of course, be spent on marketing. Any marketing that visitscotland does overseas will be done in close conjunction with the BTA. Everyone recognises that that is the eminently sensible way to proceed.

Miss Annabel Goldie (West of Scotland) (Con): Yesterday, the Minister for Enterprise and Lifelong Learning said in the chamber that there was a possibility that, from the £5 million that has been allocated to visitscotland to try to improve the current situation, area tourist boards might receive a rebate of their subscriptions. That would alleviate conditions, but informed estimates suggest that the cost of doing that could amount to £4 million. Is the minister suggesting that only £1 million from the package will remain for the purposes to which Mr Raffan alluded?

Mr Morrison: I am happy to advise Annabel Goldie that her figure is not correct. We understand that the subscription rate that is currently paid by ATBs amounts to in the region of £2 million. That leaves visitscotland with about £3 million to be used for other matters. Visitscotland has additional resources that it has yet to allocate. For reasons that we all appreciate, it had to pull a spring marketing campaign, which leaves about another £2.2 million on the table. Visitscotland will use some of that resource in the UK to market Scotland as a holiday destination.

Alex Neil (Central Scotland) (SNP): Will the minister consider setting aside some of the £5 million, which is being made available to Scottish

Enterprise, to provide for an emergency overseas marketing grants scheme for individual companies, so that they can be helped with marketing themselves on the web and elsewhere?

Mr Morrison: Alex Neil raises a fair point. I will be happy to discuss it with the enterprise networks.

Dennis Canavan (Falkirk West): I welcome the suggestion that normal public access should now be restored to the countryside north of the Forth and the Clyde, but does the minister agree that the drawing of such an arbitrary line is not enough? In many areas south of the Forth and the Clyde, public access would create no significant risk of the spread of foot-and-mouth disease. Will the Executive therefore encourage landowners to permit such access? That would help hillwalkers, climbers and ramblers, as well as the tourist trade.

Mr Morrison: Again, that is a fair point. It is important that we get across the message that Scotland is open for business. Large swathes of Scotland are open. We must recognise that and market parts of Scotland as being open.

The question of private landlords has arisen. Some of them have kept their "keep out" signs in place and that concerns me. Industry representatives have brought the issue to my attention and I intend to write to the Scottish Landowners Federation to establish exactly what the situation is with the many private landowners who insist on keeping their "keep out" signs in place.

Roads (Borders)

6. Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive what action is being taken to improve the safety of trunk road links into the central Borders. (S10-3197)

The Minister for Transport and Planning (Sarah Boyack): Road safety on all trunk roads, including the trunk road links into the central Borders, is continually monitored. Where localised sites are shown to have accidents arising from a common cause, accident reduction measures are implemented to address the particular problems identified.

Ian Jenkins: I hope that the minister recognises the importance of the trunk road network in the Borders—while we wait for the railway. Does she accept the road safety worries over the A68, the A7 and the A701? The A7 includes a stretch that has recently been detrunked and which is difficult for the local council to maintain. Can the minister offer any help in that regard?

Sarah Boyack: Two elements are important. First, we have allocated £70 million over the next

three years to local authorities to enable them to do more repair and maintenance work on local roads and bridges. Secondly, later this year, additional work—to the value of £1.2 million—will be done on the A68 at Soutra hill. We expect that work to take between four and six months from start of construction to finish.

Work is going on. We are also considering updating and refreshing the route action plans with a view to further programming in future years.

Mr Murray Tosh (South of Scotland) (Con): Is the minister aware of several improvements in the route action plan programme for the A7 that are strongly supported on safety grounds by the A7 action group? Will she give a commitment that those schemes will remain in the revised route action plan, which is due shortly, and that they will be considered for implementation before 2004 in the event of any slippage in the major schemes that she is committed to in her programme?

Sarah Boyack: I cannot give the member a guarantee that those schemes will automatically move up into our roads programme should there be any slippage. We are considering the medium-term and long-term improvements that were identified on the A7 Auchencroft scheme and other schemes, with a view to incorporating them in the trunk roads programme.

As members know, I have announced this year's roll-forward of the trunk roads programme. We intend to do that annually to introduce extra road schemes, especially where we have to tackle safety programmes.

Robin Harper (Lothians) (Green): Does the minister agree that one way of improving safety on the Borders road network would be by reopening the Edinburgh to Carlisle railway line via Galashiels?

The Presiding Officer: I suppose that the question is just about in order.

Sarah Boyack: We have provided the Scottish Borders Council with the resources to consider the parliamentary preparation that will be required for that railway scheme and—critically—to consider the funding issues. As members know, the scheme is not cheap. We want the council to have the opportunity to consider ways of bringing in money, whether from private or public resources.

Modern Apprenticeships

7. Mike Watson (Glasgow Cathcart) (Lab): To ask the Scottish Executive how many modern apprentices are employed in the construction industry and what proportion of the total number of modern apprentices that represents. (S10-3207)

The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander): There are

currently 4,300 modern apprentices who are training within the Construction Industry Training Board framework. That represents one in four of all modern apprentices in training in Scotland.

Mike Watson: The minister is obviously well aware of the expected expansion in the construction industry as a result of the proposals in the Housing (Scotland) Bill. She will also be aware that the effect of the chronic failure of many construction employers over the past 10 years to take on apprentices is now being felt. Will she consider making it a requirement that employers tendering for such work must take on a certain number of apprentices, to make use of the talented young people in the construction trades?

Ms Alexander: We must increasingly link Government assistance to a willingness to be involved in training. I have indicated that, in future, we want to tie regional selective assistance—and access to it at a higher rate—to the willingness of employers to provide modern apprenticeships.

Phil Gallie (South of Scotland) (Con): What proportion of all apprenticeships in the construction industry are held by modern apprentices? Does the minister believe that there is a place in that industry for traditional apprenticeships?

Ms Alexander: Many current apprenticeships count as traditional apprenticeships, in the sense that the modern apprenticeship framework is nested within the Construction Industry Training Board framework. I recall that when the member's party was in power, 24 modern apprentices graduated in 1997 in the whole of Scotland. In excess of 700 will graduate this year and more than 5,000 are in training.

Dorothy-Grace Elder (Glasgow) (SNP): Does the minister agree that lifting the age barrier for apprenticeships might help? Apprenticeships are still traditionally confined to the teenage years. Does the minister also agree that the education system has become too elitist? We have a glut of lawyers and economists, but too few plumbers who can unblock drains. Should the education system show more respect for tradesmen and tradeswomen?

Ms Alexander: I am happy to inform the member that we lifted the age limit to over 25 less than a month ago. That was part of our effort not just to see youth unemployment in Scotland go down by three quarters over the past four years, but to ensure that the missing generation between the ages of 25 and 35, who were left on the scrap heap for more than 20 years—which led to some of the problems of drug abuse, which in turn will lead to many of us marching in Glasgow this weekend to ensure that we do not have a lost generation again—have the opportunity to

participate in the modern apprenticeship programme.

Tommy Sheridan (Glasgow) (SSP): Is the minister aware that the most successful apprenticeship scheme in Scotland is Glasgow direct labour organisation's apprentice scheme? Is she aware that the DLO in Glasgow is worried that the wholesale housing stock transfer will lead to the destruction of that apprenticeship scheme?

Ms Alexander: I have had the opportunity to visit the construction industry training school at Queenslie, which provides outstanding training. One of its most outstanding features is its willingness to participate in helping us to create 3,000 new jobs through the investment programme in housing that we are planning in Glasgow.

Hearing Aids (Information)

8. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive, further to the answer to question S10-3114 by Susan Deacon on 15 March 2001, why it has no plans to collect centrally information on which health boards have issued digital hearing aids. (S10-3217)

The Minister for Health and Community Care (Susan Deacon): That information forms part of the individual patient data that is recorded by, and available from, the respective health boards and national health service trusts. Central collection of the information is not considered necessary.

Mr Rumbles: My question revolves around the Executive's press release on 5 March, which said:

"NHSScotland ... will play an important part in ensuring that regardless of where they live, people with hearing problems can expect to have access to the same standards of service ... The guidance also comments on the use of digital hearing aids and ... these should be provided"

where necessary. In Grampian, digital hearing aids are not provided. How can the Scottish Executive monitor effectively the provision of digital hearing aids across Scotland if we do not have the statistics?

Susan Deacon: It is at the core of our approach to the NHS in Scotland that we establish clear national standards, which are developed across the country. Significant progress has been made in that respect. We issued national best practice guidance, to which Mike Rumbles referred, which was developed by a wide range of individuals who are involved in this area, in March this year. We have set the standards and we have put traditional investment into the system. We expect the service to work towards the attainment of the national standards, but it is important that we allow the service to get on with the job of improving the system and not simply to perform a data collection

and measurement process, which takes time and resources.

Ms Sandra White (Glasgow) (SNP): Data collection is important. Is the minister aware of the concerns of many people who work with the deaf, who say that because no data is collected, there are postcode prescriptions for digital hearing aids? Will she address that problem? Probably not. Will she continue to fail the health service on that issue in exactly the same way as the Government has failed the service on many other issues?

Susan Deacon: After 20 years during which the national health service in Scotland and all over the UK suffered from underinvestment and a failure to modernise and develop services, it is striking that we have set out for the NHS in Scotland a programme of investment and reform that is delivering improvements for patients around Scotland and will continue to do so. We have yet to see what the SNP has to offer.

Council Tax Relief

9. Donald Gorrie (Central Scotland) (LD): To ask the Scottish Executive whether it has any plans to review its policy on council tax relief for second homes. (S1O-3196)

The Minister for Finance and Local Government (Angus MacKay): We have no plans to change our policy at present. However, we will keep in touch with arrangements in other parts of the UK and consider any recommendations that arise from the Local Government Committee's inquiry into local government finance.

Donald Gorrie: Will the minister consider making up his mind in time for a section to be included in the local government reform bill that is promised for the autumn, to give councils the power—if they so wish—to charge a higher council tax for second homes? That is a matter for local consideration. Councils should be able to decide what best benefits their local economies. Will the minister give that idea favourable consideration?

Angus MacKay: As I said, we have no plans to change our policy at present. We will take account of whatever views the Local Government Committee reaches on a range of local government finance issues. At this particularly sensitive time for rural areas, the discussion of how we do or do not tax second homes, which are predominantly in rural Scotland, should not be entered into lightly. We want to be sure of the consequences for local housing markets.

The Department for the Environment, Transport and the Regions has issued a rural white paper, which contains a commitment to consult on giving local authorities in England the power to which Donald Gorrie refers. We will scrutinise the

arguments that are advanced in that consultation.

Linda Fabiani (Central Scotland) (SNP): It was nice to hear Donald Gorrie espousing SNP policy. Does the minister agree that, to alleviate the situation regarding rural homes, he should consider bringing legislation to the Parliament to make it necessary to apply to a planning authority to change the use of a home to a holiday home?

Angus MacKay: I would be happy to discuss that issue with Linda Fabiani after question time or in writing. Notwithstanding her description of Donald Gorrie's position in relation to SNP policy, I undertake that we will take account of the results of the Local Government Committee's inquiry.

Farming

10. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive what medium-term investment is being considered to assist farming communities in view of current difficulties. (S1O-3185)

The Minister for Environment and Rural Development (Ross Finnie): The medium to long-term needs of farming communities will be considered in due course, as will the requirements of other rural businesses. The immediate priorities are to contain and eradicate the disease.

Christine Grahame: I think that the minister would agree that the spread of foot and mouth has been compounded by the convoluted journeys of livestock to centralised abattoirs, which are a direct consequence of meeting rightly stringent European Community hygiene regulations. Will the minister consider making representations to appropriate authorities so that the costs of complying with those regulations are met by central Government, as they are elsewhere in Europe, and not by the producers, as in Scotland? That would allow more localised abattoirs to flourish.

Ross Finnie: Christine Grahame makes a good point about local abattoirs. There are two elements to the issue. The cost of the hygiene service is not the only factor. We must examine the structure of the industry in Scotland and the size that is required for some of the larger plants to produce high-quality meat to a set standard.

We continue to make representations to try to reduce those costs. As Christine Grahame will know, we are trying to pursue the implementation of hazard analysis and critical control points, which would greatly reduce costs. We keep the matter constantly under review, because we are conscious of the burden that it places on the processing sector.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): There is a degree of

nervousness about the movement restrictions that are being applied to areas provisionally free of foot-and-mouth disease. Many sheep from the west coast are over-wintered on the east coast. There is difficulty in moving that stock back from the east to the west coast, and there is now neither feed nor provisions to look after the sheep on the east coast. Through the Scottish Executive rural affairs department, will the minister introduce a revised movement scheme that will take account of the diverse movement needs of farming in the Highlands, which is currently considered a low-risk area?

Ross Finnie: I hope that John Farquhar Munro will agree that one of the reasons that we have been able to keep the area north of the Forth and the Clyde provisionally free is that we have imposed movement restrictions.

It is important to eliminate all the contact areas—as we did last week—particularly around Inverness and Aberdeenshire. Once we have received an assessment from the chief veterinary officer that he believes the area to be free of foot-and-mouth disease, it will be open to me and my department to review movement restrictions.

I assure John Farquhar Munro and other members that the need to move out-wintered cattle is a real problem. It is an animal welfare problem. I hope that members will also agree that it would be premature for me to lift restrictions until the area north of the Forth and the Clyde changes from being provisionally free of foot-and-mouth disease to being actually free.

Care Leavers (Funding)

11. Scott Barrie (Dunfermline West) (Lab): To ask the Scottish Executive what progress has been made by the working group examining the transfer to local authorities of Department of Social Security funding for care leavers. (S10-3193)

The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen): I am told that the working group is making good progress and is due to report in the autumn.

Scott Barrie: As the minister is aware, there is some concern about the proposals. Leaving that aside, organisations such as the Scottish Throughcare and Aftercare Forum are concerned that something that they thought would happen in April 2001 does not appear to be going to happen then. There does not appear to be any time scale.

Nicol Stephen: Around 1,000 young people aged 16 or over leave care each year. The issue is therefore important.

The next meeting of the working group will take place on 17 May 2001. The group will examine the arrangements for the DSS transfer of resources

and improvements that might be made to throughcare and aftercare services for care leavers. We will get a share of the funding consequentials in relation to those matters and my information is that the first of those funds will be available in 2002-03. The transfer will not be implemented until all the appropriate support arrangements are in place.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I welcome the information that the minister has given. Does he accept that there are concerns among young people, who do not wish a system to be put in place that stigmatises care leavers by treating them differently from other young people? Will the minister assure me that continued consultations with young people will take place on that issue?

Nicol Stephen: I fully understand those concerns. The policy can be supported if it is done well. That is our emphasis in Scotland and the reason for the working group. We will consider the recommendations of the working group carefully to improve the position.

Speed Reduction Schemes

12. Bristow Muldoon (Livingston) (Lab): To ask the Scottish Executive what action it intends to take as a result of the findings of the recent evaluation of trial speed reduction schemes in residential areas. (S10-3224)

The Minister for Transport and Planning (Sarah Boyack): The Scottish Executive will be considering with the Society of Chief Officers of Transportation in Scotland how best to take forward the findings from the initiative. In the meantime, I have announced total funding of £13 million for walking, cycling and safer streets projects in the two years from next April. Local authorities will be able to use those resources to introduce measures such as 20mph zones.

Bristow Muldoon: I welcome the additional resources that the minister has indicated will be made available for road safety measures. Will the minister expand on the benefits of introducing 20 mph zones and the evidence for that?

Sarah Boyack: There are two key issues. First, we know from research that 19 out of 20 pedestrians who are struck by a car moving at 40mph are killed. At 20mph, one pedestrian in 20 is killed and there are small injuries. We know that 20mph zones are critical. In the 20mph areas in the 75 pilot schemes that we have considered for the research there are fewer accidents and—because of the 20mph tag—drivers are more aware. The co-operation and involvement of communities is central to making the schemes work. We have that information—the challenge is to identify the next schemes throughout Scotland

that are the best use of the new resources.

Central Heating

13. Kate MacLean (Dundee West) (Lab): To ask the Scottish Executive how it plans to publicise its leaflet "Central Heating Programme—A Guide for the Private Sector" to ensure that homeowners and the tenants of private landlords can benefit from the scheme. (S1O-3221)

The Minister for Social Justice (Jackie Baillie): The guide to the grant scheme has been widely distributed to citizens advice bureaux, energy efficiency advice centres and a range of bodies in the public, private and voluntary sectors with a connection to those who are eligible for the scheme.

Kate MacLean: Is the minister aware that the Equal Opportunities Committee heard evidence that a far higher percentage of black and ethnic minority Scots live in the private rented sector than in the public rented sector. In the light of that, will the minister outline what measures will be taken to ensure that information on the scheme is available in accessible format to people for whom English is not their first language and to people who are blind and visually impaired?

Jackie Baillie: Kate MacLean is right to point out the needs of the visually impaired and the black and ethnic minority community. She is equally right that proportionately more black and ethnic minority people live in the private rented sector. We have quickly distributed the interim leaflet to the agencies I mentioned. However, the more substantial publicity will follow once we have appointed a managing agent. We will ensure that the material is in an appropriate and accessible format.

Tricia Marwick (Mid Scotland and Fife) (SNP): Will the minister explain what use the leaflets will be to the many thousands of families with outdated, inadequate and unaffordable heating systems, who will be excluded from the scheme? The minister's written answers to me have been inadequate, so will she now take steps to identify and quantify how many families will be excluded from the central heating scheme?

Jackie Baillie: I indicate to Tricia Marwick that the £350 million programme will start in the next week or so and will target people who have no central heating. It is appropriate that we start with the most vulnerable. Starting next week, 141,000 households in Scotland will benefit.

Lothian University Hospitals NHS Trust (Funding)

14. Ms Margo MacDonald (Lothians) (SNP): To ask the Scottish Executive whether it will review the financial position of the Lothian

University Hospitals NHS Trust in light of the statement by the trust that it does not have the resources to use its additional magnetic resonance imaging scanner. (S1O-3226)

The Minister for Health and Community Care (Susan Deacon): The financial position of all NHS trusts and health boards is constantly reviewed as part of our normal monitoring work. Lothian University Hospitals NHS Trust forecasts that it will meet its financial targets. I have already announced that Lothian will receive an additional £32 million in 2001-02 to pursue national and local priorities, including improved cancer services.

Ms MacDonald: I thank the minister for her reply, but will she bear in mind the urgency attached to the provision of scanners throughout Scotland? Lothian University Hospitals NHS Trust has said that it does not have the £375,000 it needs to service a magnetic resonance imaging scanner. Will she therefore say that she is willing to allow the trust to install a computed tomography scanner, which is cheaper to run and is more urgently needed by the Western general? Will she promise me that, in future, whenever she wants to give the impression of an NHS that is not under pressure she will sit down and plan strategic objectives with the hospital boards, patients' representatives and the trusts?

Susan Deacon: The investment decisions and the priorities that we have set out are the result of the fact that we are planning the future of the NHS jointly with the service. Cancer is a clear and stated priority for the NHS in Scotland. It has also been made a priority for investment, including £30 million specifically for the capital costs of equipment. Lothian has not yet taken a final decision on which equipment it wishes to purchase. We continue to work with Lothian and other parts of the country to ensure that those resources are invested in cancer equipment that will best meet the needs of patients in those areas.

Epilepsy (Guidance)

15. Mrs Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive what guidance is in place to raise teachers' awareness of epilepsy. (S1O-3200)

The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen): Best practice guidance on meeting the health care needs of children in education settings is under preparation. It recommends that general awareness training should take place for all school staff, including teachers, on common conditions affecting children, including epilepsy.

Mrs Mulligan: Is the minister aware of a publication by the Joint Epilepsy Council, launched by the Minister for Health and Community Care,

Susan Deacon, in 1999, which said that substantial numbers of children with epilepsy are attaining only 50 per cent of what their IQ would suggest was possible? Does not that suggest the need for specific guidelines and measures?

Nicol Stephen: I certainly understand those concerns. I have a close relative who is a teacher and has an epileptic child in her class, and she has explained some of the difficulties directly to me. I hope that the guidelines are taken forward. It will, of course, be a matter for the education authorities and the health boards, working jointly, but I certainly expect progress in that area following the publication of the guidelines. They have been published in draft form, we have had a consultation process, and we hope to make progress with them soon.

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 next plans to meet the Secretary of State for Scotland and what issues they intend to discuss. (S1F-954)

The First Minister (Henry McLeish): I speak regularly with the Secretary of State for Scotland and we have no immediate plans to meet.

Mr Swinney: Over the past few weeks, the SNP has made it clear that we support the work of Ross Finnie and the rural affairs department in tackling the foot-and-mouth crisis, and I reiterate that support today. Last Tuesday, the First Minister allocated responsibility for the water industry to the Minister for Enterprise and Lifelong Learning and, on Wednesday, he reallocated it to the Minister for Environment and Rural Development. His Executive spokesman said that that had been decided after consultation, because it was more appropriate that it should go to Mr Finnie.

Why, in a week when the number of cases in the foot-and-mouth outbreak increased dramatically in Scotland, was it judged that Mr Finnie and his department, who should be 100 per cent devoted to eradicating foot-and-mouth disease in Scotland, had some spare time on their hands to take on the water industry?

The First Minister: It is quite right to make it clear that that decision was not predicated on the excellent work that is being done by Ross Finnie and his department. We do not have many opportunities to restructure portfolios and, looking ahead, we wanted to see rural affairs in the context of countryside and, in that sense, in terms of environment. As far as I was concerned, when I looked at the whole portfolio, the decision was nothing to do with the current work load, but more an expression of interest about the future of Scotland and how those matters should be most effectively dealt with.

Mr Swinney: It would have been fine if the First Minister had done that on Tuesday, but he did something different on Tuesday and changed it on Wednesday. Was not he right first time round: foot-and-mouth disease requires the 100 per cent attention from Mr Finnie that we believe he has been giving it to date? I invite the First Minister, who has built his reputation on changing his mind every so often, to change his mind again and go back to Tuesday's position.

The First Minister: In talking about foot and

mouth which, it seems to me, is a fairly serious issue throughout the country, we should again recognise the excellent work that is being done by the Executive and particularly by Ross Finnie. It makes little sense to talk about a serious crisis and what we need to do about it and then wrap that around some of the froth and tittle-tattle that we have seen this week.

Mr Swinney: I am raising the question in this fashion because it is a serious issue. I do not want to see Mr Finnie distracted from his central purpose of eradicating foot-and-mouth disease in Scotland. The First Minister frequently tells me that there are hard choices to be made in government. Is not the hard choice that he faced the choice between allocating the water industry to a Minister for Environment and Rural Development who is very busy just now and allocating it to a minister who is on the brink of running Labour's election campaign in Scotland? Is not it deplorable that, at this time, the First Minister of Scotland, when faced with a choice between taking the party interest or the national interest, decided to back Labour and not Scotland?

The First Minister: With the greatest respect, I have never heard so much nonsense on the back of a serious issue that affects every part of Scotland. Does anyone in this chamber actually think that Ross Finnie is not, to use the Prime Minister's phrase, straining every sinew to concentrate on a tremendous issue in Scotland?

The question has been raised in the context of Ross Finnie concentrating, as his first priority, on foot-and-mouth disease. Let me say, in view of the question, that Ross Finnie deserves praise, not criticism, for what he has done. He will be giving this matter the maximum priority. The question was couched in terms of Ross Finnie's portfolio. It is important, when I am on my feet, to praise a minister of the Executive who is doing a good job for Scotland and the people of Scotland.

The whole of the Executive, the committees of the Parliament and the Parliament recognise that foot-and-mouth disease is crucial. We will ensure that it continues to be a national priority for us.

Prime Minister (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he will next meet the Prime Minister and what issues he plans to raise. (S1F-972)

The First Minister (Henry McLeish): I last met the Prime Minister on 9 March. We have no immediate plans to meet, but that may change.

David McLetchie (Lothians) (Con): I am sure that tackling the foot-and-mouth crisis on a national basis will be discussed at the First Minister's next meeting with the Prime Minister.

Does the First Minister appreciate that there is real concern that, throughout the crisis, the action that we have seen has come about because of pushing and prodding by Opposition parties in this Parliament and at Westminster? There has been dithering on bringing in the Army, on access to the countryside and on the pre-emptive cull and there is now dithering on the merits or otherwise of a vaccination policy.

Is not it about time that both the Prime Minister and the First Minister stopped reacting belatedly to events and instead showed decisive leadership that the whole country can unite behind?

The First Minister: I suspect that those questions may have been more occasioned by the possibility of an election than by careful reflection on the realities of what has been happening over the past two or three weeks. Let me tell the chamber that relationships between Westminster and Edinburgh are working well on this issue. Leadership is being given. I reject the suggestion that there is dithering on this issue, in Whitehall or in Edinburgh.

Let us recognise the scale of the problem that we face and that significant steps had to be taken. Let us recognise that the Army is in Dumfries and Galloway, working with the local authorities and the farming community to ensure that we can win through and ensure a future for farming and tourism.

I will take the opportunity to clear up the position on the vaccination programme that has been announced for Cumbria. It is important that the chamber has the facts. We recognise the extremely serious disease position in Cumbria, which has led to the UK Government making the decision on the vaccination programme. We hope that it will quickly bring the disease under control there.

The Scottish Executive, on the advice of the State Veterinary Service, does not consider that a similar emergency vaccination programme is required for Dumfries and Galloway. However, it will keep the situation under close review in light of developments. It will ensure that contingency preparations are made so that emergency vaccination could be delivered immediately if it was required.

It is important to note the differences in the assessments of the disease in those areas. Currently, we are not considering a similar emergency programme.

David McLetchie: I thank the First Minister for clarifying the position on vaccination. I am sure that people will find that helpful.

I will come back to the main issue, which is priorities. Both the Government and the Scottish

Executive claim that tackling the foot-and-mouth crisis is their top priority, but the First Minister's actions belie that claim. As Mr Swinney pointed out, he meekly accepted Ms Alexander's protestations that she is far too busy to take over Mr Galbraith's responsibility for water. Instead, it was dumped on Mr Funny—[*Laughter.*] I mean Mr Finnie. Mr Finnie can be Mr Funny.

What does Mr Finnie now have to deal with? Water and the water services bill; the Scottish Environment Protection Agency; Scottish Natural Heritage—I notice that the man who is straining every sinew on foot and mouth has found time in the past 24 hours to appoint three new board members—new proposals on water conservation; a consultation on airports; a consultation on sustainable development; a consultation on the landfill directive; the fishing industry; and, in his spare time, the foot-and-mouth crisis.

What does Ms Alexander have to deal with? Labour's election campaign. Does that not show where Labour's real priorities lie when it comes to a choice between the party's interest and the national interest, which is what should have real priority at this time?

The First Minister: I am tempted to ask Mr McLetchie to repeat his question so that I can find out what it is.

David McLetchie has again taken his topsy-turvy approach of asking numerous questions. I am not sure what the appointment of three board members has to do with either foot and mouth or Ross Finnie. However, I take the warm comments that have been made about the Scottish Executive rural affairs department, under Ross Finnie's leadership and with the help of the deputy minister, doing an excellent job under some very difficult circumstances.

The Conservatives have neither any real purpose nor any policies on anything that is worth talking about.

Tommy Sheridan (Glasgow) (SSP): That is because you stole them all.

The First Minister: That was a predictable but certainly unsurprising answer from a sedentary position.

The people of Scotland who will be watching question time today will want the issues that affect them to be dealt with. They want to talk about students, older people, teachers and what we are doing about fishing, tourism, farmers, police numbers—which are at record levels in Strathclyde—and the issue of drugs. The Conservatives and the SNP—dare I say quietly the right-wing alliance—are again putting forward policies that are not in Scotland's interest.

George Lyon (Argyll and Bute) (LD): I

welcome the First Minister's restatement of the Executive's policy of not using vaccination against foot and mouth in Scotland. Clearly the Scottish Executive has got control of foot and mouth, which is in stark contrast to the situation south of the border. Does the First Minister agree that the arguments for vaccination made by the leader of the Scottish Tories would condemn Scottish agriculture to the dustbin?

The First Minister: I agree with George Lyon. We are currently taking a different decision on the matter of vaccination, which is wholly appropriate. We are considering advice from the vets about any further measures we can take, as it is crucial that we examine the signs and epidemiology of the disease. Any decision in Scotland will be taken after consultation with our colleagues south of the border.

I must repeat that we face a serious situation. Although we must take decisions that are in the interests of Dumfries and Galloway and Scotland, we must also recognise that the sooner the UK is free of this disease, the sooner we can begin to tackle some of its serious implications for tourism, abattoirs, hauliers and a range of small businesses.

Rape and Sexual Assault (Legislation)

3. Johann Lamont (Glasgow Pollok) (Lab): To ask the First Minister whether there are any plans to review the legislation on rape and sexual assault. (S1F-959)

The First Minister (Henry McLeish): We will legislate to offer greater protection to the victims of rape and sexual assault when they give evidence in court. We will also keep the law under review and make other changes where necessary.

Johann Lamont: Will the First Minister acknowledge the real concerns, felt particularly by women's organisations and groups that support survivors of rape and sexual assault, at Lord Abernethy's ruling last Friday? His comment to the woman who said no—that it is not rape unless there is evidence of force or the threat of force—might have a serious impact on the number of women who are willing to report the crime and sends out a dangerous message to men that sexual assault is acceptable in certain circumstances. Furthermore, does he agree that the ruling has highlighted grave questions that need to be addressed if women are to have faith in the fairness of the system? If so, will he, along with the Minister for Justice and the Minister for Social Justice, agree to meet me urgently to address these very serious concerns and to discuss how these issues can best be developed?

The First Minister: Jim Wallace and I will be delighted to meet Johann Lamont to consider the

representations that she wants to make. Furthermore, the Lord Advocate will reflect on the report prepared by the trial advocate depute and is seriously considering making a reference to the High Court. However, such a reference is only for the purposes of clarifying legal points and will not affect the outcome of the trial.

Suffice it to say that a lot of people were concerned, and Johann Lamont has reflected that in her question. We want to send out a clear message that violence against women in any form will simply not be tolerated. I want to wait to see what the Lord Advocate's judgment will be after he has received the report from the advocate depute and the trial judge.

Mr Gil Paterson (Central Scotland) (SNP): Does the First Minister agree that women who are raped go through enough trauma without having to endanger their lives further by trying to fight off their attacker? The First Minister will be aware that many violent murders take place after rapes. Does he intend to put his weight behind calls for changes to be made in the law as defined by Lord Abernethy?

The First Minister: I have given a fairly clear comment on the issue, regarding both its importance and what may happen next. The Parliament will agree that it is better to leave the matter with the Lord Advocate at this stage. Nevertheless, the Parliament today acknowledges the seriousness of the issue. Many quarters of society and MSPs want further action, which may ensue from further deliberations. At this stage, however, I would like the Lord Advocate to be responsible for that.

Foot-and-mouth Disease

4. Brian Adam (North-East Scotland) (SNP): To ask the First Minister what plans the Scottish Executive has for the disposal of culled animal remains as part of its programme to tackle the foot-and-mouth disease outbreak. (S1F-963)

The First Minister (Henry McLeish): Animals are being culled and disposed of in a number of ways. The procedure can be carried out on a farm, at a local abattoir, at an approved mass cremation venue or at a centrally located mass burial site.

Brian Adam: I would like some reassurance from the First Minister that there will be no question of transporting remains—treated or otherwise—to parts of Scotland that are currently not infected with foot-and-mouth disease. Will he assure us that consideration has been given to lining the pits and liming, which was used in the past, and tell us why lime has not been used on this occasion?

The First Minister: I thank Brian Adam for raising two important points. The last thing anyone

wants to do is transport animals or carcasses that could take the disease to other parts of the country. On this matter, along with many others, we will take the advice of the vets. We must depend on the science and on commonsense judgments based on it, but I give the assurance that it is an important issue that will be monitored very carefully.

It is right that we should leave judgments about the pits and the disposal of carcasses to the experts and the vets. I can reassure Mr Adam that no matter what form of disposal is used, the circumstances of it will be environmentally sound, it will be sound for neighbouring residents and it will involve the minimum of fuss. I hope also that the disposal will be carried out in such a way as to give a bit of dignity to a situation in which, in many locations, there is none.

Dr Elaine Murray (Dumfries) (Lab): Some farmers in my constituency, especially those in areas that are contiguous to farms where there are confirmed cases, have been receiving misleading advice on whether their animals are to be culled. Can the First Minister and the Minister for Environment and Rural Development reassure me that they will do all they can to ensure that all farmers in the affected areas receive the correct advice? It is extremely distressing for them to hear that their animals are to be destroyed; it is even more distressing to find out that the letter they received was a mistake.

The First Minister: Reflecting on my visit, I appreciate the sensitivities that are involved. Clarification and new advice on the point that has been raised will be issued this evening. In a distressing situation, ambiguous information is not of much help. In terms of the diseased farms, the 3km zones and the wider tracing exercise in Scotland, a complex process is at work. We will do our best to minimise further distress for farmers over the planned culling exercise.

Fishing Industry

5. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the First Minister, further to the resolution of the Parliament on motion S1M-1760 on 15 March 2001, what progress is being made in rebalancing the £27 million package of measures for the fishing industry to address the short-term needs of the industry. (S1F-955)

The First Minister (Henry McLeish): Discussions with the fishing industry about extending the research programme are progressing well. Yesterday, in Aberdeen, officials from the Executive met representatives of the Scottish Fishermen's Federation and scientific partners from Fisheries Research Services, the Sea Fish Industry Authority and the North Atlantic

Fisheries College to agree a programme of work. That will begin immediately and will enhance co-operative trials involving fishing vessels that have already taken place or are currently under way. Consideration is also being given to an industry proposal to set up a stock regeneration group involving a range of active fishermen in the promotion of conservation measures.

Mr Rumbles: I urge the First Minister to conclude the negotiations with the fishing industry as soon as possible because the rebalancing of the funding is important. Will he endeavour to reach that conclusion so that we can determine how much of that package has been rebalanced?

The First Minister: I am sure that the Parliament hopes, as does the Executive, that we can conclude those negotiations at an early date. The rebalancing of the package is central to getting a settlement that will allow all parties to go forward. I assure Mike Rumbles that we are all trying to achieve that. I hope that, in the weeks ahead, we will be able to deliver a statement that will report on the negotiations and will confirm that the package is rebalanced to the satisfaction of all participants.

Richard Lochhead (North-East Scotland) (SNP): The First Minister may have seen in the press this week that Nick Brown wrote to the Treasury asking for cash for a decommissioning scheme. He justified his request by saying:

"We now face a development in Scotland, where the executive has responded to mass demonstrations by fishermen by offering a decommissioning scheme".

Would not a better outcome have been the First Minister sticking to his guns and his instincts and delivering a tie-up scheme, rather than the Ministry of Agriculture, Fisheries and Food delivering a decommissioning scheme in England?

The First Minister: I welcome the fact that the SNP's fisheries spokesman is back in his place, although he is still asking fantasy questions. The key issue is that, in view of the fact that we want to secure a long-term future for the industry, £27 million has been invested in it—£25 million for decommissioning, £1 million for further conservation measures and £1 million to allow flexibility in relation to some of the programmes that we want to implement. It is important to stress that fishermen, who know their business, are in discussion with officials about the future of the industry. It would be better if Richard Lochhead stopped politicking on this subject and considered the facts.

Mr Jamie McGrigor (Highlands and Islands) (Con): When the First Minister addresses the short-term needs of the fishing industry, will he follow the advice of the EU director general of fisheries: compensation money for west coast

scallop fishers who have often been unable to fish during the past two years due to biological factors is available through article 16, paragraph 1(a) of council regulation 1792/1999, which deals with the financial instrument for fisheries guidance?

The First Minister: Again we come to the question of the FIGG. The FIGG for this country does not include tie-up proposals. It has often been said that the best bet for the future is decommissioning. In terms of our current programme, is it not better that we have made decisions in this Parliament? My view is that we should let the officials and the fishermen, who know about the business, resolve the outstanding issues.

Point of Order

15:34

Mr Brian Monteith (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. You will know that, yesterday, members of the Conservative group asked for an emergency question on vaccination and that that question was not taken. I am grateful for the announcement that the First Minister has made today, but by making his announcement in the form that he did, during question time, there was no opportunity for the wider membership of this chamber to ask supplementary questions. Would you consider that matter in relation to the delivery of key statements in future?

The Presiding Officer (Sir David Steel): I considered the matter yesterday when Alex Fergusson raised it. The problem is that the Parliament decided to change the system for First Minister's question time: I have to decide the topics for questions on Mondays. I deliberately chose a question on foot-and-mouth disease to enable the Parliament to get up-to-date information, which is precisely what we got. I accept that that did not allow members as long a run at the issue as they would have had if there had been a statement, but that is a matter for the Scottish Executive, not for me.

I do not think that I am giving anything away when I say that I understand that there will be a statement before we rise for the Easter recess. Other members will have a chance to ask questions at that point. I hope that I am not exceeding my authority in saying that.

Justice

The Presiding Officer (Sir David Steel): We now come to the debate on motion S1M-1807, in the name of Mr Jim Wallace, on justice, and two amendments to that motion.

15:35

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): This morning, with the First Minister and the chief constable of Strathclyde police, I met at Hampden Park 200 recently recruited Strathclyde police officers. We saw the tangible evidence of the growing number of police officers in Scotland and we heard chief constable Sir John Orr report that the size of Strathclyde police was at an all-time high. I therefore welcome the debate and the opportunity that it gives me to set out the progress that we are making towards a Scotland in which people are safer and feel safer.

The policies of the Liberal Democrat and Labour party partnership link criminal justice with social justice. They seek to deal with the causes of crime and to ensure effective enforcement. They are about early intervention; they are about replacing outdated laws; they are about providing better support for victims; and they are about building confidence in our justice system.

Our second programme for government set out the tangible progress that we have already made, for example in combating crime in communities, in supporting victims of crime, in protecting the most vulnerable people in society and in promoting a fair, accessible and modern legal system. The programme also gave commitments for the future, including the development of more effective penalties for offenders, improvements in the management of common police services, and improvement of rehabilitation services and of the quality of the prison environment.

I gave a written parliamentary answer today, which set out the targets for the Scottish Prison Service for next year and the provisional outturn figures for this year. The targets include an increase—to 250,000 hours a year—of 11 per cent in the number of prisoner learning hours. Following a 50 per cent reduction in the number of serious assaults on prisoners during the past three years, we seek a further fall next year.

During several prison visits, I have seen for myself the professionalism and commitment of Prison Service staff. However, I acknowledge that there are issues about morale, not least because of the impending estates review. I have already given a commitment that we will have a proper public debate about how we will modernise our

prison estate. Reassurance has been given that that will be done without any compulsory redundancies. Provided that the Prison Service continues to make sustained progress towards quality, correctional excellence and competitiveness, there will be no market testing of any existing establishments.

Both the amendments to my motion refer to crime figures, so I will put those amendments into context. Recorded crime is down 20 per cent compared to its level 10 years ago, when the Conservative party was in office. Fear of crime is also much lower. Much of the credit for the drop in crime goes to the police, who do a difficult job in sometimes dangerous circumstances. That is why we are increasing spending on the police service overall to close to £900 million. In cash terms, net grant-aided revenue expenditure to our police is now almost £300 million, which is 30 per cent more than it was in 1991-92, under the Conservatives.

At the time of the spending review, one chief constable stated:

"We gave a promise to Jim Wallace that if he gave us the money we would translate it into feet on the street."

We found the money. Overall, police authorities will receive a 6.6 per cent increase in funds this year. As a result, the number of police officers should reach a record level.

Phil Gallie (South of Scotland) (Con): The minister has said that Strathclyde police resources are at an all-time high. The then Scottish Office home department police division figures for April 1997 show that the number of officers was 7,302. However, in his press release the minister referred to his aspiration to get the number up to 7,200. Will he explain that difference?

Mr Wallace: When I spoke to Sir John Orr today, he indicated that there are 400 more feet on the beat in Strathclyde—to use his expression. That fact was being celebrated at Hampden Park this morning.

Phil Gallie: In that case, can the minister explain simply the Scottish Office police division figures?

Mr Wallace: Without seeking to offend the chief constable of Strathclyde police, I was reporting what I heard from the horse's mouth not seven hours ago. It was a remarkable event this morning, and it was illustrative of our clear commitment to the police and to an increase in their number.

As a result of that commitment, police numbers will reach record levels throughout Scotland next year. In addition, we have committed an extra £1.7 million for DNA testing and we have increased capital spending by 24 per cent, which will ensure that the police have access to the most advanced

technology. New projects include a £2 million communications centre in Motherwell, and an £8.4 million high-tech centre for Lothian and Borders police, which will replace seven control rooms and free up the equivalent of 89 officers for front-line duties. Last month, we earmarked a further £8 million for information technology developments, including a new Scottish intelligence database that will enable police officers throughout Scotland to have fast access to information, wherever those officers are based. Those initiatives reflect our determination to improve the quality and effectiveness of police operations. The substantial support for intelligence-led policing, combined with the extra resources to increase police numbers, should significantly increase the ability of the police to prevent crime and to deter and detect criminals.

In addition, we are working with the police and police authorities to agree joint targets in key areas such as road safety, drugs, house-breaking, racist incidents, community safety and violent crime. Those targets will build on the good progress that has been made. Recorded crime is down on the levels of a decade ago, and the 2000 Scottish crime survey shows that since 1992 the proportion of respondents who identify crime as an extremely serious problem fell from 50 per cent to 28 per cent, and the proportion who feel unsafe walking alone in their area after dark fell from 39 per cent to 28 per cent. It also showed that, between 1996 and 2000, the public's level of concern about crime fell across all the survey measures.

The survey suggests that the rise in the one category that showed an increase—crimes of violence—might largely be due to repeat victimisation. It points out that the number of people in Scotland who were victims of violent crime has changed very little from the 1995 level of 3 per cent. Nevertheless, the increase in the recorded crime figures on homicides between 1998 and 1999 was cause for great concern. Many victims were young men under the age of 30 and many of the murders involved a knife or other sharp instrument.

That is why we backed a series of national action days by the police, which were aimed at tackling specific violent crimes, and why we funded a national anti-violence advertising campaign to ram home the message that violent crime is unacceptable. In just one eight-week period under the safer Scotland campaign, 590 knives and 603 other weapons were seized.

Through the crimestoppers hotline, more information has come from the public on violent criminals, which has led to new intelligence and more arrests. I am pleased that the latest figures show a significant fall in the number of violent

crimes in the last three months of 2000, compared to the same period in 1999. National figures for murder and attempted murder were also down by 43.8 per cent and 13.4 per cent respectively. I accept that those figures are for a three-month period and that therefore they come with the usual health warning. However, members will recognise that the scale of the reduction is encouraging.

The action that we are taking to tackle drug misuse has been well documented and it was debated in the chamber last Wednesday. Our policies represent a balance of treatment, education and enforcement. Enforcement is being led by the new Scottish Drug Enforcement Agency, which has already made its presence felt in Scotland and beyond. As part of the biggest-ever programme of anti-drugs initiatives in Scotland, recently we announced the creation of the first pilot Scottish drugs court in Glasgow and we have introduced draft legislation to strengthen and extend the provisions to confiscate and recover the proceeds of crime.

An essential part of combating crime is the maintenance of public confidence in the police throughout all sections of society. That brings me to the Stephen Lawrence inquiry and the working group that was set up after the publication of the Macpherson report. I chair that steering group, which oversees the implementation of that report in Scotland. The group involves the police, the Crown Office, local authorities, the Commission for Racial Equality and independent members.

Last year, the group oversaw the publication of a racial diversity strategy and a guidance manual for the police. In January, Her Majesty's inspectorate of constabulary published a key report on police and race in Scotland. The next steps for the group, in line with its action plan, include the development of a national code of practice for recording racist incidents, a policy on recruitment and retention for the police, and research on stop and search. I have also confirmed that we will produce a consultation document on introducing an independent element into police complaints.

Youth crime is another area of concern that we are addressing. Our policies are designed to make young people face up to offending behaviour, and to promote reparation to, or mediation with, victims—where that is appropriate. Our policies are also designed generally to help young people to move on to more responsible, productive and rewarding young adult lifestyles.

We are taking action following the report that we received last year from an advisory group into youth crime, which included representatives from across the statutory, professional and voluntary spectrums. We accepted that group's recommendations in full, including the recommendation to expand effective, quality-

assessed and community-based interventions and programmes for persistent young offenders as part of a national strategy for youth crime. We have earmarked more than £23 million in the period to 2003-04 to fund those developments. Following local audits, local authorities will produce local strategic plans to tackle youth crime.

I emphasise that the fight against crime must be shared. That is why, with the police and local authorities, we are supporting community safety partnerships—that involve public, private and voluntary bodies—to tackle crime and community safety issues at local level. Presently, we shall establish a Scottish community safety forum to provide a more cohesive framework for pulling all the strands together.

We are also moving victims into the heart of the criminal justice system. In January, I launched the first Scottish strategy for victims. Yesterday, the Lord Advocate was present at the national launch of the witness service, marking the completion of a major phase of the service's roll-out to sheriff courts throughout Scotland.

Our policies are working to ensure that courts have effective disposals, to rehabilitate offenders through training, education and work, to emphasise that there must be alternatives to custody and to ensure that the police have the necessary resources to do their job. We are charting a way forward to build a Scotland in which people are safer and feel safer.

I commend the motion to the Parliament.

I move,

That the Parliament notes the record levels of funding provided by the Scottish Executive to enable police numbers to reach an all-time high and all the other steps being taken in line with the Programme for Government to deliver further reductions in reported crime and a Scotland in which people are safer and feel safer.

15:47

Roseanna Cunningham (Perth) (SNP): Now that the minister has given us information about the Hampden Park event this morning, at least we have an explanation for what seems like a singularly fatuous and self-serving Executive motion. The motion had me wondering whether the Executive could not think of anything more substantial to debate. Now we know where we are—the debate is an extended press release.

There is a great deal to be proud of in the Scottish justice system. In every area—the courts, the prisons and the police—there are extremely committed people who work very hard to try to make things work. They have plenty of work to do, because crime and the fear of crime are major concerns for Scots. But for goodness' sake, let us not get carried away with self-congratulation.

I notice that the minister wants us to talk about the situation 10 years ago, but new Labour came to power in Westminster in 1997, on the promise of being tough on crime and tough on the causes of crime. Since then, levels of crime have risen. However one looks at it, that means that crime has increased, not decreased. Serious assault is up by 16 per cent; other violent crime has risen by 37 per cent; crimes that involve the use of offensive weapons have risen by 30 per cent; and robbery, car theft, shoplifting and fraud have all increased.

Robert Brown (Glasgow) (LD): Roseanna Cunningham mentioned 1997 and is seeking to hold the Executive to account, which is fair enough. Why does not she take 1999 as her example, given that that was the point at which the Executive ministers came to power and were charged with being accountable to the Parliament?

Roseanna Cunningham: I can well understand why a Liberal Democrat might not want to be tainted with the record of the Labour Government, but the Liberal Democrats went into partnership with Labour in Scotland and I am afraid that they will have to bear that.

Throughout Scotland, people are imprisoned in their homes by fear of crime. They are afraid to walk the streets alone, to go out or even to answer their doors at night. Other members know from their constituents the distress that is often caused by seemingly unchecked criminal behaviour that consists of seemingly minor offences, such as breaches of the peace, but that nevertheless intimidate a great many people, such as the elderly, those who are alone and the very young.

The minister wanted us to have a debate that was based on private conversations that he may or may not have had this morning, but one issue is raised time and again by the people whom I am talking about: they never see a policeman on the streets. That could almost be a direct quotation from any number of people who come into members' surgeries. We know that that is probably a bit of exaggeration, but the truth is that the sight of more police officers on the streets reassures people. Police officers detecting and deterring crime—creating safer streets—will help to fight both crime and the fear of crime.

That is why the SNP wants 1,000 more police on the streets, over and above the numbers that the Minister for Justice talked about today. For years now, police numbers have been low relative to 1997, which has undoubtedly contributed to the rise in crime and to the perception in many communities that things are out of control. The stark reality is that those years have cost us dearly. Even with the recent announcement that numbers will increase again, it is a fact that there are still fewer police than there were in 1997. Despite the song, things just have not got better.

It is difficult to see how low police numbers can be squared with a commitment to being tough on crime. Tackling crime is a job for the police, as the professionals, as much as it is for society at large, but just as we have the right to live our lives free from the fear of crime, so we have a responsibility to respect that right for others.

I have already talked about the views of ordinary people. Let me refer to other frequently raised concerns. There are the concerns of people who have been the victims of crime, but who feel strongly that no one has taken responsibility for the crime, because the offender was under-age. The SNP believes that it is time that we took a long, hard look at what happens in other countries and grasped the nettle of parental responsibility. Instead of patting itself on the back, the Executive would serve the people of Scotland better if it applied itself to finding solutions to that particular problem. At the same time, that would address a situation in which victims are put in fear and the offenders are stuck in a cycle of reoffending from a depressingly early age.

That cycle of offending leads to the bigger problem of reoffending in adult life. The most recent figures suggest that nearly half the offenders who are discharged from custody or given a non-custodial sentence in Scotland are reconvicted within two years. Those figures underline the need to ensure that prison regimes and post-custodial supervision are designed to reduce reoffending. It is absolutely clear that using prisons solely as a means of punishment and deterrent simply does not work. Rehabilitation is not a soft option; if there is no rehabilitation, a convicted criminal, once released, might soon revert to offending.

For prisons to be successful at rehabilitation, the atmosphere and conditions in our jails must be conducive to that outcome. However, there has been a series of incidents in prisons throughout Scotland recently. It is high time that the Executive realised that there is a serious problem in our prison establishments. I have absolutely no doubt that cutbacks and rock-bottom staff morale are affecting the balance of power in our prisons.

I cannot emphasise more strongly how low that staff morale is. It was bad enough under the Tories, but what kept staff going then was the expectation that an incoming Labour Government would be bound to make a difference. It certainly has—for the worse. If prison staff were sadly disillusioned in 1997, they have become even more so since 1999. The pressures under which prison officers must work are massive and the strains on the Prison Service are not conducive to a penal system that works at rehabilitating offenders to ensure that, when they walk through the prison gates, they do not reoffend.

As if it were not bad enough that morale in the Prison Service has collapsed almost totally under the new Labour-Liberal Democrat dispensation, the fiscal service is now in uproar, with threats of strike. It says a great deal for the management of our justice system that two key components of it—prison staff and prosecutors—have reached the point where the only option they feel they have left is to threaten strike action. If either or both took such action, there would be chaos, but the Administration cannot say that it has not been warned.

There is not enough time for me to deal with other concerns. I conclude by saying that instead of bringing such pointless and self-congratulatory motions to the chamber, the Executive would have done a greater service to our justice system, and to everybody who works in it, if it had used some of its time to debate the very real problems that continue to exist within the system.

I move amendment S1M-1807.1, to leave out from “the record” to end and insert:

“, in considering the reduction in the overall numbers of police officers in Scotland since Labour came to power in the UK, (a) the overall increase in both the levels of crime and the fear of crime in that same period, (b) the serious public concerns about the levels of youth offending and (c) the low morale in both the Scottish Prison Service and in the Procurator Fiscals’ Service; further notes that the commitment to be tough on crime and tough on the causes of crime has been a singular failure, and calls upon the Scottish Executive to bring forward a coherent programme which will both tackle the major problems currently being experienced across the Scottish criminal justice system and deliver a safer Scotland.”

15:54

Phil Gallie (South of Scotland) (Con): I start by echoing Roseanna Cunningham’s criticism of the tone of the motion being self-congratulatory and complacent. Quite honestly, when I heard Jim Wallace’s words, they enhanced my sense of that. I do not draw back from that conclusion. The motion is built on promises and aspirations. However, it was lodged against a background of failure and broken promises that stretch back to 1997.

Robert Brown intervened during Roseanna Cunningham’s speech to query her reference to 1997. He asked why the date was not 1999. Members will recollect that, in Strathclyde in 1997, the number of police was 7,123. Thereafter, the number fell away, up until recently when there has been a marginal improvement.

Robert Brown: Will the member give way?

Phil Gallie: I do not have time to give way, as I have the ridiculously short time of five minutes in which to say what I want to say.

Let us look at the broken promises. We were

promised more police; we got fewer police. We were promised better prisons, but we have overcrowded prisons where prison officers’ morale is extremely low. The time scale for the end of slopping out has been extended. We were told that we would have more effective sentencing and we have had nothing but early release.

Recently, we were told that victims were to be better informed, but, only last week, I heard of a case in my constituency where someone who was charged with serious sexual abuse and who was found guilty in court on 1 June 2000 was back on the streets in March 2001. That man had been given a three-and-a-half-year sentence, yet he was out in nine months. The victims were not told that he had gone to appeal or what the conclusion of the appeal was. That is an absolute disgrace.

If members look back to 1997, they will remember that Henry McLeish—whose words are perhaps the thread that form the link from 1997 to the present day—commented on life-sentence offenders who were deported back to Scotland. He said that he intended to come down on them when they came back into the country. However, no action was taken. We heard talk about introducing a “two strikes and you’re out” policy following the Julian murder. Again, no action was taken. They were the right words at that time, but they were forgotten thereafter. That is a major reason why I will oppose the Executive motion today.

The SNP amendment is quite reasonable, but my concerns arise from the words that I have heard all the way through from SNP members in parliamentary committees and in the chamber. The SNP’s coherent programme will not perhaps achieve the aims that I would like, because it is based on the SNP’s enthusiastic embrace of the European convention on human rights.

We heard the Lord Advocate’s response to Bill Aitken’s question on the damaging effect on our justice system when murder suspects are considered for bail. Quite honestly, the Lord Advocate’s answer today gave grounds to all the fears that I have highlighted in the past.

I have already referred to the police figures and pointed out that in the period that Labour has been in government and that this Executive has been in office, police numbers, in Strathclyde particularly, have fallen away. Once again, I ask the minister to check why the Executive’s police division figures for Strathclyde police are so much at variance with those of Sir John Orr.

Mr Jim Wallace: I give Mr Gallie an undertaking that I will check that. Will he give me an undertaking that if, as I believe is likely, police levels in Scotland reach record levels by 2002, he will congratulate the Executive on that?

Phil Gallie: Of course I would welcome that

figure being achieved. Indeed, if that happens, the minister will get credit. However, we must recognise the problems with morale in the police service, and that the police face a lot of stress.

The Deputy Minister for Justice (Iain Gray): Will the member take an intervention?

Phil Gallie: I am sorry, but I do not have time.

Perhaps the minister could look at the record levels of retirement on grounds of ill health. He should recognise that that must be addressed by additional funding to meet the pension requirements, which are unfunded and need to be paid for out of revenue. I welcome the minister's nod of approval on that.

I have to miss out on a whole range of things, but I must say that I will today give my whole-hearted approval to the Armed Forces Bill. Putting the Ministry of Defence police to good use will be of some advantage to our civil police. The issue that comes to mind is how so many police were drafted into Faslane recently. If disruptions continue at Faslane, perhaps the MOD police could, by working with the civil police, deal better with any future involvement.

It is terrible that that is my five minutes up.

I move amendment 1807.2, to leave out from "the record" to end and insert:

"that the Executive has presided over a period of police under-manning, a loss of morale within the prison service, chaos in our courts, a rise in crime, particularly in crimes of violence, and the recycling of criminals through prisoner early release."

16:00

Gordon Jackson (Glasgow Govan) (Lab): I find this debate depressing. The Executive says that there are more police, that crime is decreasing and that everyone is happy. Roseanna Cunningham says the opposite—that police numbers are down, crime is up, people are less safe and the whole system is in meltdown. Phil Gallie is just as cheery as ever with his picture of doom and gloom—no cops on the street, criminals everywhere and general chaos.

We need a little bit of reality rather than soundbite politics. First, no one, and no party, is soft on crime. Everyone in this chamber wants a proper system of law and order. Everyone is motivated to have a society in which people feel safe. Decent people are all on the one side and, at times, we need to recognise that.

Secondly, law and order—and crime and the fear of it—is a major issue for people; in Govan, it is perhaps the major issue. If we hold a public meeting in any part of the constituency on the subject of law and order, hundreds of people will

turn up.

Thirdly, I believe that we are making progress. John Orr, the chief constable of Strathclyde police, has said this year that, in his force, morale is

"currently high with crime at its lowest level for many years and detection rates at an all-time high."

Those are his words, Mr Gallie, not mine.

However, I accept that we must not be complacent. I have only my experience in Govan to go on, where law and order is a very big issue, but there are real signs that things are getting better. I have been hugely impressed by the level of police commitment and involvement in the local community.

Most weeks, I go to a community-based meeting—involving tenants, the community council, or something similar—and almost every time the police will be represented. Often that will mean the community constable; often it will mean a very senior officer. That is not cosmetic; it is important. It sends out the message that the police are there not only to work in the community, but to work with the community and to respond to it. We need to extend that.

I agree with Roseanna Cunningham that we need to have increased police presence on the streets in the areas where it is most needed. I think that we are doing that. That is why the increased spending commitments of the Executive are to be welcomed. Noses should not be turned up at them. It is also important to welcome the fact that we are making progress in the areas of intelligence and technology. That will allow manpower to be better deployed.

An aspect of that is closed-circuit television. In Govan, we have spent the past year trying to get a CCTV scheme. As Iain Gray knows, with the help of the Executive we are about to turn that into a reality. I cannot overestimate how important that is for the community. It makes the community feel safer and feel that its interests are being thought about and protected. The practical result of that technology is of great value. Because we can focus on particular areas and see problems before or as they arise, the use of manpower is inevitably better. Such improvements are real and I think that all of us want them.

There is beginning to be a greater understanding of, and willingness to tackle, the problem of what is euphemistically called anti-social behaviour. Tackling such behaviour has been neglected. Bad neighbours? They are just a fact of life. Just get on with it. However, the truth is different. Many people's lives are made a misery by the failure to tackle the problem. Any members who have—and many of them do—regular surgeries in urban areas know that that is true. I

detect a shift. We are beginning to see a willingness in local authorities and law enforcement agencies to deal with the problem. Again, the resources provided are to be welcomed.

I have only 20 seconds left, but I have one other important point to make. I do not believe that we should have debates on justice in a vacuum. It is true that crime and anti-social behaviour will always be there no matter what we do. We will always need the police to deal with that. However, we should never divorce crime, and the prevalence of crime, from the wider social issues. Poverty, bad housing, lack of education and, most important, not having a job are not the causes of crime, but they are the breeding grounds for it.

Until as a nation and a Parliament we tackle those issues, we will not improve. In fairness, we are tackling those issues, in particular housing and jobs, but it is the combination of that action with all that we are doing for law enforcement that will make our communities safer. I know that this is political knockabout and we have to oppose one another, but we are going in the right direction, and we should continue in the way in which we are heading.

The Deputy Presiding Officer (Patricia Ferguson): We move now to the open debate. A large number of members wish to speak in what is a relatively short debate, so I ask them to conclude their remarks on or before the four-minute mark.

16:05

Mr Kenneth Gibson (Glasgow) (SNP): Jim Wallace made a statement to the Parliament on 27 September last year, in which he described justice expenditure as

“the best ever spending package for Scottish justice.”—
[*Official Report*, 27 September 2000; Vol 8, c 641.]

However, senior police officers in Scotland do not agree. Sir John Orr, who has been quoted at length this afternoon, commented on Strathclyde police's lower-than-average award for equipment:

“This allocation could have a potentially serious impact on this force's intention to further improve our policing capability in operational terms. It is wrong to assume that less than appropriate capital funding has no impact on our operational policing. This decision to fail to accommodate funding for the new police station at Irvine could mean we will be less able to put more officers on the streets.”

In response to a parliamentary question, last week I received an answer which stated that the capital allocation to Strathclyde police fell from £9.732 million to £9.076 million during the current financial year. William Rae, the president of the Association of Chief Police Officers in Scotland, said:

“The root of this problem is that there is insufficient capital consent to meet the needs of Scotland's police forces. No matter what formula is used, it will always leave forces with insufficient moneys to meet requirements.”

Iain Gray: Will Kenny Gibson accept two caveats to the quotes that he has given? First, Sir John Orr was commenting on a particular decision about a particular project in a particular police force, in the context of a 25 per cent increase, year on year, in capital expenditure for Scotland's police forces. Secondly, the funding formula was derived from and agreed by ACPOS, of which William Rae is a member.

Mr Gibson: I am an MSP in Strathclyde. In his summing-up perhaps the minister can explain how Strathclyde police's operational ability will be enhanced by having £700,000 less in capital funding this year than it had last year.

As many members will be aware, I ask a number of written questions, and in asking them, I sometimes get to the nub of some of the flim-flam and spin that often is put forward by the Executive. I will take members back to a couple of questions that Mr Jim Wallace answered last year.

I discovered, for example, that from 1 April 2000 the Executive intended to charge the police non-domestic rates for the first time. I asked what the breakdown would be. I found out that the total cost to the police would be £9.332 million. How would that break down by force? Central Scotland police would have to pay £388,000, Dumfries and Galloway constabulary £247,000, Lothian and Borders police £1.58 million and Strathclyde police £3.94 million.

A month or so after receiving that question, there was a major press release, followed by the usual television and radio presentations by the Minister for Justice and his deputy at the time, Angus MacKay. What was it about? The £8.9 million that they were putting into the police force to provide 315 officers. Once again, I asked what the breakdown would be. I found out, incredibly enough, that Central Scotland police, which was paying £388,000 in rates for the first time, was going to receive £369,000 for extra officers; Dumfries and Galloway constabulary, which was paying £247,000 in rates, was to receive £233,000; Lothian and Borders police, which was paying £1.58 million, was to receive £1.442 million; and Strathclyde police, which was to pay £3.94 million, was to receive £3.710 million.

Those are remarkably coincidental figures, which show that an Executive that made a big stushie and a furore about putting money into the police force to create another 315 officers had in fact taken the money and £400,000 more out of the police force only a couple of months earlier. That is the kind of spin that we have to tolerate in this Parliament. The reality is that there are fewer

officers in Strathclyde than there were when the Labour party came to power. The Executive has not redressed the balance, which is why crime has reached its current level.

16:10

Pauline McNeill (Glasgow Kelvin) (Lab): I welcome the debate on police numbers and the wider issues, including the Procurator Fiscal Service. Like Gordon Jackson, I would like us to have a more focused debate that got into the nitty-gritty of justice issues.

Kenny Gibson talked about spin, which he thinks is just down to the Labour party. He must take note of the fact that Roy Cameron, the chief constable of Lothian and Borders police, has said that more police officers than ever are patrolling the streets. I was there when Kenny Gibson heard Sir John Orr say that we have the lowest crime levels for some time. Strathclyde police are particularly proud of that. If the police say that, the Parliament must accept that the crime figures overall are down. We should all be concerned that the level of violent crime is up, and perhaps we should focus on that in future.

I will talk about two issues in the limited time that is available. The first is close to my heart—it concerns the justice system buzz words of “joined-up inter-agency approach”. At the moment, those are just words. I want members to do some joint working themselves towards making them a reality.

From my involvement in the justice system as a member of the Scottish Parliament, I do not believe that the police have any refined ways of liaising properly with the Procurator Fiscal Service. The service seems to be under-resourced. Perhaps we could establish whether that is the case. There does not seem to be much joined-up working between the police, the fiscal service and the Crown Office. As members have said too often, the Crown Office remains too secretive about its decisions. Questions are mounting from constituents and members about the Crown Office’s reasons for taking decisions.

I am convener of the Justice 2 Committee, whose priority for the next few months is examining the Procurator Fiscal Service. We will try to get to the bottom of some of the accusations that are made. I think that that will be an important piece of work.

I will give an example of how the joined-up approach is not working. The police have been successful with the spotlight initiative, for instance. More than 1,000 people have been charged for possessing a knife. However, if that work is not matched by the fiscal service’s taking those charges further, that may explain why police

morale is failing. In my area, police have charged some young offenders for breaches of the peace, and the fiscal service has decided not to proceed with those charges for policy reasons. At this stage, I do not question the fiscal service’s reasons for doing that. I simply point out the impact on the police service if the two services do not engage in discussion. We have a duty to get to the bottom of that situation.

I will move on to discussing policing and police funding. Other MSPs will feel strongly that the way in which police funding is divvied up among cities should be examined. I represent Glasgow city centre. Glasgow has more public order requirements on the police, as it has more public processions and marches than anywhere else does. It has the equivalent of two football matches every Thursday, Friday, Saturday and Sunday night, when more than 460 licences operate. In the UK, apart from London, that is the biggest number of licences within a half-mile radius. We deal with that in Glasgow city centre, yet we receive no recognition that we need additional resources. I hope that the Minister for Justice does not mind that I got a bit about my constituency into the debate.

We must recognise that the police’s role covers more than law enforcement. The police play a crucial role in everyday life and often deal with homelessness, domestic violence and neighbourhood disputes, which my colleague Gordon Jackson discussed. They have much to say about those issues and have been one of the agencies that has been thoroughly behind the social justice ministers’ work on homelessness.

The Executive has started the process and done much good work. It has started the process of dealing with slopping out. It aims to have more police officers on the beat. The Scottish Drug Enforcement Agency would not have been established if the Executive had not initiated it. Let us recognise the good work that the Executive has done on justice and move on to pick up some more ideas.

16:15

Dr Winnie Ewing (Highlands and Islands) (SNP): I must declare an interest. I am a member of the Law Society of Scotland and was formerly a practitioner in the civil courts—although more often in the criminal courts—of Scotland.

I am very proud to be a member of the legal profession. We are a profession that undertakes to pay costs and damages for our dishonest brothers, if there are any. There are always a few every 10 years or so. We have to dig deep in our pockets—for thousands of pounds, sometimes—to pay such costs and damages. As far as I know, we

are the only profession that does that.

One wonderful thing about the Parliament is that we have time to debate our law. At Westminster, where I spent eight pretty miserable years in two different chunks, we rarely had time to bring the law up to date. Now that there is a Scottish Parliament, we can expect to keep our law up to date. We have managed to talk about a number of matters in recent times such as victims and rape assaults. We should cherish that.

I will give a simple example of fear stalking the streets. When I fought the Hamilton by-election in 1967, we were told that we could canvass until 9 pm during winter. Everybody opened their doors, although they were not always delighted to see us. In the Anniesland by-election, an Aberdeen activist, whom I met in Aberdeen last week, canvassed 250 houses in a tall flat. Only seven people opened their doors.

Clearly, the elderly are afraid to go out at night. It is not just their fear that is important; their quality of life and social activities are damaged. I believe passionately that justice should be equally available to all. Representing, as I do, the Highlands and Islands as a list MSP, I am aware that access to legal aid is not always available. It simply does not always exist.

I spoke to the Law Society of Scotland today prior to the debate. The society is concerned about some lack of access to justice—for instance, working mothers not being able to get to a lawyer to get the legal aid that they need. Legal aid should be extended to tribunals and defamation actions, which are currently excluded. The current situation means that the only people who can protect their reputation against defamation are those who can pay privately for representation.

I had to do that myself, so I know what I am talking about. The *Sunday Mail* settled on the day that the case came to court, having trailed along for two years.

If we want justice for all, we must ensure that everyone has access to legal aid. The £500 limit for trials, which has led to the procurator fiscal dropping two serious cases recently, is ridiculous. The justification that the Law Society of Scotland gives for the limit is that it is swings and roundabouts. That would apply only to a big law firm that does a lot of criminal work, such as the one—I will not mention the name. [*Interruption.*] Ross Harper was once my opponent; I know him well.

Swings and roundabouts affect a big firm. I was a sole practitioner, and I like to think that I gave a high standard of service. Every citizen should be able to choose a lawyer without saying, “Oh, we need someone in a big firm because otherwise the swings and roundabouts won’t apply.” The

situation is ludicrous. It is like asking how much a holiday costs. The answer depends on many factors, such as where one wants to go and what standard one wants. I deplore the situation.

In my time as a lawyer, the defence definitely suffered. The scales were weighted against us. The poor old fiscal service is now so overburdened that the scales of justice are rather more even. No wonder the service is angry about the burden of some of its cases.

I welcome the creation of drugs courts. I want more police on the beat—as we all do—because that is what reassures most people. I welcome the view of the Moderator of the Church of Scotland that private prisons are quite illegal under international law.

16:19

Bill Aitken (Glasgow) (Con): When I heard Jim Wallace’s opening remarks, I felt bound to comment to myself that not much good news comes out of Hampden these days. The debate is certainly no different. Frankly, it is just a continuation of Executive spin—the trawling of stories and trying to put out good news when we all know that the reality is somewhat different.

Jim Wallace stated that one of the main objectives was to build confidence in the justice system. For a number of reasons, much of that confidence has disappeared in the past few years. First—and leaving aside the arguments about how many police officers are on the beat or elsewhere—there will be no confidence in the justice system until the prosecution is geared up to carry out its duties effectively. What do we have? We have fiscals who are desperately inadequately staffed and resourced. There are too many stories of uncited witnesses, lost files and missing productions for those stories to be apocryphal. Dr Ewing was correct when she stated that nowadays the procurator fiscal—who does after all act in the public interest—is at a disadvantage. It is the ladies and gentlemen versus the players, as experienced deposes are frequently left in the sheriff court to conduct solemn trials. That is not satisfactory.

Sadly, the Crown Office itself appears to be inadequately resourced. When I heard the Lord Advocate’s answer earlier, I despaired of the present situation. It is appalling that murder cases should remain untried for up to 12 months. The recognition that the 110-day rule does not apply is being exploited. At a murder trial, there are inevitably civilian witnesses, whose recollection of events will disappear down the tubes as time goes on. There is no argument: a murder trial should start within four months of someone’s appearance on petition.

What else is happening in the justice system as a result of under-resourcing? Diversions from prosecutions on what are sometimes serious matters are now common. There is the conditional offer—the fiscal fine. Those who are subject to such conditional offers know the situation—that if they pay the first £5, no one will ever get in touch with them again—and just laugh at it. As long as that payment is on file, there is no way that their case can be proceeded through a means inquiry court.

The juvenile justice system has been referred to—that is another major problem. The Social Work (Scotland) Act 1968 set up the children's hearing system. I have said before and freely admit that that is an ideal system for dealing with children at risk, but it is not geared up to deal with children who are persistent and consistent offenders and who sometimes commit fairly serious offences.

Scott Barrie (Dunfermline West) (Lab): Will the member give way?

Bill Aitken: I do not have time.

It is ludicrous that the Executive's message is that consideration is being given—a ministerial answer was given to that effect a couple of months ago—to increasing to 18 the age at which people can go to the children's panel. Scotland would be the only country in the world where a 17-year-old could go to the children's panel for assaulting his wife. People can marry at 16 but would not go to a criminal court until they were 18.

Scott Barrie: On that point—

Bill Aitken: I cannot give way as I am on my last minute.

Attitudes must change. The Executive says one thing and the reality is totally different.

16:23

Donald Gorrie (Central Scotland) (LD): I speak in support of the Government's motion, although I do not think that it will figure in any anthology of decisive documents of Scottish political history. I am in favour of what Jim Wallace, Gordon Jackson and Pauline McNeill said. Jim Wallace said many things with which I agree. The Government is moving in the direction of doing many good things.

I have a few specific issues to raise. Sooner or later someone must address the issue of police pensions. The unfunded police pension scheme has the capacity seriously to shipwreck a police board budget. We must have a more rational system.

It is clear from my visits to Polmont young offenders institution and various prisons that short

prison sentences are a complete waste of time. There is no time to put any effective training and rehabilitation service into effect. We would do much better to put the resources into effective alternatives to custody, rather than having those short prison sentences.

Jim Wallace dealt with community involvement and young people. In many parts of Scotland, there are good schemes involving the police and young people. I happen to know of one just round the corner from here, the Edinburgh City Youth Café, which is involved with police in street work with difficult groups of young people. That work is very effective, but there has to be funding for it. Our current system of finance is unsatisfactory. There has to be funding for council-run community education and for the voluntary organisations that provide the youth work side of the joint initiatives involving police and youth workers.

We have to address more seriously than before the effect of the misuse of alcohol on crime and the fear of crime. We still do not pay enough attention to that. It would be a quick step in the right direction if the funds that have been made available for dealing with drugs could be jointly made available for alcohol work as well as drugs work. Many people are affected by both, and it is silly to say to a person with a double problem, "We will help you with your drug problem, but we don't have the money to help you with your alcohol problem." We must address the causes and results of alcohol misuse much better than we do at the moment. The fact that most of us drink socially could inhibit that, but we must address the problem with the seriousness with which we currently attack drugs.

My final point concerns something that, in the whole range of crime, is perhaps a fairly small sector, but it is one that many of us find exceptionally unacceptable: violence arising from sectarianism. I do not understand, and did not understand at the time when the legislation was passed, why the Crime and Disorder Act 1998 specifically said that harassment on sectarian grounds did not count as harassment on racial grounds. It seems to me just as bad to call somebody—I am using unparliamentary language—a papist bastard or a Fenian bastard as it is to call him a black bastard. All those terms are absolutely unacceptable, and we must start to attack the issue of racial harassment, violence and incitement to violence. Many of the sectarian songs that are sung have the effect of making the lunatic fringe become violent, and we should deal with that as well.

In general, Jim Wallace is taking a good step in the right direction, and I am happy to support him.

16:28

Paul Martin (Glasgow Springburn) (Lab): In the time available I will be able to touch on only a couple of points, so I shall start on a positive note. I welcome the new figures for the increased number of police officers on the beat, and the Scottish Executive's achievement in forming the Scottish Drug Enforcement Agency, which has led to significant benefits in my community. The CCTV system has also been a significant success in Glasgow and particularly in my own community. We should accept the positive aspects of what has been announced today.

On a more negative note, tackling crime is not just about the allocation of additional resources. It is about the way in which those resources are managed, and I am not fully convinced that Strathclyde police make best use of the resources that are available to them. With the greatest respect to the point that Kenny Gibson made, the problems in Strathclyde will be solved not simply by having additional police officers, but by tackling the issues that our constituents raise with us.

Let me touch on the way in which police offices communicate with the public. It is unacceptable that people can wait up to 10 minutes for calls to their local police office to be answered while they are kept in queueing systems. People are lectured to at local public meetings that they must report crime but, when they take the next step of reporting crime by the use of telecommunications systems, they are not able to do so or are discouraged from doing so by the fact that they are kept in telephone queueing systems.

I have raised that issue with Strathclyde police for the past five years. I have not seen them take any significant steps towards improving their telephone system. I ask the minister to take that point on board, to ensure that we bring the telephone systems in police authorities into the 21st century, because I do not believe that that is being done.

Jim Wallace mentioned improving the information technology that is available to the police; that is welcome. The police do not currently have e-mail addresses, which are at the disposal of every major organisation throughout Scotland. We should work to improve the situation that has arisen as e-mail, which is a simple method of communication, is not available to the police.

I reiterate the point that there should be a top-to-bottom review of the policing allocation. It is unacceptable that in areas such as Blackhill in my constituency, there is one community police officer, when the leafy suburbs throughout the Strathclyde area have two local community police officers on the beat. We should be allocating police officers to the areas where crime is

committed and where crime is unacceptably high. We must examine the way in which police authorities allocate local police officers.

We must also examine the shift patterns of community police officers. Criminals do not work shift patterns; they do not decide that they are on the back shift or the early shift. We must ensure that community policing is flexible; currently it is not, as a community police officer works specific shift patterns, which do not fit in with the pattern of when crimes are being committed locally.

Pauline McNeill raised a point about liaison with local agencies. There is no evidence that agencies are working together with the police authorities. I have had to lead the way in ensuring that there is a coherent approach to working with other agencies. We must move forward.

I welcome the commitment that has been given that there will be more police officers on the beat. I look forward to a continued positive approach to the matter.

16:32

Richard Lochhead (North-East Scotland) (SNP): I welcome the opportunity to make a brief speech. Justice must be seen to be done if people are to have faith in the justice system in Scotland.

I will raise a couple of issues. The first is bail breakers, or aggravated bail in the official language. That is when someone goes to court, is accused of a crime, gets bail, goes out and commits another crime, goes back to court, gets bail again, goes out and commits another crime and so on. It is incredibly demoralising for police officers, who feel that they are banging their heads against a brick wall. They go to extreme lengths to catch criminals, only for them to be released by the courts. It is also demoralising for the victims of crime, who know that the police have caught someone who has committed a crime against them but that the courts have released the person back on to the streets, perhaps to commit the same crime and harm someone else.

That has been a massive issue in the north-east of Scotland, which I represent. I should like the minister to take note of it. In recent years, there has been a series of muggings and house-breakings in Aberdeen. As the minister well knows, Aberdeen has the highest per capita crime rate in Scotland. Those crimes are committed by the same people, who get out on bail and commit crime time and again.

I met representatives of Tayside police a few weeks ago and followed up the meeting with several questions to the chief constable. I received his reply in the post today. I will read out the example of one case in Dundee, which the chief constable gave. I received the letter only today,

but I want to make the minister aware of it. The chief constable states:

“One individual currently on bail in Dundee is subject to four separate bail orders for various crimes”.

Those include crimes of vandalism; breach of bail conditions—not once, but twice; and assaulting a police officer and breach of the peace, both of which were committed while the person was on bail.

“This same individual has a long list of previous convictions and pending cases and is still at liberty with the associated possibility that he will re-offend.”

If people are to have faith in the system of justice, they must see that justice is being done. Something is wrong with the system. I have taken the issue up with the minister before. I hope that, when he winds up, he will say that there is a problem that must be investigated by him and the Lord Advocate. Something is wrong when people are released time and again to commit more crimes, despite the fact that the police caught them to try to put them behind bars.

I also want to touch briefly on the fact that Aberdeen has the highest rate of recorded crime in the country. It is no coincidence that it has the second lowest level of per capita police funding. When I previously raised the issue with the Minister for Justice, he said that although the situation was disappointing, he was not convinced that there was a link. There must be a link, and I hope that the minister will address that point when he winds up.

16:35

Robert Brown (Glasgow) (LD): I join Winnie Ewing in declaring membership of the Law Society of Scotland and I declare separately that I have worked for Ross Harper & Murphy. Winnie Ewing is right to say that I was once her opponent. At the time, I was a member of the Procurator Fiscal Service; I was trying to convict and lock people up while she was trying to prevent that from happening.

We should begin by paying tribute to the character of the Scottish legal system and the effectiveness of the institutions that have formed it. However, we must put the issue in the context of the Parliament, which is why I intervened on Roseanna Cunningham when she mentioned 1997. The Parliament and Executive are accountable for what has happened since 1999, when the Parliament was set up, so we should start any discussion of the issue from that date.

Roseanna Cunningham talked about the SNP promise to put 1,000 new police officers on the beat. We must be cautious about such glib manifesto promises. For example, in their 1992 manifesto, the Conservatives promised an extra

1,000 police officers and, at their 1995 conference, they promised an extra 5,000 police officers. However, between 1992 and 1997, the number of police officers fell by 469. At the beginning of the period from 1985 to 1997—which Mr Gallie would have us believe was wonderland—there was one conviction for every eight crimes in the UK; by the end of the period, that figure was one conviction for every 14 crimes.

We and the Government should have a little bit of humility in dealing with crime statistics. Crime is not simply a matter of flinging statistics across the chamber at each other; it is a complex issue that takes in all facets of society. It is not just a question of police numbers, staff numbers, technological support or whether we punish or rehabilitate people; it is about how we educate ourselves, live our lives and organise our society. In that respect, Pauline McNeill made an important point about the need for joined-up thinking across government.

Despite our talk of figures, the statistics in this realm are not as solid as they might appear at first glance. It is important to point out that recorded crime is exactly what it says it is; it is not necessarily the same as committed crime. Furthermore, Roseanna Cunningham’s off-the-cuff claim that people are saying that there are never any police about does not reflect my experience in dealing with community groups and other organisations. Compared with the situation when I was a member of Glasgow District Council, there now seem to be far more community policemen and police officers on the beat. There has been a step change in the accountability and relevance of the police.

As I said, crime is not an easy subject. Although we must ensure that we catch criminals and prevent them from committing crimes, we must also do what we can to prevent them from committing crimes in the first place.

A number of interesting points have been raised, particularly Donald Gorrie’s suggestion that short-term sentences are a bit of a waste of time and that the causes of crime find their roots in alcohol and drugs. The chamber should take particular note of those percipient comments.

As David McLetchie has said, the key issue is the Government’s responsibility to protect people from crime. That is best served by the Executive’s joined-up strategy of catching and rehabilitating criminals and of trying to create a society in which crime does not flourish. The chamber must send out that message today, which is why I support the Executive motion.

16:39

Mrs Lyndsay McIntosh (Central Scotland) (Con): I was quite thrown by Robert Brown’s

criticism of members flinging statistics around the chamber, given that he had just done exactly that.

The Conservatives will oppose the motion; indeed, members would be surprised if we supported such a self-congratulatory motion. Roseanna Cunningham summed it up well when she said that it was nothing more than an extended press release; we concur with that opinion. We would also echo many of her other comments. However, we are not in the cosy relationship that we are alleged to be in with the SNP—this debate is the definite proof that we are not in cahoots.

The minister intervened on Phil Gallie's speech to ask whether the Conservatives would congratulate the Executive on meeting its target. We would do so more than happily if it ever happened.

I was charmed to hear that Gordon Jackson—who has left the chamber—also thinks that the motion is self-congratulatory. We all agree that we want a safer society. We have never doubted the commitment of the police, to whom we owe a great deal. We are considering justice and crime in a vacuum, but we must look to the wider issues, such as housing, jobs and unemployment.

Kenny Gibson's comment about the Executive's position being a triumph of spin over substance was exactly right—that has been the subject of today's debate.

I agree with Pauline McNeill about joined-up working and the inter-agency approach. Too often we think that we are tackling the problem and that we have the answer when all that we are doing is passing the problem on to someone else and washing our hands of it. We cannot adopt and maintain that attitude for any great length of time.

Many members have expressed concern about the number of "no proceedings" in the fiscal service. People make their complaint to the police only to find that the procurator fiscal service turns round and no-pros it. Can that be a proper way in which to handle complaints? It makes the police and our constituents feel that the efforts that they make are not appreciated. How can we tackle crime if we do not take account of the people who take the time and trouble to report it?

I confess that, on Sunday in Glasgow, I shall go to one of the marches that was mentioned, as I suspect will many other members. We should consider the funding that is required for Glasgow, especially for the city centre, where many marches are held. I understand that two of the marches might clash, which could be interesting.

I remember the 1967 by-election of which Dr Ewing spoke. I was a small child then but, my goodness, what a contrast with the way in which

we canvass and campaign nowadays! It will be interesting to see what happens in the near future, if the Prime Minister does not change his mind.

Bill Aitken's comments demonstrated his experience in this issue. There must be confidence in the justice system; that is the root of why we all take an interest in this matter. Fiscals are under-resourced—as Pauline McNeill said, the Justice 2 Committee will address that issue—and the Crown Office is well behind in its work on murder trials. Fiscal fines were known in my area as fiscal fivers—the offender paid the first fiver and never heard of the matter again.

I was keen to hear Michael Martin's comments. It sounded as though he was criticising the Executive—a most peculiar stance to take. Richard Lochhead mentioned bail breakers. I think that we have all come across that problem.

16:44

Michael Matheson (Central Scotland) (SNP): I note that Paul Martin is constantly being confused with his father.

The Executive could have initiated a debate on some of the fundamental problems in our criminal justice system. Unfortunately, although some members highlighted those problems, much of the debate has been more like an extended press release, as Roseanna Cunningham pointed out.

Lyndsay McIntosh tried to dispel the notion of an alliance between the SNP and the Conservatives. However, the more someone tries to dispel such notions, the more people are inclined to believe them. We should take heart from the fact that there are only two places in Scotland where the Tories have any type of power—in Perth and Kinross, where they share power with the Labour party and the Liberal Democrats, and in East Dunbartonshire, where they share power with the Liberal Democrats. Incidentally, the Liberal Democrats used to be in power with the Labour party in that area, but they went off in a huff.

Mrs McIntosh: Will the member give way?

Michael Matheson: I do not have time, I am afraid.

Clearly, crime is an issue in Scotland. The figures show that there is an overall increase in crime. We have only to consider the statistics in the most recent report by Her Majesty's chief inspector of constabulary, which details the constabularies in Scotland that have recorded an increase in crime. It is important to note that the forms of crime that have increased have been the serious ones. Across Scotland, violent crime has increased by 22 per cent. Fife constabulary reported an increase in violent crime of 47 per cent; Grampian police reported a rise of 42 per

cent; Northern constabulary reported a rise of almost 30 per cent; and, in Edinburgh, violent crime was reported to have risen by 24 per cent. Alongside the rise in violent crime, there has been a 30 per cent increase in the number of people arrested for carrying weapons or for being involved in incidents in which weapons were used. Serious assaults are up by 16 per cent. Those figures illustrate a clear trend in Scottish society.

The minister said that he met newly recruited police officers in Hampden Park today. We should note that there is a problem with the recruitment of police officers, especially from particular sections of society. In 1997, about 0.3 per cent of our police officers came from an ethnic minority. In the most recent HM chief inspector of constabulary report, that figure had risen to only 0.5 per cent. That is unacceptable and I hope that the minister will detail what action will be taken to address the problem. Currently, only 15 per cent of Scottish police officers are women, whereas about 40 per cent of MSPs are women. We need to ensure that we recruit more female police officers, as police recruitment must reflect the diversity of Scottish society.

Gordon Jackson mentioned his discussion with John Orr. I have spoken to the chief constable in my area recently and—as is always the case when one meets the head of a service—he was keen to tell me the good points about the force. However, I also met officers who told me that morale among some is at rock bottom because of problems with resources, including staff resources. A shortage of staff can cause problems when officers are off sick or are on training courses. Officers are having to do double shifts to take up the slack. We must deal with issues arising from how police forces operate within their areas.

It is all very well for ministers to talk about being tough on crime and tough on the causes of crime, but people on the ground experience a different situation. The perception of those people must be the litmus test of whether we are being effective and successful in tackling crime.

I will deal with the broader issue of the criminal justice system in Scotland. When Labour was in opposition, it was against the privatisation of public services. However, we now have a private prison in Scotland and Central Scotland police are having to consider a private finance initiative project to build a new police station in Falkirk. There is creeping privatisation in our criminal justice system. I hope that the minister can assure us that, when he produces his Scottish prisons estates review, he will address the issue of privatisation within the Scottish Prison Service, as that is an issue that prison officers constantly raise. I hope that he will rule out privatisation and that he will ensure that that commitment is made

known to the Prison Service staff in order to improve morale.

The legacy of the Government will be that it has failed the Scottish justice system. Crime is up, police numbers are down, prisons are being privatised and our courts are struggling to cope. The Government might talk about being tough on crime, but the reality is another story.

16:49

The Deputy Minister for Justice (Iain Gray): It is customary to begin winding-up speeches by saying, "This has been a good debate," or, "This has been an interesting debate." I am not sure that I can say either today. However, the debate has at times been astonishing. For example, I was astonished to hear the SNP spokesperson on justice describing this opportunity to debate justice as fatuous. What was fatuous were the speeches of Tory and nationalist members, who, like their amendments, simply ignored the facts where those facts did not suit their case.

The key assertion on both wings of the Opposition alliance is that the number of police officers is falling. That is simply not true. The Executive inherited a police force of 14,872 officers. By last December, the number was 14,948. It is 20 years since I taught maths, and the discipline has moved on since then—I believe that Fermat's last theorem has been solved in the meantime. However, 14,948 is still a bigger number than 14,872. The number of police officers is rising.

Members need not take my word for it. On 19 January, the chief constable of Central Scotland police, Andrew Cameron, said:

"There are more police officers than ever patrolling the streets."

That is the good news, which it would do the Opposition some credit to acknowledge. I noticed that, when Mr Gallie was asked whether he would give credit when record police numbers were reached, he said that he would. I therefore invite him to give credit to the Labour Government at Westminster, which, in December 1997, hit a record number of police officers in Scotland—15,050. That record number was reached under a Labour Administration.

Phil Gallie: Does the minister accept that that was as a result of the continual build-up by the previous Administration and that it did not take long for Labour to reverse the trend?

Iain Gray: I would certainly not accept that. I repeat the point that Jim Wallace made: it will not take us long now to have police constable No 15,051 on the street, for the first time ever.

Here is the better news: more police officers are

on the way. In the next financial year and in the following two years, police grant-aided expenditure will rise by 6 per cent, 11 per cent and 14 per cent respectively. I suppose that we could argue over numbers for ever. I am happy enough to do that, although it is probably tedious for those who are watching. However, I point out that some of the criticisms that have been made of the number of police officers and of police resources have been based on the distribution of those resources. We acknowledge that that needs to be examined. With police forces and police officers, we are reviewing how the global sum available to them should be distributed.

I am sometimes asked—Roseanna Cunningham asked it today—why we cannot see the extra officers. The truth is that we can. A month after the chief constable of Central Scotland police said that there were more police officers than ever, I joined him in Stirling to see 28 more recruits, fresh from college. This morning, the First Minister and the Minister for Justice met 200 new policemen, who will be patrolling the streets of Strathclyde. If members keep their eyes open outside this building, they will see police vehicles marked “City Centre Policing Unit”.

Richard Lochhead: Will the minister give way?

Iain Gray: I am sorry, I am short of time.

That unit was formed by Lothian and Borders police from its share of an in-year increase of almost £9 million in police resources. Tulliallan training college is bursting at the seams—recruits are having to double up in their accommodation for everyone to get in.

Richard Lochhead: Will the minister give way?

Iain Gray: I will if Richard Lochhead is very quick.

Richard Lochhead: I knew that the minister would give way if I persisted.

Recruiting new police officers is one way of combating a rise in crime. Another way is to use the police officers that we have more effectively. For example, the amount of time that they spend logging citations or that they waste hanging about in courtrooms, not giving evidence, could be reduced. Can the minister tell us what is being done about that?

Iain Gray: I am happy to accept that point, but one aspect of it is the resourcing of chief constables in order to deploy their officers more effectively. That is exactly what the Lothian and Borders police city centre policing unit is about. This is not about having to take officers from elsewhere in the city to police the Edinburgh festival in the summer, for example.

Lothian and Borders police has just held two

recruiting days, which attracted 1,000 people who want to be police officers. That volume of recruitment gives us an opportunity to address issues such as the recruitment of ethnic minority officers, which Michael Matheson quite properly raised.

Last month, the First Minister and I visited Strathclyde police. We met an undercover squad, which is one of four—that number has risen from one. We met some of the nine community liaison officers, who are drawn from the 47 Scottish Drug Enforcement Agency officers seconded to Strathclyde police. We saw the results—£600,000-worth of seized drugs, which is a fraction of the value of recent seizures. That is £600,000-worth of crime that would have been committed by users to buy those drugs on the streets of Glasgow.

Although police numbers are rising, crime is not; the Scottish crime survey shows that there has been a decline of 13 per cent between 1995 and 1999. We should ask the police. Sir Roy Cameron of Lothian and Borders police said:

“We have seen an excellent reduction in crime and rise in detection”.

Sir John Orr of Strathclyde police said:

“Morale is currently high with crime at its lowest level for many years and detection rates at an all time high.”

However, we are not complacent about that improving picture. Jim Wallace acknowledged that the incidence of violent crime is much too high. That is why we will continue to support initiatives such as the safer Scotland campaign, which took 1,000 weapons out of circulation and led to a significant reduction in violent crime over the period of the campaign.

The picture that the Tories and nationalists have painted of falling police numbers and rising crime does not bear examination. What of their proposals, however? The SNP promises that it would recruit 1,000 more police. That appears to show a laudable concern for law and order but, unfortunately, it does not. It appears that the funding for those extra policemen would be £25 million, which would be raised by repatriating from the Treasury the fine income of Scottish courts. The SNP promise is not an expression of concern for law and order but a convoluted point about money, and even that does not add up. The fine income of Scottish district courts in the most recent year for which figures are available was £8 million.

Even if £25 million was available, it would pay for the salaries of 1,000 recruits but nothing else. The nationalists cannot get their sums right. I have heard of bare-faced criminals, but those recruits would be the bare naked police officers—they would have no uniforms, equipment, vehicles or police stations. Modern policing is a bit more

complicated than the SNP suggests. That is why we are providing our police forces not only with record resources, but with the Scottish intelligence database, the extended DNA testing facility at Strathclyde, the new Lothian and Borders control room, which will release 90 officers, and the Scottish police national network, which will address the point that Paul Martin made about the access of police officers to e-mail.

The Tories, too, have little to offer. We should not forget that they have previous on this. On 15 June 2000, Phil Gallie confessed that

“Crime did rise under the Tories.”—[*Official Report*, 15 June 2000; Vol 7, c 336.]

He is right, and it would happen again under the Tories. Their promised cuts in public expenditure are the one thing that could undermine the certainty of record police numbers. The Tories will never understand that criminal justice and social justice are inextricably linked. They cannot understand that tough talking does not cut crime. The reduction in crime is a result not just of our record investment in police numbers, but of our investment in housing and education and the creation of the highest employment rate in Scotland for 40 years.

The Deputy Presiding Officer: Close please, minister.

Iain Gray: Gordon Jackson summed up matters well, drawing on the changes that he sees in his Govan constituency. He is right to talk about an increasing sense of security, as the proportion of people who are afraid of crime has dropped from 50 per cent to 28 per cent. There is more to do, but the drop in the fear of crime is the beginning of the emergence of a safer Scotland, which we should all welcome.

Armed Forces Bill

16:59

The Deputy Presiding Officer (Mr George Reid):

The next item of business is consideration of motion S1M-1795, in the name Jim Wallace, on the Armed Forces Bill, which is UK legislation. I ask Iain Gray to move the motion.

Mr Lloyd Quinan (West of Scotland) (SNP):

On a point of order, Presiding Officer. I believe that the Armed Forces Bill, to which the motion refers, is incompetent, as it refers to an organisation that does not yet exist: the police service of Northern Ireland. I spoke today to the Royal Ulster constabulary, which was somewhat surprised to discover how it was titled in the bill. I suggest that we cannot vote on the bill as, technically, it is incompetent.

The Deputy Presiding Officer: You gave me advance notice of your point of order, Mr Quinan. As your objection relates to specific clauses of a UK bill, rather than to procedure, it is not a point of order, although the minister may wish to address it.

Dennis Canavan (Falkirk West): On a point of order, Presiding Officer. The Armed Forces Bill proposes substantial increases in the powers of Ministry of Defence police in Scotland, such as the power to act as constables outside their normal jurisdiction without the consent of, or even being asked by, the chief constable or an ordinary constable of the area's police force. It also contains provisions to exempt MOD police recruits from firearms legislation, as well as extending other powers. Surely the Parliament ought to have the opportunity to debate those matters before we vote on the motion.

The Deputy Presiding Officer: The motion is to allow the matter to be debated by the UK Parliament.

The Deputy Minister for Justice (Iain Gray):

Presiding Officer, you make the important point that this is a Sewel motion, which will allow the issues to be debated at Westminster. The Scottish people will be represented there by Scottish MPs, who will scrutinise the legislation on our behalf.

I have already given evidence on the Armed Forces Bill to the Justice 1 Committee of the Scottish Parliament. The motion refers to that UK bill, the purpose of which is to allow MOD police officers, while travelling between MOD sites, to intervene as police officers in strictly defined emergencies, such as stopping acts of violence or saving lives.

I move,

That the Parliament agrees the principles contained in the provisions of the Armed Forces Bill as they relate to the Ministry of Defence Police in Scotland and that the Scottish Ministers should consent to the measures on jurisdiction being commenced in Scotland, and agrees that the relevant provisions to achieve these ends in the Bill should be considered by the UK Parliament.

Alex Neil (Central Scotland) (SNP): On a point of order, Presiding Officer.

Mr Quinan: On a point of order, Presiding Officer.

The Deputy Presiding Officer: I will hear Mr Neil's point of order first.

Alex Neil: Just before Mr Gray rose to speak, Presiding Officer, you said that the purpose of the motion was to allow the House of Commons to debate the bill. However, the motion states:

"This Parliament agrees the principles contained in ... the ... Bill".

The point made by Mr Canavan and Mr Quinan was that, before we agree the principles of the bill, we should have the opportunity to debate it. We should not agree something of such import without debating it.

The Deputy Presiding Officer: Mr Quinan, do you have a further point of order?

Mr Quinan: I have a simple question. You asked the minister whether he would clarify the bill's reference to an organisation that does not exist. Would the minister be kind enough to address that point?

Phil Gallie (South of Scotland) (Con): On a point of order, Presiding Officer. Is not it the case that, under the Parliament's standing orders, the committees are able to debate such bills? That is precisely what happened in this instance. MSPs agreed to the Parliament's constitution, so what's the beef?

Dennis Canavan: On a point of order, Presiding Officer. I ask for a ruling from the chair on whether we can now have a short debate on the bill. I pressed my request-to-speak button so that I would be able to make a brief speech against the motion.

The Deputy Presiding Officer: No. The bill has been considered by the Justice 1 Committee, Mr Canavan. The motion has come to the chamber, and you will have a chance to vote on the specific text of the motion during decision time in a few minutes.

Parliamentary Bureau Motions

Motions moved,

That the Parliament agrees that the following Members be appointed to Committees—

Tavish Scott to replace George Lyon on the Enterprise and Lifelong Learning Committee and to replace Euan Robson on the Justice 2 Committee;

Jamie Stone to replace Euan Robson on the Justice 1 Committee;

George Lyon to replace Jamie Stone on the Rural Development Committee;

John Farquhar Munro to replace George Lyon on the Public Petitions Committee;

Mary Mulligan to replace Karen Whitefield on the Justice 2 Committee;

Elaine Smith to replace Mary Mulligan on the Rural Development Committee.

That the Parliament agrees that the following Special Grant Report be approved:

Special Grant Report No.3: Special Grant Report on Grant in Aid of Expenditure on Rail Services in the Strathclyde Passenger Transport Area (SE/2001/74).—
[*Euan Robson.*]

Decision Time

17:03

The Presiding Officer (Sir David Steel): I have seven questions to put to the chamber as a result of today's business.

I ask members to check that the light in front of their card is not on. I have in mind a particular member, as I know from my screen that, earlier today, he had not inserted his card properly. [MEMBERS: "Who?"] I am not going to say who it was, but my instruction is not idle. If the light on a member's console is still showing, that member will not be registered and therefore his or her vote will not count.

The first question is, that motion S1M-1780, in the name of Ms Wendy Alexander, which seeks agreement that the Education (Graduate Endowment and Student Support) (Scotland) (No 2) Bill be passed, 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)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (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, 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, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (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)
 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)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (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)
 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)

ABSTENTIONS

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, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 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)
 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)
 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)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 66, Against 16, Abstentions 33.

Motion agreed to.

That the Parliament agrees that the Education (Graduate Endowment and Student Support) (Scotland) (No.2) Bill be passed.

The Presiding Officer: The second question is, that amendment S1M-1807.1, in the name of Roseanna Cunningham, which seeks to amend motion S1M-1807, in the name of Jim Wallace, on justice, 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, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 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)
 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)
 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)
 Welsh, Mr Andrew (Angus) (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)
 Brown, Robert (Glasgow) (LD)

Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (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)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 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)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (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)
 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 33, Against 82, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The third question is, that amendment S1M-1807.2, in the name of Phil Gallie, which seeks to amend motion S1M-1807, in the name of Jim Wallace, on justice, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (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)
 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

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 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)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 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)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 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)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 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)

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, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (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)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 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)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 16, Against 68, Abstentions 31.

Amendment disagreed to.

The Presiding Officer: The fourth question is, that motion S1M-1807, in the name of Jim Wallace, on justice, 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)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Gillon, Karen (Clydesdale) (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, 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, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (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)
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)
Davidson, Mr David (North-East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Gallie, Phil (South of Scotland) (Con)
Goldie, Miss Annabel (West of Scotland) (Con)
Harding, Mr Keith (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)
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)

ABSTENTIONS

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, Dr Winnie (Highlands and Islands) (SNP)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Gibson, Mr Kenneth (Glasgow) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Harper, Robin (Lothians) (Green)
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)
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)
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)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 66, Against 16, Abstentions 33.

Motion agreed to.

That the Parliament notes the record levels of funding

provided by the Scottish Executive to enable police numbers to reach an all-time high and all the other steps being taken in line with the Programme for Government to deliver further reductions in reported crime and a Scotland in which people are safer and feel safer.

The Presiding Officer: The fifth question is, that motion S1M-1795, in the name of Jim Wallace, on the Armed Forces Bill, which is UK legislation, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (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)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 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)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (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)
 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)

AGAINST

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, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 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)
 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)
 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)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 82, Against 33, Abstentions 0.

Motion agreed to.

That the Parliament agrees the principles contained in the provisions of the Armed Forces Bill as they relate to the Ministry of Defence Police in Scotland and that the Scottish

Ministers should consent to the measures on jurisdiction being commenced in Scotland, and agrees that the relevant provisions to achieve these ends in the Bill should be considered by the UK Parliament.

The Presiding Officer: The sixth question is, that motion S1M-1811, in the name of Mr Tom McCabe, on membership of committees, be agreed to.

Motion agreed to,

That the Parliament agrees that the following Members be appointed to Committees—

Tavish Scott to replace George Lyon on the Enterprise and Lifelong Learning Committee and to replace Euan Robson on the Justice 2 Committee;

Jamie Stone to replace Euan Robson on the Justice 1 Committee;

George Lyon to replace Jamie Stone on the Rural Development Committee;

John Farquhar Munro to replace George Lyon on the Public Petitions Committee;

Mary Mulligan to replace Karen Whitefield on the Justice 2 Committee;

Elaine Smith to replace Mary Mulligan on the Rural Development Committee.

The Presiding Officer: The seventh question is, that motion S1M-1801, in the name of Mr Tom McCabe, on the approval of statutory instruments, be agreed to.

Motion agreed to,

That the Parliament agrees that the following Special Grant Report be approved—

Special Grant Report No.3: Special Grant Report on Grant in Aid of Expenditure on Rail Services in the Strathclyde Passenger Transport Area (SE/2001/74).

Homelessness in Fife

The Presiding Officer (Sir David Steel): Members' business today is a debate on motion S1M-1340, in the name of Mr Keith Harding, on homelessness in Fife. It would be helpful if members who wish to take part in the debate would indicate that they wish to do so now, while Mr Harding is assembling his props.

Motion debated

That the Parliament notes that homelessness in Fife has risen 38% over the past three years, affecting 3,388 households and that the figures for Scotland show an increase of 12% over the same period; further notes that this has occurred at a time when Fife Council has failed to collect millions of pounds of rent arrears and lost income from unlet properties, and recognises that these resources could have been used to bring unlet homes back into use or for better computer systems to match people to homes as part of a programme to help alleviate homelessness in the Kingdom.

17:11

Mr Keith Harding (Mid Scotland and Fife) (Con): I start by thanking the Parliamentary Bureau for selecting my motion for debate today. I also thank the MSPs, from across the political spectrum, who have supported it. Homelessness is a very serious issue wherever it occurs. I am particularly concerned about the situation in the kingdom of Fife where, in recent years, the problem has grown much faster than it has elsewhere in Scotland.

I will illustrate the situation with some figures that I find shocking. Between 1997 and 2000, the number of households that applied to Fife Council under homelessness legislation increased by 38 per cent. That means that, in the last full year for which figures are available, an additional 938 families applied to the local authority as homeless, bringing the total for 1999-2000 to 3,388.

Let me put that figure into context. Throughout Scotland there was also a record level of homelessness applications in the same year. That record level was equivalent to 46,000 families. Although the increase across Scotland over the three years was 12 per cent, that figure was barely one third of the rise that was witnessed in Fife. Clearly, the situation in Fife is particularly intolerable, even by the standard that has been set nationally since new Labour came to power.

What is the plight of the people who apply to Fife Council for a home? It seems that they are offered bed-and-breakfast accommodation or some other type of temporary accommodation. I need not remind members of the well-known evidence from Shelter and other organisations of the detrimental effect that living in bed-and-breakfast

accommodation can have. It is worse for children, whose health, education and emotional well-being are endangered. A lack of cooking facilities often leads to a poor diet and extra expense, because takeaways become the only option. Family life becomes impossible if parents have to share a bed-and-breakfast room with their children for longer than a very short period.

In those same three years, the number of households in Fife in bed-and-breakfast accommodation rose by 78 per cent. That is a shocking figure. It is especially bad because the previous Conservative Government took measures to assist councils financially so that they could reduce and eliminate the use of bed-and-breakfast rooms as temporary accommodation. Those measures, I must record, were very successful and reduced the use of such accommodation by one third, before the figures started to rise again to record levels in 2000.

In 1999-2000, the level of bed-and-breakfast use in Fife was so bad that the Scottish Executive's official housing bulletin recorded that the increase throughout Scotland was

"mainly due to an increased use of such accommodation in Fife."

Although homelessness has worsened dramatically, Fife Council stands accused of not taking adequate steps to address the situation.

The Minister for Social Justice (Jackie Baillie): Mr Harding made a point on how the situation has worsened dramatically. Will he comment on the latest quarterly figures that have been published, which indicate a decrease in homelessness in Fife of 24 per cent, and overall decreases in the four previous quarters? When one compares full-year figures, the numbers are down throughout Scotland by 2,000 applications. I would have thought that that was something that the member could welcome.

Mr Harding: If the minister does not mind, I will address those points during the remainder of my speech, when I will talk about some of the minister's figures.

Lost rent from unlet properties cost Fife Council £1.65 million in 1999-2000 and those homes were not available to alleviate homelessness. At the same time, rent arrears stood at £3.4 million. That not only increased costs greatly for those tenants who paid, but it meant that less money was available to bring unlet homes back into use.

The minister will no doubt tell us—she already has—that things have got better during the past year. I welcome that—but one swallow does not make a summer. I note from the figures that were released today by the Scottish Executive that there has been an improvement in the number of

homelessness applications in Fife. However, the fact remains that, during the first six months of 2000-01, there were 353 more homeless families in Fife compared to the same period in 1997-98. We still await the figures for the rest of that year.

The Executive's own figures, published this week, show that for every additional 10 homeless families in Scotland since Labour came to power, almost nine are in Fife. I note that the use of temporary accommodation has worsened, despite promises of investment by the Executive. I also note that any improvement has not yet taken us back to the 1997 levels that Labour inherited, let alone improved on them. Again, Fife families have suffered much more than families who are seeking social housing elsewhere in Scotland.

In 1997, Tony Blair and new Labour were elected on a promise to end the scandal of homelessness. Those were his words. It is now up to his ministerial colleagues here in the Scottish Parliament, and his party colleagues in Fife Council, to make belated attempts to fulfil his pledge for the people of Fife. What I—and the thousands of homeless families in Fife—hope to hear from ministers today is not more of the same announcements about task forces, working parties and one-off grants to deal with the problem in the short term. We need to hear more of the vision for change in social housing that is being addressed in the Housing (Scotland) Bill. Fife needs more and better social landlords. Can the minister give us any encouragement that homes in Fife will be transferred to local housing associations that have their roots in the communities, that have their tenants' priorities at heart and that will work to reduce arrears, to bring empty houses back into use and to build new homes to solve the crisis in Fife in the long term?

Mr Keith Raffan (Mid Scotland and Fife) (LD): Will the member give way?

Mr Harding: No, sorry.

Fife needs more than one-off handouts to solve its problem. I hope that my initiating this debate will have raised the profile of the issue and will lead to more being done to help those in Fife who seek housing. As a member for Mid Scotland and Fife, I will continue to keep up the pressure on ministers to see what more can be done. I hope to hear today that the measures that the minister will take will be forward-looking, realistic and achievable. I hope that they will address urgently the situation in Fife, which is much worse than in the rest of Scotland. I also encourage ministers to press their colleagues in the administration of Fife Council to address their failings on rent arrears and unlet properties, and to adopt proposals for stock transfers and greater tenant involvement. If those things are done, the long-term solution to making homelessness in Fife a thing of the past

might just be in sight.

The Deputy Presiding Officer (Mr George Reid): Five members have asked to speak, so I ask members to keep their speeches to three minutes.

17:18

Marilyn Livingstone (Kirkcaldy) (Lab): Thank you, Presiding Officer, for the opportunity to contribute to this debate and to put on record the innovative approach to tackling homelessness that is being taken by Fife Council.

Fife Council has developed one of the most innovative homelessness services in Scotland. It has a homelessness strategy that includes performance targets, such as a target to end the use of bed-and-breakfast accommodation as temporary accommodation. I would have thought that everybody would welcome that. The council has already achieved a 25 per cent reduction in the use of bed-and-breakfast accommodation and it is committed to maintaining that progress. It has been allocated £1.5 million in rough sleepers initiative funding to develop services that include direct-access accommodation and outreach workers. The council also successfully bid for bed-and-breakfast initiative funding and received £460,000 to develop two projects to increase its stock of temporary accommodation. Its service is accessible, because of the commitment to decentralisation, but the council also recognises—this is important—the reality of hidden homelessness. Fife Council works hard to encourage not only those who are homeless, but those who are threatened with homelessness to contact them.

Fife Council has a longstanding involvement with the rough sleepers initiative, and has developed innovative projects the length and breadth of Fife in collaboration with the voluntary sector. However, no one is suggesting that there should be complacency. Continuing hard work and commitment will be necessary if we are to remove homelessness from Fife.

One homeless person in Fife is one too many. I welcome the work that has been undertaken by the Executive's homelessness task force, and the statistics that have been released today, which show a 7 per cent fall in homelessness throughout Scotland. The task force's work contributed to part 3 of the Housing (Scotland) Bill, which has been introduced by the Executive. That bill aims to improve services to homeless people, and will include many of the measures that have been undertaken by Fife Council. It should be noted that the number of homelessness presentations in Fife reduced from 3,867 to 3,388 last year.

In relation to rent arrears and loss to voids, rent

arrears in Fife amounted to 5 per cent of collectable rent, against a Scottish average of 5.5 per cent. On that basis, Fife Council—one of the largest housing authorities in Scotland—is performing better than the Scottish average. An examination of the statistics on lost rent that is due to vacant dwellings reveals that Fife Council performs better than the Scottish average. The vacancy rate in Fife is 2.3 per cent, compared to a Scottish average of 3.7 per cent. If we take into account only the normal letting stock, the vacancy rate for Fife is reduced to 1.5 per cent.

In conclusion, I pay tribute to all the staff in Fife Council who work hard with homeless people and who try to support different needs throughout the community. I also pay tribute to the voluntary sector for its hard work and commitment to those who find themselves homeless.

17:21

Tricia Marwick (Mid Scotland and Fife) (SNP): I thank Keith Harding for initiating the debate. I declare an interest, because when I worked for Shelter Scotland I was responsible for collating the homelessness figures for Scotland, so the homelessness statistics are very familiar to me.

First, I begin by offering a health warning on whether the number of applications should be used as a measure of homelessness. That is a dangerous thing to do, because although local authorities are supposed to record every homelessness application, many do not. I remember that, at the time of local government reorganisation, there was an outcry in the Borders when Shelter produced its figures, because homelessness seemed to have risen by something like 2,000 per cent. In fact, when the district councils came together they adopted the best practice of recording every application to them, which other authorities did not do. That gave the impression that there was a huge increase in the number of applications in the Borders, but in reality that was not so. It is therefore extremely dangerous to measure homelessness solely by the number of applications.

Secondly, what worries me more about homelessness is not the number of homelessness applications that are made, but the number of homelessness acceptances. Current homelessness legislation places barriers in the way of helping people, because they can be accepted as homeless and allocated a house only if they jump through a number of hoops. The hoops are that the person must be in priority need—they are if they have children—and they are not intentionally homeless. That means that a lot of people who have no home are not eligible under the homelessness legislation. That is why we see on the streets so many young people who

have no dependants. It is a matter of regret that we are seeing more young folk on the streets. That can be linked back to the removal and discontinuation of benefits.

The Deputy Presiding Officer: Fife, please, Miss Marwick.

Tricia Marwick: I will wind up by talking about temporary accommodation, because its use in Fife is too high. The use of bed and breakfasts for family accommodation is unsuitable. It is to be regretted that Fife has the highest percentage of households in temporary accommodation in Scotland. I hope that the minister can address that.

17:24

Iain Smith (North-East Fife) (LD): It takes some nerve for a Conservative to lecture us on homelessness, when during the last 10 years of the previous Conservative Government, the number of homelessness applications in Scotland rose from fewer than 25,000 a year to more than 40,000 a year. When those who are not deemed to be homeless are excluded, the figures almost double from about 15,000 to 30,000. Therefore, Keith Harding has some nerve to try to lecture us on homelessness.

Many factors contribute to homelessness in Fife and elsewhere. North-East Fife has a particular problem with the availability of affordable housing, which is an important aspect that contributes to homelessness. During 18 years of Tory housing policy—although it takes some nerve to call it a policy—the stock of available affordable housing was decimated. That was partly because of the council house sales strategy—50 per cent of the council housing stock in North-East Fife was sold—and partly because the consequent investment in other forms of affordable housing did not take place. Only in the past two or three years have other forms of rented housing or affordable housing become available. That lack of stock contributes greatly to the homelessness problem.

Fife is not unique in having a homelessness problem, but I agree with Tricia Marwick that using the gross application statistics as a basis for counting the problem may not be the best system. Those figures do not tell us how many homelessness applications are subsequently satisfactorily housed or the time that it took to house them satisfactorily, for example. I am not saying that Fife's record is good, but it is important to look beyond the gross application statistics.

Keith Harding's motion refers to rent arrears and unlet properties as if they were somehow the cause of the problem in Fife. I am not here to defend Fife Council; that was Marilyn Livingstone's job today and Scott Barrie's job last week.

However, I will compare its record with that of another council, which I will pick at random—Stirling Council. In Fife, there are 10 homelessness applications per 1,000 of population. In Stirling, there are 11 such applications. In Fife, rent loss as a result of unlet houses is 2.15 per cent of rent income on the most recent figures, and it is falling. In Stirling, the figure is 2.57 per cent, and rising.

Mr Harding *rose*—

Iain Smith: Sorry, but I have only half a minute.

The Scottish average for rent loss is 2.87 per cent. In Fife, rent arrears last year were 5 per cent. That is an unfortunate increase from the previous position and I hope that the Executive is addressing that. However, at 8.86 per cent, Stirling Council has the fourth-worst record in Scotland. Perhaps the residents of the Torbrex ward in Stirling would be more impressed if their councillor—Keith Harding—spent a bit more time on Stirling Council trying to deal with its appalling housing record and wasted less of our time in the chamber.

17:27

Linda Fabiani (Central Scotland) (SNP): I find the debate bizarre, because I will agree with Iain Smith on two points. The first concerns the naughtiness of the Tories coming here and talking about homelessness after what they did to housing in Scotland for 20 years. The second concerns Iain Smith's agreement with Tricia Marwick about the inadequacy of counting homelessness applications in Fife or nationally.

Jackie Baillie: I take it that the member welcomes the fact that the Executive is putting in place an electronic data capture system that, unlike the system we inherited from the Conservatives, will measure people, not applications.

Linda Fabiani: I welcome that. As I have said before, under homelessness legislation a code of guidance was issued to councils. As Tricia Marwick said, how councils operated that code of guidance depended on their philosophy. I hope that the Housing (Scotland) Bill will be amended to include provision of proper guidance.

Fife is not my area. When I read Keith Harding's motion, I was quite surprised to discover how bad things are there, but the situation there is indicative of the national picture. Today, I examined the national picture. It is ridiculous. Our current measure of homelessness, by application, shows that homelessness has risen. The underlying trend is falling, but there is no denying that homelessness has risen every year since 1997. The figures are in the Scottish Executive's statistical bulletin.

What initiatives are in place to deal with homelessness? I studied the empty homes initiative in Fife. It is a five-year initiative that was put in place in 1997 and will run to 2002. Only a year remains, but less than 60 per cent of the available money has been drawn down. In Fife, the award was £916,842. In four years, only 38 per cent—about £348,000—has been drawn down. It is clear that that initiative has not worked as it was intended to. New housing partnerships affect Fife, like everywhere else. Only 50 per cent of the 2000-01 budget for new housing partnerships has been spent.

Keith Harding mentioned the rough sleepers initiative in Fife. By the end of January, only 48 per cent of the agreed funding for the year had been spent. I would never dispute that the ideas are good or that the initiatives are great, but the implementation of the initiatives is important and has been lacking in the past few years.

The extension of the right to buy in Fife and everywhere else, as is proposed in the Housing (Scotland) Bill, is ill informed. Each house that is purchased under the right to buy in Fife or elsewhere is a house less for allocation to the general waiting list or to a homeless person. Homelessness should be alleviated by keeping a stable and increasing housing supply. That supply should not be eroded.

17:31

Mr Keith Raffan (Mid Scotland and Fife) (LD): I will be brief. The statistics have already been covered. We need a more accurate measure—if that is possible—of actual homelessness. The figures for Fife and throughout Scotland are stark. Fife reflects the position in Scotland as a whole.

I have serious concerns about the use of temporary accommodation, particularly bed-and-breakfast and hostel accommodation. I have a particular interest in tackling drug misuse. Unless the hostels that I have visited in the region are small and well supported, there is great potential for drug problems. The problem of young, single, homeless people has to be addressed.

The Housing (Scotland) Bill could be much more radical. The former convener of the Social Inclusion, Housing and Voluntary Sector Committee has yet again to respond to a debate on issues that were covered in part during her convenership of that committee. We rest our hopes on her.

The debate has covered issues relating to young, single, homeless people, local authorities giving advice and information to the people they serve and potential conflicts of interest. I would be grateful if, in winding up, the minister could update members on the homelessness task force and its

work on categories of homeless people.

I welcome what the Minister for Social Justice has done on resources. I am an admirer of hers, not of all ministers, I hasten to add. I am an admirer—I will be generous: it is Thursday—of what the minister and her deputy are trying to do. However, £27 million over three years divided between 32 local authorities is not a great deal of money. Members can work out how many homeless people will be affected by that money. It would be interesting if the minister could indicate in her reply what impact she expects that money to make—I do not expect an exact figure, but the kind of impact. The problem deserves more resources.

Mr Harding has done a Portillo: he is forgetting his Thatcherite past, divesting himself of his Thatcherite mantle and is now social inclusion personified. Consider homelessness in Stirling and Mr Harding's transformation. He used to be the leader of Stirling Council. Now, he is following Mr Portillo—he is always a mimic—and trying to be social inclusion personified.

The Conservative party, which during its period in power reduced council housing stock in Scotland by 36 per cent and contributed enormously to homelessness, has the nerve to come to the chamber and raise the flag of social inclusion as if it is the party of the homeless. Forget it. We know that we are approaching an election, but if Mr Harding thinks he can pull the wool over the eyes of all the Scottish people on that issue, he is completely wrong.

17:34

The Deputy Minister for Social Justice (Ms Margaret Curran): I feel quite intimidated: how can I follow that? I keep promising in debates that I will be gentle with Keith Harding, if I may put it that way. After a tiring Thursday, I might not work up the energy to be as angry with the Tories as I normally am.

I congratulate Mr Harding on securing the debate. Although few of us are here, the debate has been good and lively. I say in passing to Keith Raffan that if I do not give all the details in response to his speech—I was trying furiously to take notes—I am happy to talk to or correspond with him to reassure him on some of them. I will try to make some reference to them. I respect his commitment on drugs issues and will happily try to pursue such issues.

Members can imagine what I am going to say. We see this as a good day, in terms of the statistics. Jackie Baillie has dealt with some of the points already. I acknowledge that the total number of homelessness applications in Fife and Scotland did indeed rise by 38 per cent and 12 per

cent respectively in the three years from 1996-97 to 1999-2000, but I am pleased to report a fall of 18 per cent in the total number of applications recorded in Fife in the first two quarters of 2000-01 compared with the same two quarters in the previous year. Indeed, total homelessness applications in Fife have fallen for the past four successive quarters, when compared with the same quarters in the previous year.

The latest homelessness statistics, for the quarter that ended September 2000, are published today. I very much welcome the news that homelessness applications for Scotland as a whole for that quarter are down by 7 per cent compared with the same quarter in 1999. As in Fife, total homelessness applications in Scotland have fallen for the fourth consecutive quarter when compared with the same quarters in the previous year.

I want to be clear about what the Executive has indicated today—if members will bear with me, the debate demands reference to other situations. The statistics show that 17 local authorities have reported a decrease in applications. Aberdeen City Council recorded a decrease of 161, which is 34 per cent; Fife recorded a decrease of 252 applications, or 24 per cent; and Glasgow, with the largest number of homelessness applications, recorded a decrease of 252 applications, or 8 per cent.

We are cautiously optimistic that our approach to tackling homelessness is beginning to have a positive effect. I can assure members that neither Jackie Baillie nor I would ever be complacent about this issue. Members have alluded to the intractable nature of many of the problems that we face. This is about not only counting figures but profound social issues. Our efforts to address the problem are taking place against a backdrop of improving economic conditions and steadily falling unemployment. Those are contributing factors.

We are, however, well aware that the recent falls in homelessness applications are measured against an unacceptably high base. I am duty bound to point out that that base is one of the legacies of the previous Conservative Administration, when homelessness applications in Scotland rose by 66 per cent, from 24,741 in 1988-89 to 40,989 in 1996-97.

We appreciate that homelessness is a complex and difficult problem that requires long-term, sustainable solutions. We have introduced a number of measures that will have a positive impact on Fife and the rest of Scotland. Since coming to power in July 1999, we have pledged to ensure that by 2003 no one in Scotland should have to sleep rough. That is a challenging target that we appreciate will be difficult to achieve. We are not complacent about the measures involved.

Ben Wallace (North-East Scotland) (Con): I appreciate the minister's tone. In fact, I want to impress on her that some 25 per cent of homeless people are ex-serving members of the armed forces. I ask her to use her influence with her Westminster colleagues, as it is obvious that after leaving the armed forces people are not being handed over properly into local authorities. The armed forces could keep them in a better system before sending them on. In Scotland, 25 per cent represents a large number.

Ms Curran: I am happy to respond to that—it allows me to make a point in response to Keith Raffan. We are aware of such issues; in fact, the homelessness task force has been grappling with that matter. Phase 2 of the task force will give specific attention to people leaving the armed forces, as we are well aware of how they feature in homelessness statistics. I am sure that we could do preventive work there. Prevention will be one of the themes of the second phase of the homelessness task force. Keith Raffan alluded to the profound issues that surround extremely vulnerable people, such as those leaving care. There are some big issues there, which the next phase of the homelessness task force will tackle.

We have made increased funding—to £42 million—available to the rough sleepers initiative for the five years 1997 to 2002. I know Jackie Baillie well now—she is always fighting for more resources for our portfolio and will continue to do so. We have made a substantial financial commitment to this policy area, but we will always argue for more resources if any are available. Nonetheless, across the board the Executive has made a substantial commitment that has allowed us to make considerable progress.

Linda Fabiani: I welcome more money going into the rough sleepers initiative, but I have a genuine concern about how underspent the initiative has been so far. Has the homelessness task force undertaken to look at better ways of implementing that scheme so that full use can be made of the available resources?

Ms Curran: When Linda Fabiani made that point in her speech, she may have noticed me whispering to Jackie Baillie. I am not sure that I share her view about the underspend. Payment is made in arrears, so our differing views may be the result of different statistical interpretations. Jackie Baillie and I see that money as having been spent. I shall get the details of that spending and send them to Linda Fabiani, but we do not share her underlying point.

Linda Fabiani: My point arose from a parliamentary question.

Ms Curran: Nonetheless, we should answer Linda Fabiani's concerns through correspondence.

When it allocates money, the Executive expects the money to be spent. We monitor that very carefully.

Tricia Marwick: Will Margaret Curran give way?

Ms Curran: I really have to get on with my speech.

We will ensure that money is spent wisely. That is the Executive's approach. It is why we made £5.3 million available this financial year, targeted towards reducing some local authorities' dependence on inappropriate temporary accommodation, particularly bed-and-breakfast accommodation, for homeless people.

Tricia Marwick asked questions about bed-and-breakfast accommodation. The figures reflect all temporary accommodation, which can range from fairly substantial and quite acceptable furnished flats provided by local authorities to less acceptable bed-and-breakfast accommodation. We are trying to get specific figures on the use of bed-and-breakfast accommodation.

Scott Barrie (Dunfermline West) (Lab): The minister is quite right to say that bed-and-breakfast accommodation must rank as the worst type of temporary accommodation and that we must do something about it. Given the tone of Keith Harding's motion, does she agree that it might be better if he were to spend some of his political time trying to convince his Tory councillor colleague in east Fife to support Fife Council's attempts to get rid of bed-and-breakfast accommodation in east Fife and provide better secure temporary accommodation?

Ms Curran: I agree with Scott Barrie's excellent recommendation.

We established the homelessness task force in August 1999 and have included its recommendations for legislative amendments in the Housing (Scotland) Bill and backed that with the £27 million that has been referred to. We strongly believe that the bill will provide for a dramatic improvement in the rights of homeless people. Most people are aware of the inclusive view that has been taken by the task force, which is now moving on to its new phase.

I would like to refer to the Glasgow review team, because it has implications for our whole homelessness strategy. The team was established to review our efforts to tackle the problems of street homelessness in Glasgow. Its report and recommendations also have been accepted by the Executive, and an additional £12.5 million over three years has been made available to decommission Glasgow's large, bleak hostels. Although that review is based in Glasgow, it has relevance for Fife.

We have done more in two years to tackle the scourge of homelessness than the Conservative Government managed in all its 18 years in office. I think that that is the most important point to make in this debate in response to Mr Harding.

Meeting closed at 17:43.

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