

# **MEETING OF THE PARLIAMENT**

Thursday 12 February 2004

Session 2

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## Scottish Parliament

Thursday 12 February 2004

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

### Oral Questions and Emergency Bills

**The Presiding Officer (Mr George Reid):** Good morning. The first item of business this morning is a debate on motion S2M-864, in the name of Iain Smith, on behalf of the Procedures Committee, on the committee's reports on oral questions and emergency bills.

09:30

**Iain Smith (North East Fife) (LD):** I am pleased to see so many members here this morning for this fascinating debate, which I am sure will be very entertaining.

This morning's debate covers three reports by the Procedures Committee. Two deal with oral questions. We have also taken the opportunity to issue a separate report on emergency bills and to deal with the changes to standing orders that it recommends.

Much of the committee's time in the current session has been taken up with considering the issue of oral questions. Members may recall that, early in the session, after an initial short inquiry, we recommended changes to First Minister's question time. Our second report of 2003 follows from the committee's consideration of wider issues relating to oral questions that arose partly from the original exchange of correspondence between the Presiding Officer and the First Minister and partly from our initial inquiry into First Minister's question time. The main focus of the report is on oral questions to ministers, but we also considered other aspects of First Minister's question time that we were not able to cover in our first report, which considered specifically the length and timing of First Minister's question time.

We have considered again the timing of First Minister's question time because of our report on question time and because we indicated that we would do so at the end of 2003. The second report that we are debating, our first report of 2004, contains recommendations on the timing of First Minister's question time.

The biggest proposed change is to introduce a thematic element to question time. The overall

length of question time would be extended to an hour. We envisage that, of that hour, about 40 minutes would be allocated to questioning on one or two of the week's themes, with the remaining time being used for general questions, as at present. The themes for the week would be decided in advance, by means of a rota of Executive departments. We envisage that the rota would be decided before each main recess, so that members would have sufficient time to prepare for meetings when questions for particular departments would come up.

The new rules that we recommend do not prescribe how many themes should be dealt with each week and do not say what the themes should be. However, we envisage that initially they would be in line with the six themes that the Executive suggested to the committee in its evidence. Each theme would normally cover two Cabinet portfolios, but because health tends to attract a large number of questions, it would be dealt with on its own. We envisage that two of the six themes would be taken at each question time. The rota would ensure that there would be questions on each theme roughly every three weeks. Such a system would be sufficient to allow in-depth questioning of each minister on a three-weekly basis.

We were conscious that there was a feeling that topicality in question time needed to be retained and that members should have the opportunity to ask any minister a question in any week on a matter that might be too urgent to wait for the next time that that theme appears on the rota. For that reason, we recommend that a period of general question time similar to the present format be retained. We also considered how questions should be selected and agreed that we should retain the existing random process.

**Tommy Sheridan (Glasgow) (SSP):** I apologise if I have not read the reports properly, but can the member explain the proposed timescales that are attached to each of the suggestions? I know that there was a debate about whether there should be 20 minutes for each theme and 10 minutes for general questions, or 10 minutes for each theme and 20 minutes for general questions. What does the Procedures Committee propose?

**Iain Smith:** The committee is not recommending that standing orders should specify a fixed period for themed and general questions, to allow the Presiding Officer the flexibility to take account of the balance of questions in a particular week. However, the committee recommends that normally there should be 20 minutes for each theme, followed by 20 minutes of general questions. There would be three sessions of 20 minutes each week.

We agreed that random selection was the fairest way of selecting questions and should be retained. However, we considered whether members should be entitled to have a question in each of the three slots, if there are three slots in a week, or whether they should be restricted to one. In general, we came to the conclusion that members should be able to lodge a question for each section of question time. Members may put up to three questions a week into the random draw.

We also considered again issues relating to First Minister's question time. We believed that, generally speaking, the new format of half an hour was working well, as in every week since it was introduced all six questions have been reached. The new format also allows the Presiding Officer to select more back-bench supplementary questions.

We considered at length whether the open, diary-type questions that the leaders of the two main Opposition parties tend to ask should be retained. The device enables members to get round the rules for giving notice of questions and the committee believed that it allows for spontaneity and for issues of particular interest on the day to be raised.

We had to recognise that there is a balance in question time. It is partly about holding the Executive to account, partly about the politics of the event and partly about obtaining information. We did not want to disturb that balance, so we considered carefully how question time operates to ensure that the balance between the different themes remains. It should be remembered that there are other ways of holding the Executive to account—it is not just about question time in the chamber. For example, committees have an important role in holding the Executive to account.

We considered emergency questions and concluded that the existing process is satisfactory. We also considered questions to the Presiding Officer and the Scottish Parliamentary Corporate Body, which was raised by the Presiding Officer. Having done so, we agreed to recommend a revised process for questions to the corporate body. That would allow an oral question time to be scheduled at the discretion of the Parliamentary Bureau, which would lodge a motion to allow a session of up to 15 minutes for questions to the corporate body, which would be held on a regular basis. That is an important change to standing orders.

We took evidence not just from anoraks involved in the parliamentary process, but from beyond what are often referred to as the usual suspects. With the support of participation services, we commissioned two pieces of work. We conducted a survey of those who attended question time and First Minister's question time to find out what they

thought of the event. That was a useful exercise, which gave us interesting feedback on what people thought. We also held a participation exercise involving a number of community groups: Building Healthy Communities, the Community Connections project, Community Links, the Democracy Disability and Society Group, Inverclyde Community Development Trust and Moray Against Poverty Network. The exercise was particularly beneficial and I place on record my thanks to those organisations for participating in the focus groups, which provided very interesting information.

We also made some recommendations in relation to emergency bills. Essentially, the recommendations are designed to tidy up the standing orders. At present, the process for emergency bills requires some other standing orders to be suspended, which we believed was not sensible. If the same standing orders have to be suspended regularly, it is better to change the standing orders to ensure that when a bill is declared to be an emergency bill the process is in place to deal with it.

**Phil Gallie (South of Scotland) (Con):** During the committee's deliberations, was any thought given to the powers of the Presiding Officer with respect to control of question time and First Minister's question time?

**Iain Smith:** We gave consideration to the powers of the Presiding Officer and took evidence from him. We believe that the powers and discretion that he has are adequate and that the Presiding Officer is satisfied with the powers that he has to control question time—he is nodding. We do not believe that there is a need to change the powers and discretion that are available to the Presiding Officer.

The final issue that we dealt with was the much more vexed question of the timing of First Minister's question time. There are considerable differences of opinion in the chamber—and, indeed, in the committee—on whether moving First Minister's question time to 12 o'clock has been a success. On balance, the committee felt that it was perhaps too early to come to a final decision on that issue. We felt that the experiment had been running for only a relatively short time—a couple of months—and we felt that the changes that we were proposing for question time as a whole were quite fundamental. We wanted to ensure that those changes could be examined in their own right.

Question time is a parliamentary occasion and should be able to stand on its own two feet. The committee wanted to be able to judge the effectiveness of the changes made to question time separately from the issue of when First Minister's question time should be held. Therefore,

we felt that we should continue to run the existing experiment at 12 noon for a further period, and, in parallel, run the new experiment on question time.

I have probably run over time already so I conclude by saying that the Procedures Committee believes that the Parliament should be willing to consider change and should not become set in its ways. We should avoid the “aye been” syndrome. Therefore, we recommend these changes to standing orders for question time as an experiment, to see how effective they are. We will reconsider the experiment later in the session and, before the summer recess, we intend to produce a further report on whether we think that the changes should be made permanent. The committee feels that we should have in place a permanent system for question time for when we move to our permanent home in Holyrood after the summer.

I move,

That the Parliament notes the Procedures Committee’s recommendations for changes to the format of Question Time and other aspects of oral questioning in its 2nd Report, 2003 (Session 2), *Oral Questions in the Chamber*, and about the timing of First Minister’s Question Time and Question Time in its 1st Report, 2004 (Session 2), *Oral Questions and Time in the Chamber*, further notes the Committee’s recommendations for changes to the procedure for Emergency Bills in its 2nd report, 2004 (Session 2), *Report on Emergency Bills*, and agrees that the changes to standing orders set out in Annexe A to the 2nd Report, 2003 (Session 2) and in Annexe A to the 2nd Report, 2004 (Session 2) should be made with effect from 13 February 2004.

09:41

**Bruce Crawford (Mid Scotland and Fife) (SNP):** I begin by making a quick comment on the proposed changes to the procedures for emergency bills, as outlined in the Procedures Committee’s report on emergency bills. The purpose of the committee’s deliberations on the topic was to ensure that the process could be smoothed out with regard to the number of procedural motions required. We recognised that the timetabling of emergency bills could be controversial, so we took the opportunity to ensure that motions could be open to amendment and debate. That was the right decision. We believe that the changes that are laid out in the annex to the committee’s report will achieve our objective, and we recommend that the Parliament support them.

I turn now to ordinary question time. There is a general view in the chamber that question time, as currently structured—and, in particular, since it became detached from First Minister’s question time—has not proved to be as worthwhile an experience as it might have been, for either parliamentarians or members of the public. It has

evolved into a process of exchanging information, with little real atmosphere or bite. There is little or no opportunity to explore any particular issue in depth with a minister. That is why I hope that a move to thematic questions—although it would be more accurate to call them department-based questions—will be of greater worth. In the meantime, it is right that we continue to have a 20-minute slot to deal with topical issues that a member may raise. That will allow members to put a minister under greater scrutiny and will lead to a more forensic style of questions.

The proof of that particular pudding will be in the eating. That is why it is important that we have a trial period. It will be down to members to make oral question time much more relevant and to add value to the parliamentary week. It was right for the Procedures Committee to decide that we should continue to have an element of topicality so that members continue to have the opportunity of raising important and perhaps pressing constituency questions.

I said earlier that oral question time has had less value since becoming detached from First Minister’s question time. I believe that that is true, but I also believe that—at least for the time being—we cannot allow oral question time and First Minister’s question time to run together. Let me explain why I believe that, building on what Iain Smith said.

If oral questions are to be a success in their own right and are to bring real value to the parliamentary week, they must be able to stand on their own merits and not be propped up by First Minister’s question time. That was what happened with the previous arrangement. It will be fatal to question time if it cannot show that it has its own value and if it has to rely on First Minister’s question time for its oxygen. That is the main reason why I believe that the committee was correct to decide, for now, to keep oral question time apart from First Minister’s question time. If, at the end of the trial period, oral question time has shown that it cannot stand on its own merits, that will be the time to re-examine whether reconnecting it with First Minister’s question time would improve the parliamentary week.

At the end of the trial period, we will have to reconsider the impact of the 12 o’clock start for First Minister’s question time on participation rates—in respect of attendance in the public gallery and of media exposure. The figures from “Holyrood Live” show that the number of people who watch First Minister’s question time has dropped remarkably. However, some of the statistics from broadcasting organisations were suspect, to say the least. The disparity in the figures—7,000 one week and 36,000 the next—is so large that there must be question marks over

their accuracy. We must look into that in more depth, because I do not believe that the information that we have received is robust enough. When neither the quality of information, nor the quantity, is available, grounds for making an unsafe decision exist. The Tories—and Jamie McGrigor in particular—pressed hard on this issue; but I say to Jamie that we must consider more than just “Holyrood Live”. We did not have any information on the impact of the changes to First Minister’s question time on the lunchtime news.

**Mr Jamie McGrigor (Highlands and Islands) (Con)** *rose*—

**Bruce Crawford:** I thought that that might get him up.

**Mr McGrigor:** I thank the member for taking an intervention. Does he agree that, if there is important news at lunch time, First Minister’s question time often does not get shown at all?

**Bruce Crawford:** I am a bit mystified about how to answer that question, because I am not sure exactly what Jamie McGrigor means. If important news happened when First Minister’s question time was at its previous time, it had no chance of getting on the lunchtime news. With the 12 o’clock start, there is always a chance of greater exposure, provided that the issues being raised in the chamber are significant enough.

**Mr McGrigor** *rose*—

**Bruce Crawford:** I have to keep an eye on the time.

**The Presiding Officer:** You have plenty of time, Mr Crawford.

**Bruce Crawford:** In that case, I am happy to take another intervention.

**Mr McGrigor:** Perhaps I did not make my point very well.

**Bruce Crawford:** Correct.

**Mr McGrigor:** The point that I am making is this: if there happens to be very important news on a particular day, there is often no coverage on the news of what goes on in the Parliament.

**Bruce Crawford:** That is about relevance and about how lively First Minister’s question time is. It is down to the subject. However, if First Minister’s question time is held in the afternoon, it has no chance of being on the lunchtime news—or the 6 o’clock news, come to that. That is the point. We need to examine how often there is an impact on the news.

The easy option would have been to do what Jamie McGrigor did and to try to give the Executive a bloody nose. We could have done that

and won the argument in committee to move First Minister’s question time away from 12 noon, but the Procedures Committee does not exist to play political games; the duty of the Procedures Committee is to do the right thing. The decisions that we take will have to stand the test of time. The procedures that we set in place for the people who will follow us into the Parliament are the most important thing. It is not always about giving people a bloody nose.

**Phil Gallie:** Will the member take an intervention?

**Bruce Crawford:** Do I have time, Presiding Officer?

**The Presiding Officer:** You do indeed.

**Phil Gallie:** Is not another duty of the Procedures Committee to ensure that the objectives of the consultative steering group are met? I am thinking about its objectives on accessibility, openness, responsiveness and public participation. Should those not be fundamental considerations for the committee?

**Bruce Crawford:** Of course they should. That is why we need to have much more robust and rigorous information available to us so that, when we look at the issue again later in the year, we can examine the issues that the member raises in a lot more detail.

I depart from the views of the convener of the Procedures Committee on one issue that relates to Phil Gallie’s point. I think that the Presiding Officer should have been given more control, not just over questions but over answers. I realise that it is not always easy for ministers to answer questions concisely, but there are occasions when ministers waffle on, to cover up an issue to which they do not have an answer to hand. On such occasions, the Presiding Officer needs to have the power to shorten the minister’s contribution and to ensure that the answer is relevant to the question that was asked. I would like us to come back to that issue later.

I have been speaking for nine minutes so I will conclude by returning to my earlier point. The Procedures Committee exists to ensure that we put in place robust and rigorous procedures that will stand the test of time, so that the people who follow us in the Parliament have a worthwhile system that makes the parliamentary week work well.

I support the committee’s report.

09:51

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I want to talk about moving First Minister’s question time and about how that move has

affected ministers' question time, because that is important for everybody in the chamber—and for the people who are not here now.

I regret to say that the moving of First Minister's question time from the Thursday afternoon slot to Thursday at noon represents the triumph of spin over substance and the triumph of party-political interests over parliamentary and public interests. We can sum up the reason for the switch in two words: Alastair Campbell. Mr Campbell convinced Mr Blair to move Prime Minister's question time from a mid-afternoon to a noon slot at Westminster, so that it could be spun more effectively—in his way—on the news. Predictably, the same new Labour mindset finally made it north of the border and Mr McConnell's spinners up here decided that what was good for Tony must be good for Jack.

Has the move been good for Jack, though? Maybe it has, but I do not think that we can possibly claim that it has been good for the Scottish Parliament or for the public. Since the move, there has been a distinct loss of atmosphere in the chamber, in particular at question time. I am glad that Bruce Crawford agrees that that is the case.

**Karen Gillon (Clydesdale) (Lab):** Is it the First Minister's responsibility to make question time work, or is that members' responsibility?

**Mr McGrigor:** It is the Parliament's responsibility to make question time work as best as it can for the people of Scotland.

Let us consider how the figures stack up. Since the switch, the viewing figures for the BBC's "Holyrood Live" have plummeted from an average of 46,000 to an average of 18,000. We have no excuse, because the BBC and the Parliament's broadcasting unit warned us that that would happen. Those figures represent a huge number of people in a small country such as Scotland.

**Alasdair Morgan (South of Scotland) (SNP):** Will the member give way?

**Mr McGrigor:** Later on.

The audience of "Holyrood Live" is not concentrated in one location, but can be found in every Highland village, every island community and every town and city in Scotland. Those who support the switch claim that it has been good for visitors to the Parliament, and especially for schools. Of course those visitors are important, but their number cannot exceed 400, because that is the capacity of the gallery—and the capacity at Holyrood will be 250. Television represents a far greater public gallery.

**Bruce Crawford:** Will the member give way?

**Mr McGrigor:** Not now, I want to make progress.

However, the report emphasises the numbers in the public gallery. We carried out a survey of visitors, but can a survey of self-selected visitors truly reflect opinion? The survey was distributed only to people who attended First Minister's question time at 12 noon. There was no remit to survey a wider group and the option of holding First Minister's question time at 2 pm on a Thursday, prior to ministers' question time, was never included. Yet the results of that flawed survey are being used to hail the move as a great success, even though they show that only 53 per cent of those questioned in the survey supported the move to noon, which is hardly a ringing endorsement.

**Karen Gillon:** Does the member accept that one of the founding principles of the Scottish Parliament was to re-engage with the people of Scotland? Young people represent one of the age groups that have become the most disenfranchised with politics. One of the Parliament's major achievements has been its ability to re-engage with young people. Young people from my constituency cannot participate in the Parliament if First Minister's question time takes place in the afternoon; they can do so now and have done so every week since the move to the noon slot.

**Mr McGrigor:** I take the point that it is important to engage with schoolchildren and young people, but we can engage with far more young people—

**Karen Gillon:** No.

**Mr McGrigor:** Yes we can. I am afraid that the member is wrong—she is talking only about the central belt. There has actually been a 5 per cent drop in attendance at First Minister's question time, from an average of 309 to an average of 295.

**Karen Gillon rose—**

**Mr McGrigor:** Sorry, but I tell the member this because it is true: the number of visitors to the public gallery has gone down. It is not as though we are saying that more people have visited the public gallery since the move; there have been fewer visitors. I cannot understand why some members say that the move has been a success—actually I think I can understand why. In fact, the move has led to a reduction in the number of visitors to the gallery, including schoolchildren, and there has been a huge drop in television viewing figures.

Why is the move being viewed as a success by its supporters? Let us consider those supporters.

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

**Mr McGrigor:** No, I will not. All right, I will. Do I have plenty of time?

**Cathie Craigie:** I am honoured and I am sure that Jamie McGrigor has plenty of time.

Does the member accept that the fact that First Minister's question time and ministers' question time take place in two different time slots allows many more people to view question time as a whole? The statistics that were given to the committee showed that more people were visiting the gallery over both sessions.

**Mr McGrigor:** With the greatest respect to the member, that is the biggest load of rubbish that I have ever heard. The viewing figures speak for themselves. There has been a drop in gallery figures and a drop of thousands in the TV audience.

Let us consider who is supporting the move. I am not surprised that Mr McConnell and the Labour Party support it and I have said why. However, it is odd that the Scottish National Party's front bench supports the move. Bruce Crawford, the SNP business manager, is apparently keen on the idea—perhaps he is doing John Swinney's bidding. Why should such an alliance have been forged? Perhaps the SNP believes that by holding First Minister's question time at noon it will get coverage on the lunchtime news for all of a 20-second soundbite. That is the trade-off: a 20-second soundbite against good TV coverage for the whole of First Minister's question time. Perhaps the SNP does not want to expose Mr Swinney at all. Perhaps Mr Swinney just likes to have a long, relaxing lunch break after finishing an onerous First Minister's question time—who knows? I do not know.

**Alasdair Morgan:** People in glass houses, Jamie.

**Mr McGrigor:** Given that the Parliament is committed to accessibility, the move is surely an outrage—I cannot understand it. First Minister's question time on "Holyrood Live" offered one of the few chances for the whole country to see its Parliament unfiltered and unedited.

**Alasdair Morgan:** Will the member give way?

**Mr McGrigor:** No.

The coverage on "Holyrood Live" also gave back benchers a chance to shine—not many of them are here today—and gave people a chance to see their constituency and regional members performing or not performing, as the case may be.

**Alasdair Morgan:** The member seems to be putting forward the case that we should hold First Minister's question time at a time that maximises television viewing figures. That does not necessarily mean that it should take place at 3 pm;

the figures might show that we would get the maximum number of viewers at 8 am. Does he suggest that we meet then? That is the logic of his position.

**The Presiding Officer:** Another minute would do nicely, Mr McGrigor.

**Mr McGrigor:** Did the member say 3 am? We should certainly not meet at 3 am, although I would support late meetings of the Parliament.

I appreciate that the news coverage might attract more viewers for 20 seconds than "Holyrood Live", but live TV coverage offers the one chance that the public have to see their Parliament in action. The 20-second soundbite hardly ever features back benchers, even when they have asked a question, because the BBC leaves the action in the chamber to go to the analysis with Iain McWhirter at 12:20—and sometimes earlier—which is the very point at which back benchers get their chance to ask the First Minister a question. That is unfair. Back benchers of all parties should not let the Alastair Campbell mindset dictate how the Parliament runs its business.

Given that our Parliament is committed to maximising access to proceedings, it is irresponsible to throw away half of the TV audience. Let us get back to making the Parliament as public and as transparent as possible and let us try to put substance before spin.

10:00

**Donald Gorrie (Central Scotland) (LD):** My colleagues and I regard the issues that we are discussing as parliamentary and individual; the Executive parties and others do not have a set view on which they will vote and debate accordingly. I speak as an anorak: I am a former enthusiastic member of the Procedures Committee—a citizen of procedure land now in exile elsewhere. The Procedures Committee has produced some interesting points. My colleagues and I have great confidence that the convener, Iain Smith, will sustain liberal values in the committee's work.

The tidying up of the emergency bill procedure is sensible. I have read the report on that issue, but I missed, if it exists in the text, what is to happen to the existing procedure whereby the Presiding Officer and his office authorise bills and say that they do not trespass on wholly—or holy—Westminster ground. The law people also have to do their bit. The lady in London whose title I never remember and who is paid a lot for doing very little evidently has to authorise such bills. I presume that those procedures will still apply. I see that Iain Smith is nodding his head in the correct manner.

Thank you. Other than that query, I thought that the tidying up of the procedure is excellent.

On the issue of questions, I must be careful, Presiding Officer, because you were a major participant in producing the text that members have been reading before the debate. If members do not enthusiastically support the Presiding Officer's view, that is a bit like criticising Hamlet for his soliloquy.

I am an enthusiast for themed questions at general question time, which is one procedure that works quite well at Westminster. The introduction of themed questions here is a good step forward. I hope that there will be flexibility with regard to supplementary questions so that members who have already asked a question and who would otherwise probably not be likely to be called could sneak in a point that they were trying to raise as a supplementary on the back of another member's question. That would allow the issue to be probed as well as possible.

One difficulty for the authorities and the Presiding Officer is that, to oversimplify, there are two types of question. For example, my colleague who represents the area keeps asking about Laurencekirk station—legitimately so—but other members ask general questions about rural transport or urban congestion. A balance must be struck between general policy questions and "What are you doing about my little patch?" questions because it would be a pity if either type dominated proceedings. The general idea of a themed question time is a good step forward and I hope that the trial works well.

I am one of a fair number of members who think that the morning is not such a good time for First Minister's question time, but it is a reasonable compromise that the trial should continue. I am not sure whether it will be possible to reach a conclusion by the Easter recess rather than the summer recess, but I suggest that if, by Easter, the general opinion is clearly that the new system is not working as well as it might, we should correct the matter then. To find out how the system is working, we must examine more carefully the subjects of who watches BBC television and how many children come to the chamber and from which areas. Unfortunately, we must accept that television is an important medium, which means that anything that reduces the television audience must be viewed with suspicion.

On the content of questions, I accept the point that I think Karen Gillon made—it may have been Cathie Craigie—that MSPs as well as ministers are to blame for bad question times. I have attended committee meetings in which the average length of the questions was longer than the average length of the replies, which is wrong.

Some MSPs use supplementary questions to make mini-speeches, which is also wrong. That is a difficult situation for the referee sitting in the chair—the Presiding Officer—to get right. If we encourage members to ask short, sharp questions and the minister to make similar replies, the system will work better. However, I accept the Presiding Officer's opinion that dark words in the corridor may be more effective than rules that are difficult to interpret.

The Procedures Committee's proposals are a step forward. I do not think that having First Minister's question time at midday has been a success, but I accept that we should extend the trial to find out whether we can make the new system better. In general, the proposals will improve the working of the Parliament.

**The Presiding Officer:** I call Cathie Craigie.

10:07

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** It is a bit of a surprise to be called to speak, Presiding Officer—I thought that one of my colleagues was to be next. However, I thank you for the opportunity to speak; I am sure that you have been inundated with requests. It is an honour to be called, given the demand.

**Tommy Sheridan:** From the massed ranks.

**Cathie Craigie:** Yes.

As members know, the Procedures Committee has considered and been exercised by the issues of First Minister's question time and questions to ministers for several months. I am sure that the committee members agree that we sometimes felt as if we were going round in circles and that we could not please everybody all the time.

We asked whether FMQT should run back to back with questions to ministers; whether FMQT has been a success at 12 noon and should be kept at that time; whether it should be held on Thursdays or Wednesdays; whether we should change questions to ministers to another day; whether we should have only themed questions or themed and general questions; how long should be given to themed and general questions; and how many questions members should be allowed to submit. That is not an exhaustive list of our questions.

The committee has listened to and considered the many points that have been raised. I am sure that if members have read our report or attended the committee—which is compulsive viewing on Tuesday mornings—they will know that we received many responses to our questions. However, the flood of responses did not show that a consensus exists out there about the answer to any of the questions that we posed. There was no

consensus among groups—even party-political groups—on many of our questions.

As Bruce Crawford said, the information that we have about broadcasting is not detailed enough. We need more information on, and analysis of, how FMQT is received through all the broadcast media. It was not the correct road to go down to base our recommendations simply on the viewing figures for “Holyrood Live”, important though that is to the work of the Parliament.

It was important that we took on board what was being said by the public in the gallery. There was some debate in the Procedures Committee about how reflective of the views of the public those opinions would be. I feel strongly that none of us should control who is in the gallery—it is for the public to choose to come along in groups or individually. The views of the people who are watching are important. On Jamie McGrigor’s point, I refer him to the papers that were issued to the Procedures Committee—probably just after our report was compiled—which detail the number of people in the galleries during FMQT and questions to ministers. He will see that, on most days, the numbers were greater at those times than at other times. We cannot base our recommendations on that, however.

We are right to recommend a new approach to FMQT and questions to ministers, in which questions are themed—that should continue for a period so that we can reflect on how successful or otherwise it has been.

There was general agreement in the committee with Bruce Crawford’s suggestion that question time must stand on its own. The idea that FMQT and questions to ministers should support each other is not a sufficient reason to move either of them. An increasing number of members are missing questions to ministers and FMQT—if those forums are unable to sustain the interest of members, we should ask the question posed by Bruce Crawford about whether it is worth continuing with them.

I hope that we will participate in the trial period and, as the convener of the Procedures Committee said, that we will be ready with a system that will serve us in the new Parliament building.

10:12

**Alex Neil (Central Scotland) (SNP):** I preface my remarks with some general comments. I do not believe that the modus operandi of the Parliament is anywhere near right. I hope that the reforms to question time that are being introduced by the Procedures Committee will be the start of wide-ranging reform of how we conduct our business. I

have three examples of where we still have got it badly wrong.

The first is the way in which we schedule debates and the time that we allocate to important debates. Debates on the Scottish economy in the Scottish Parliament average 1 hour and 50 minutes. However, an average of 7 or 8 hours was allocated to debates on the Scottish economy at Westminster—big, bad Westminster—over the 20 years before this Parliament was set up. That does not reflect well on the Scottish Parliament and it does not fulfil what was meant to be our democratic ambition.

Secondly—

**The Presiding Officer:** I ask you not to make your introduction too long, Mr Neil, before you get to the substance of the motion.

**Alex Neil:** Absolutely.

Secondly, another general issue that I hope that the Procedures Committee will address is that of speaking times and the grip that the party hierarchies have on who speaks and in what order.

I will address the specific issues—

**Karen Gillon:** How did the member manage to get to speak today?

**Alex Neil:** I am thinking of the 35 Labour back benchers who are always struggling to get on to the list.

**Bill Butler (Glasgow Anniesland) (Lab):** On that point, and for Mr Neil’s elucidation, the system is run on a first-come, first-served basis for Labour members. The quicker members are, the quicker they get on to the list. Does the member agree that that is the way that it should be in all parties?

**Alex Neil:** I think that it should be up to the Presiding Officer, but that is a debate for another day.

**The Presiding Officer:** Precisely.

**Alex Neil:** On FMQT—let’s face it—John and Jack will never get the viewing figures of Des and Mel. The main issue for us is not whether 20,000 or 30,000 more people watch at 2.30 pm or 3 pm than watch at 12 pm. The maximum viewing figure for FMQT has never gone over about 50,000. FMQT—the highlight of the Scottish parliamentary week—could not, by any stretch of the imagination, be described as gripping the nation. It does not matter when it is held. Much of the reason for that is that, like question time, much of FMQT is boring to the average person watching television. That is the responsibility of front benchers and back benchers.

There are some specifics about FMQT that the committee has not addressed but which I believe, while perhaps not requiring a change to standing

orders, nevertheless need to be addressed. A first-past-the-post member with a constituency interest is almost certain to be called to ask a question or a supplementary. List members are treated as if they do not have constituency interests. They have such interests, however. For example, anybody would agree—particularly Margaret Jamieson—that I have a particular interest in Kilmarnock prison. I also have a particular interest in the Greengairs issue, which is the subject of a question this afternoon. There are many issues to do with how supplementaries are selected and who is invited to ask them.

**Cathie Craigie:** Seven or eight list MSPs, including Mr Neil, represent Central Scotland. Is he suggesting that when the Presiding Officer takes a question from a constituency member for that area, all the list members should get in as well?

**Alex Neil:** No. There are seven list members for each area, and the parties that have list members tend to have members who lead in particular constituencies. For example, it is reasonably well known that I have taken the lead in recent years in most of the Lanarkshire constituencies, along with my colleague Linda Fabiani, while Michael Matheson has concentrated on, say, Falkirk. If that is known to the Presiding Officer, I would hope that it would be reflected in who is called to ask supplementaries. The idea that only first-past-the-post members have constituency interests is nonsense and does not properly reflect the make-up of the chamber.

I have many other points to make but I do not have time to make them because, to get back to my second point, the arrangements for speaking times in the chamber are a nonsense.

10:18

**Mark Ballard (Lothians) (Green):** There is much to welcome in the three reports. The idea of a themed question time is a good one, as it will allow for proper questioning of ministers. After all, any question time should be about the whole Parliament properly scrutinising Executive ministers. The two 20-minute themed sections will be effective slots in which to do that. It is a worthwhile experiment, and it is good that we are carrying it out now, so that we can settle the matter before we move to the new building at Holyrood.

I am pleased that we are identifying ways of making progress with SPCB and Presiding Officer question times. I hope that the Parliamentary Bureau will take the opportunity to schedule such question times. In the evidence received by the Procedures Committee, it appeared that similar question times had been very successful in the

Welsh Assembly. I hope that that experiment will be taken up in order to ensure that when we move to the new building, we will have a proper set of question times and a proper set of procedures for them.

I was new to emergency bills but they have been explained to me and I understand the logic of the proposals and suggestions that were made to the committee.

I think that we missed some areas in the reports. Other members have commented on the requirements of rule 13.7 of standing orders, which covers the way in which questions are asked. We should have explored in more depth the requirements on the way in which questions are answered. In particular, I refer to paragraph 8 of rule 13.7, which states that supplementary questions must cover the same subject matter as the original question and that they must be brief. It would have been worth while to explore further the idea that the answers to those questions should also cover the same area as the original question and should also be brief.

The convener of the committee mentioned the consultation exercises that were carried out. I was particularly struck by some of the things that were said by a community group from West Lothian. Having watched First Minister's question time, the group said:

"There was a lack of respect to fellow members in the chamber - too much chit-chat and hilarity while debates were taking place."

The group also felt that there was "too much heckling".

We should all reflect on those views. If we want the Parliament to be taken seriously, and if we want to project it as a place where serious things are discussed, we must conduct ourselves in a serious manner. If we do not do that, we will never be taken seriously. We should all reflect on how we can ensure that members treat one another with seriousness and that debates are conducted seriously.

**Alasdair Morgan:** I do not necessarily disagree with the member, but there is a logical inconsistency in his remarks. If we are not treated seriously, it is often in comparison with Westminster. On the other hand, behaviour at Westminster is far worse than behaviour here. How does the member explain that?

**Mark Ballard:** The problem is not about Westminster versus Holyrood but about the fact that politics is not taken seriously. One of the things that has undermined the general standing of the political system in the United Kingdom is that there have been too many "Order, order, order" debates in the House of Commons. I do not think that we should try to replicate such

argument, heckling and shouting in this chamber. To do so would do nothing for us; having watched such behaviour, I do not think that it does anything for Westminster.

We ought to take cognisance of the views that have been expressed by the public. We should be serious about how we ask questions, serious about how ministers and the First Minister answer them, and serious about how we conduct ourselves as the audience during any question time.

Finally, I move to the timing of First Minister's question time, which is the issue that has dominated the debate so far. We should recognise the things that have worked. The fact that it lasts for half an hour allows more back benchers to get in and allows proper representation of the leaders of all the political parties in the chamber. We ought to recognise that those aspects are successes. However, I am still unconvinced of the success of the noon start for First Minister's question time. I accept that the experiment should continue, given that we are changing oral questions to ministers, but I remain unconvinced that noon is an effective time to start the session. For example, I was concerned that Karen Gillon would have to conclude the debate as members streamed in for First Minister's question time. The timing of First Minister's question time is disruptive to the debate that takes place on Thursday morning, and I do not think that it represents good scheduling.

First Minister's question time should be in the first slot—logically, to me, that means that it should start on Wednesday or Thursday afternoon. It has lost atmosphere and it is not in an effective slot for the Parliament. As Jamie McGrigor said, the new slot has lost an audience for the entire event, and that loss is not compensated for by limited coverage of the leader of the Opposition and the First Minister on the lunchtime news. We should continue to explore other options for First Minister's question time. I am prepared to let the experiment continue, but I am not convinced that it is working.

10:24

**Tommy Sheridan (Glasgow) (SSP):** Mark Ballard finished on a point about the timing of First Minister's question time. I wonder whether we should consider moving it to first thing on Thursday morning as an experiment. It would be interesting to see whether it is so popular that everyone would flock to the chamber at that time. That would ensure that the alleged reason for changing the time is accounted for, because anything that is said in the morning could make it on to the lunchtime news. Overall, however, although I have my doubts about whether the change has been successful, it is too early to come to a conclusion.

There is a case for the separation of oral questions to ministers and First Minister's question time. The way that we did things in the past tended to undermine the importance of oral questions to ministers, and the separation has helped to focus attention on them. I think that it was Cathie Craigie or Margaret Jamieson who suggested that fewer people now attend question time. That might be the case, but there is more focus on those oral questions than there was in the past, when we were simply waiting for First Minister's question time to start. Perhaps it would help if the two sessions were on different days—that would give us more flexibility with time.

I have listened to the debate and I welcome much of the reports' contents. We should pay tribute—I am sure that the Procedures Committee does so regularly—to the clerking and admin staff, who effectively run the Parliament. Where would we be without the business bulletin or the *Official Report*? We have excellent staff, who do not always get the recognition that they deserve for the work that they put in. It is important for us to recognise that, and I am glad that the Procedures Committee's report refers to the implications of the change in timing for the staff, in terms of the turnaround of questions and deadlines. I hope that we will continue to keep such issues uppermost in our minds.

In my opinion, there are a couple of areas that the Procedures Committee has not yet fully investigated. I have raised the issue of supplementary questions before; I am not sure that we can solve it in this chamber, but I hope that we will do so in the new chamber. The Scottish Trades Union Congress, in its evidence to the Procedures Committee, raised the matter of the transparency of the selection of supplementary questions. I do not want to have a go at the Deputy Presiding Officers or the Presiding Officer, because they have a difficult task: they are faced with a limited timescale and a large number of members who want to ask supplementary questions. The difficulty is that the selection process is not transparent. Observers, whether they are in the gallery or watching television, do not know how many members want to ask a supplementary question or who they are. I wonder whether the panels in the new chamber will allow the request-to-speak lights to be more visible, so that the number of members who want to ask a supplementary question on a particular issue is more apparent. That would not be a hindrance to the Presiding Officer—

**Phil Gallie:** Will the member take an intervention?

**Tommy Sheridan:** Sure.

**Phil Gallie:** Does the member agree that one of the benefits of the Westminster system is that

individuals rise when they want to catch the Speaker's eye? That gives the indication that Tommy Sheridan refers to.

**Tommy Sheridan:** It gives an indication, but it is not effective. Everyone who has watched debates at Westminster has seen a large number of people rising, only one of whom is selected. I do not think that that is a particularly effective or modern method of attracting the attention of the Speaker. If members of the public who watch Scottish Parliament debates on television or from the gallery were to see lots of members repeatedly rising to ask questions and sitting down, it would not look particularly modern or efficient.

However, if we had a system whereby a light came on to show that a member was trying to ask a question, that would show the difficulty that the Presiding Officer has when there is a limited amount of time but lots of members trying to come in. It would also show any observers that their MSP wanted to ask a question. The public might be sitting there thinking, "Why are you not asking a question?" and although the member has tried to ask a question, they have no way of proving that. If they could show that they had tried to ask a question, that would confirm the interaction between the member and the public. It would be worth while for the Procedures Committee to look into that idea.

The Procedures Committee should be a special committee.

**Karen Gillon:** It is a very special committee.

**Tommy Sheridan:** What I mean by that—and I mean no offence to any of the committee's current members—is that it should be above politics, as it has the interests of the whole Parliament to consider. That is difficult as, apart from the independents, we are all members of political parties. It is difficult to be as objective as we need to be; nevertheless, the Procedures Committee has to try to develop that objectivity.

Finally, I hope that the Procedures Committee will be willing to consider the need for extra powers in the Parliament to hold ministers to account. The ministerial code, in itself, does not mean that ministers are above the accountability of other members. I hope that the committee will consider representations from members on that.

10:31

**Richard Baker (North East Scotland) (Lab):** The Procedures Committee has given a great deal of consideration to the issues and reports that we are debating today. We propose to make the procedure for emergency bills more transparent so that it runs more smoothly. We have also sought to make changes to Executive question time to

create a format that will not only allow more focused scrutiny of specific areas of the Executive's work on a broadly departmental basis, but make Executive question time more distinctive and, it is hoped, give it a higher profile in its own right.

The changes that we are suggesting to the timing and format of both First Minister's question time and Executive question time are on a trial basis. We believe that we are striking a balance between giving the new formats time to bed down and ensuring that tried and tested formats are in place when we move into our new chamber at Holyrood.

Even before the decoupling of the question times, it was clear that we had to examine ways in which to ensure that Executive question time had a distinct identity and a profile that did not simply feed off its proximity to First Minister's question time. We also needed to look to its format, rather than where it was in relation to FMQT, to find ways of attracting a larger audience and increasing its profile.

The idea of introducing a thematic element to Executive question time reflects the evidence that the committee received, which included a letter from the First Minister proposing that we consider such a change. Under the proposal, there will be six department-based themes, although, to allow for flexibility, we would not enshrine that in the standing orders. There would be questioning for two departments each week, allowing more focus on areas of ministerial responsibility. The additional time that we propose for Executive questions means that, every week, two themes will receive adequate time for debate.

The fact that we propose to continue to have an element of general questioning means that members will still be able to ask questions that either are not covered under the themes for questioning in that week but that need to be discussed because they are topical, or do not fall neatly into the themes that have been suggested. Moreover, all members will have an equal right to ask questions and an equal chance of having their questions selected. I believe that it is good for back benchers that we did not accept the proposal to have a mini-FMQT on a departmental basis, as that would have placed the majority of the focus on party spokespeople.

Almost inevitably, the issue in the committee's recent deliberations that has received most attention, especially outwith the committee, is that of the format and timing of FMQT. I say to Jamie McGrigor that, although Alastair Campbell has been accused of many things, he can rarely have been accused of setting the time for questions in the Scottish Parliament. Given the fate of others, Mr McGrigor should perhaps exercise caution

before trying to hold Alastair Campbell accountable for that.

**Mr McGrigor:** I was describing the Alastair Campbell mindset. I said that Tony Blair had been persuaded to change the timing of Prime Minister's question time at Westminster because of the mindset across the border and that an Alastair Campbell mindset had been adopted here.

**Richard Baker:** The mindset of Alastair Campbell is to get as much attention and publicity as possible for the Prime Minister and his policies. That is why Prime Minister's question time was moved to an earlier time. He probably made the same judgment as was made here when we decided that we wanted to try to get a broader cross-section of the Scottish public listening to and watching FMQT.

Our report reflects a widely held opinion that the allocation of additional time for FMQT has worked well, giving adequate opportunity for minority party leaders to ask questions and giving back benchers a reasonable chance of asking a question or a supplementary. The report also reflects the view that the current format of FMQT is successful.

More controversial is the timing of FMQT. Much of the committee's debate focused on the audience figures for programmes that cover FMQT, such as "Holyrood Live". As Bruce Crawford said, the BBC gave evidence arguing against the current timing of FMQT, which it believes has adversely affected the audience figures. There is no doubt that "Holyrood Live" provides invaluable coverage of the Parliament's work. However, we must look at the broader picture of the coverage of FMQT on other BBC programmes and across the channels. The highlights of FMQT cannot be broadcast on the BBC lunchtime news or on the lunchtime news of STV or Grampian TV.

**Mark Ballard:** Will Richard Baker take an intervention?

**Richard Baker:** I do not have time. I am in my last minute.

The cumulative audience figure for all those programmes is much higher than the figure that "Holyrood Live" is able to achieve.

The issue is not only about television audience figures. The fact is that the shift in time has made it easier for schoolchildren to attend. We gathered, from our questionnaires from people who had attended FMQT, that many people found the current time convenient.

The changes that we propose mean that both question times will run in their new formats for a trial period. We will then have an opportunity to review their success before we settle on the

formats that we will use in the new Parliament building. That is a sensible approach. The changes that we have recommended are innovative and give us an opportunity to take more interest in the way in which we ask questions of ministers. I commend the conclusions of the committee's reports to Parliament.

10:36

**John Swinburne (Central Scotland) (SSCUP):** This has been an interesting, if poorly attended, debate. We have the public up in the public gallery and we are wondering what the television people are thinking about the debates in the place. When the public come to view what is happening in this arena and see only 15 out of 129 MSPs, the Procedures Committee could do an awful lot worse than see what it can do about the lack of attendance. I do not know whether that is part of the committee's remit. Frankly, to stand and take part in a debate on parliamentary navel gazing is not the most exciting prospect in the world, but these things have to be done.

I agree that we have to consider when we should have First Minister's question time and Executive question time to make the maximum impact. However, the most important question that we can address is the non-attendance of members during the 12 hours for which we are in the chamber.

**Iain Smith:** Does the member recognise that there are other ways in which members can pay attention to what is going on in the chamber without having to be physically present? I always have the chamber TV channel on in my office during the day when I am working but not in the chamber.

**John Swinburne:** I agree, but how many of the 129 members are here? Where is everyone else? They all have important duties to carry out but, as a newcomer to this place, I am appalled at their lack of attendance in the chamber. I think that the Procedures Committee should look into that.

10:38

**Phil Gallie (South of Scotland) (Con):** I support the comments that have been made by John Swinburne. The Parliament sits in plenary session for one and a half days a week. I am concerned about the shortness of time that members have in which to make their speeches in the Parliament. One thing that the Procedures Committee must do—especially if it is going to extend question time—is reconsider the hours of the plenary meetings and perhaps extend them as well.

**Iain Smith:** The member will be aware that one of the report's recommendations is to increase the

length of plenary meetings on Thursdays to accommodate the extra half hour by which we have increased the question times—10 minutes for First Minister's question time and 20 minutes for Executive question time.

**Phil Gallie:** Yes, I am aware of that. I am pleased about that extension. It is a part of the report that I endorse.

Earlier, Mr Smith commented on the powers of the Presiding Officer in respect of question times—indeed, the Presiding Officer acknowledged his point. I believe that that has to be looked at. When back benchers ask a question, they are obliged to stick to the point of the question that is in the business bulletin—they must ask a closed question. I accept that the Presiding Officer should ensure that members do that, but I believe that the Presiding Officer should also have the power to hold ministers to the same line rather than allowing them to expand the answer and go on for quite some time in a way that was described earlier as waffling. We have to tighten up on that. The Presiding Officer should have the same powers as the Speaker in the House of Commons has to ensure that ministers stay in line.

Mark Ballard said that having thematic questions is a good idea. Of course it is; the proposal was advanced by David McLetchie nearly two years ago. David McLetchie has a lot of good ideas and the Parliament would be extremely wise if it took some of them on board.

10:41

**Bill Aitken (Glasgow) (Con):** This has hardly been the most riveting debate that the Parliament has had, but it is, nevertheless, an important one. In debating such issues, we are dealing with the presentation of the Scottish Parliament. We have a clear duty to present the Parliament in its most interesting and attractive form. The Procedures Committee should have been considering whether our procedures allow that to happen.

The committee's reports suffer from the curate's-egg syndrome, in that they are good in parts. We support some of the measures, such as the improved ways of dealing with emergency bills, provided that there is no difficulty with Opposition parties being able properly to hold the Executive to account. I am sure that there would not be. We are also enthusiastic proponents of the idea of thematic question times. Karen Gillon will recall that I was enthusiastic about the idea when I gave evidence to the committee. The proposal would certainly make for much more interesting question times.

**Bruce Crawford:** On the issue of emergency bills, does Bill Aitken accept that the committee recommended that amendments could be lodged at a later stage than usual in the emergency bill procedure and that that process did not exist before? The committee has strengthened the position of back benchers and Opposition parties. I suggest that Bill Aitken is being overly critical in that regard.

**Bill Aitken:** I was merely adding the caveat that we have to ensure that Opposition parties have the opportunity to approach these matters in the manner in which they would wish to. There certainly have been improvements.

I believe that thematic question times could bring considerable benefits to Parliament. Let us be honest: we are all politicians and know that politicians rarely ask a question without knowing the answer. Nevertheless, that is politics.

Like Jamie McGrigor, I am extremely disappointed that, despite the fact that the experiment with First Minister's question time has manifestly failed, as Mark Ballard noted, the committee has not suggested that the matter be revisited. It does not require self-styled anoraks such as Donald Gorrie to detect that the timing is extremely unfortunate.

**Iain Smith:** Does the member accept that the committee has agreed to revisit the matter? We have said that the trial period will be extended, which means that we will consider the matter again before the summer.

**Bill Aitken:** I accept that the move is experimental but, when the experiment is manifestly failing, why continue with it?

Jamie McGrigor was quite correct. Regardless of whether Alastair Campbell was involved, an unholy alliance between the Executive and the SNP has resulted in a deliberate attempt to change the time of FMQT in order to avoid the exposure of some fairly weak arguments, which we in the chamber have seen time and again. Mr Swinney has been discomfited during the exchanges, as Mr McGrigor quite rightly pointed out. Alex Neil was sitting to the rear of the chamber like an inscrutable Buddha, nodding his head as Mr McGrigor made that suggestion, although I am sure that that was purely coincidental.

The new timing of FMQT has resulted in plummeting television audiences. We have failed in a principal duty. We are not here to act as performing seals, but we are supposed to allow the public to see exactly what is happening in the Parliament. The timing of FMQT is an inhibiting factor in that respect.

10:45

**Alasdair Morgan (South of Scotland) (SNP):** The speeches of Jamie McGrigor and Bill Aitken were pathetic. Apart from the fact that they ignored most of what was in the Procedures Committee's reports, they built a castle in the air on the back of the alleged drop in television audience numbers. There has been a small change in what was already a very small number. Now, 97 per cent of the viewing public do not watch First Minister's question time, whereas previously 93 per cent did not.

**Bill Aitken:** Will the member give way?

**Alasdair Morgan:** I do not have time.

The fact is that the vast majority of people now prefer to watch strange people of whom I have never heard doing even stranger things in the middle of the jungle. How any Parliament would even try to compete with that, I do not know. I do not think that we should arrange our proceedings on the desire to maximise the attractiveness of this place to people who prefer to watch that kind of programme.

Themed question times are possibly a good idea, as they would allow much more in-depth scrutiny. However, we should be aware of the dangers that could arise from that proposal. Members have specific interests—not all of us are generalists—which means that some members will not have an interest in what is going on in a specific themed question time. In the House of Commons, which has 659 members, many of the question times are attended by a relatively small proportion of members. If we, with 129 members, follow that example proportionally, the numbers attending the themed question times will be extremely small. We will have to watch that carefully.

When I gave evidence to the Procedures Committee, I talked about the grouping of questions. Questions on the same topic are more likely to occur in a themed question time and it is possible that several people will ask exactly the same question. It would make a lot of sense if the Presiding Officer could group those questions together so that the members and the minister did not have to repeat the same formal questions and answers before dealing with the supplementary questions and answers. I should add that only those questions that were likely to be called should be so grouped. I do not know whether the standing orders will allow that to happen, but, if not, perhaps they should be reconsidered.

I am beginning to change my mind about what I said to the committee about having a 20-minute general question time tacked on to the beginning of the themed questions. Members might not lodge questions because there would be little

chance of their question being selected. Moreover, a problem might arise with invidious comparisons being made between the two forms of question time.

I liked Mr Sheridan's point about being able to see in the chamber who has indicated a desire to ask a question or speak in a debate. I do not know whether that could be done with lights above the desk or whether the Presiding Officer's screen could be writ large somewhere in the chamber—I have never seen that screen, but I assume that, in this open and accessible Parliament, there are no secrets on it. However, I would hesitate at this stage to make a change that might add a further £100 million to the cost of Holyrood.

Phil Gallie suggested extending the hours of plenary meetings. We will come under pressure to do that, if for no other reason than that we will soon be sitting in an extremely expensive and flashy new chamber and, if the public get the impression that that is being used only one and a half days a week—the new chamber will not be used for committee meetings, unlike this one—we will be exposed, justly, to some criticism.

10:49

**The Minister for Parliamentary Business (Patricia Ferguson):** As an old hand in procedures debates, I reassure Iain Smith that the turnout this morning has been quite good. I have painful memories of an occasion on which we were so short of speakers that the Presiding Officer sent a clerk to ask me if I would like to speak. I agreed to do so, thinking that I would have a few minutes in which to scribble some notes, but heard my name being called as soon as the clerk had turned to walk away. I ended up having to stand and waffle for five minutes. Even more worrying was that no one seemed to notice. However, perhaps we can improve the nature of procedures debates in future; certainly, a lot of interesting points have been made that will be taken up in future.

I acknowledge the work that has been undertaken by the convener and members of the Procedures Committee in producing such a comprehensive and creative set of reports. The Executive has welcomed the opportunity to contribute as the committee has considered the various issues that are under discussion this morning.

I will mention first of all and briefly the report on emergency bills, which, as members know, considers the technical aspects of rule 9.21 of standing orders and suggests some changes to improve the emergency bill process. The Executive is happy to welcome those changes; they seem to make sense and will improve our procedure.

The Executive also supports the committee's report on oral questions in the chamber and the recommendations contained therein. We have welcomed the opportunity to contribute to those discussions during the inquiry and our views on the committee's recommendations are already well documented through the memorandum that was submitted to the committee last October and the oral evidence that I gave to the committee in November.

The Executive endorses the committee's recommendation that the format of First Minister's question time should remain largely unchanged for the moment. One reason why the Executive and the First Minister were keen to extend FMQT from the 20 minutes that we used to have to 30 minutes was the recognition that back benchers did not always get an adequate share of the time that was available for questions and that, coming into the new session after the election, we had a different political situation in which the leaders of smaller parties also had to have an opportunity from time to time to ask questions. We are pleased to note that experience to date shows that the current 30-minute format seems to work well, enables more time to be given to back benchers and seems to allow us to get through all six of the questions that have been selected.

We also note the committee's suggestion that Executive question time should be extended to an hour and its recommendation of the introduction of a thematic element involving 40 minutes of in-depth questioning on a departmental rota basis. We welcome those proposals and the opportunity that they will give for back-bench scrutiny of Executive ministers and their policies. That is a good step forward and will improve ministerial accountability in a transparent and open way, which is one of the things that the Parliament is about. However, the Executive recognises and supports the need for the thematic system to be introduced—if we agree to that today—initially on a trial basis, as the committee proposes. That is the right way forward and it is right to subject the trial to a review after a period of time, as in the case of First Minister's question time.

We also support the committee's recommendation to move the lodging deadline for questions to 4 pm on a Tuesday. That will have the benefit not only of giving Executive officials enough time to undertake the necessary research to prepare answers, but of allowing the chamber desk staff ample time to process the questions. We are happy to work constructively with the Parliament in taking forward any revised procedures that are agreed today.

On the format of Executive question time and First Minister's question time, as discussed in the committee's reports, the Executive notes that,

following an initial trial period, the committee now recommends that FMQT should remain at 12 noon on Thursdays, at least for the time being. We also note that Executive question time, in its revised format, with the thematic element, should start earlier—at 2 o'clock on the same day. Although we recognise that the average viewing figures for "Holyrood Live" have declined since FMQT was moved to an earlier time slot, we are pleased to note that there have been compensations, as other members indicated, in that the current timing has enabled more school pupils and other visitors to attend.

**Phil Gallie:** That might be all right for people who live in the central belt, but it has made matters worse for people who live in South Ayrshire, Aberdeen or Argyll—the new timing does not suit them.

**Patricia Ferguson:** I fail to see how the change can possibly have made matters worse. We still have a question time on a Thursday afternoon and we now have a question time in the morning as well, so there are two opportunities for people to come along. Moreover, it is fair to say that people are coming from around the country to be able to observe one or other of those question times.

**Karen Gillon:** The minister will be aware that, in our report on oral questions in the chamber, we have a breakdown of where people who were in the public gallery at a particular time came from. We found that 33 per cent of them came from outwith the central belt, compared to 32 per cent from Edinburgh and elsewhere in the central belt.

**Patricia Ferguson:** Karen Gillon makes exactly the point that I wanted to make to Mr Gallie—I hope that he will acknowledge what she has said. The change has been important.

**Mr McGrigor:** On that point—

**Patricia Ferguson:** No, we have taken enough on that point.

I also want to come back to the point that Alex Neil made. I do not want to compare constituency and list members, because he is a bit touchy on that subject, but Labour members were slightly surprised, because we do not get to see daytime television very often—perhaps that is because we are constituency representatives, but we will not go there—and absolutely delighted to hear that Des McNulty was such a draw on daytime television. Somebody has said to me that Alex Neil was not talking about that Des, but never mind.

Alasdair Morgan made exactly the right point: First Minister's question time and Executive question time will never attract the kind of audience that some of the more tabloid-type programmes attract. That is because people do not engage with politics in the same way as they

engage with some of the other broadcasts that they see on their televisions. However, we all have a responsibility to make the process work and to participate in a way that will encourage interest.

**Mr McGrigor:** I appreciate what the minister says about “I’m A Celebrity ... Get Me Out Of Here!”, but the point is surely that, although there is allegedly apathy about politicians, we had an average audience of 46,000, which we have managed to reduce to 18,000. The audience figure was, in fact, as high as more than 100,000 on occasions, so I cannot see what the argument is. Fewer people are now seeing our Parliament and there is less access to it, which must be against the founding principles.

**Patricia Ferguson:** It is important to remember that the last figures for FMQT before it was moved had built up over four years. The number of people who now watch question time in its revised slot probably represents a fraction of the number of people who will watch it four years from now. We must take all those points into consideration, but I am also keen to encourage people, particularly young people and those visiting our education centre, to come into our public gallery and have the opportunity to see question time.

We also support the earlier start time of 2 pm for Scottish Executive question time. It is important that we avoid cutting into debating time in the afternoon, as we all know the difficulties that we will face in providing enough time for back-bench speakers if afternoon debates are curtailed any further.

As we noted in our formal response to the committee, the Executive endorses the recommendation that the new format of question time should itself be the subject of a trial, which should run in tandem with an extended trial period for FMQT at noon. We also endorse the committee’s conclusion that both trial periods should be reviewed before the summer recess, when a full assessment can be made of the best arrangements to adopt for the future.

We look forward to working with the Procedures Committee in its deliberations in future and thank it for its constructive reports.

10:58

**Karen Gillon (Clydesdale) (Lab):** I will try to pull together the various points that have been raised in the debate and address some of the questions and comments that have been made.

Donald Gorrie, who seems to have left the chamber, asked about emergency bills meeting the tests for legislative competence. Obviously, before any emergency bill was introduced, it would have to have met those tests and would require a

Presiding Officer’s statement on legislative competence, as any other bill would under rule 9.3.1. Moreover, after it was passed, an emergency bill would be subject to the same challenge as any other bill. I hope that that provides reassurance.

Mark Ballard and other members asked whether there should be a rule on ministerial answers. We discussed that issue in some detail—it is addressed in paragraphs 89 to 92 and 97 of our second report of 2003. The main objection to a rule on ministerial answers is that it could give rise to a substantial number of bogus points of order—it is a bit ironic that one of the members who raised the issue was Phil Gallie, who, I believe, has raised the greatest number of bogus points of order in the Parliament over the past four years. A rule on ministerial answers could also give rise to confusion. The Presiding Officer has said that such a rule is not necessary, so we should allow him to continue to employ the measures that he has used. Obviously, if ministers do not make progress on the issue, we can review the matter in the months to come.

Tommy Sheridan made an interesting point about the transparency of the procedure for selecting supplementary questions. However, that issue is perhaps more for the parliamentary authorities than for the Procedures Committee. Perhaps more detailed consideration could be given to the use of information technology. An interesting suggestion was made that the lights on members’ desks could be used to show who was requesting a supplementary. However, having watched question time from the other side when I was on maternity leave, I know that people who watch the proceedings on television do not get a span of the chamber but see only individual MSPs. The lights suggestion would certainly be helpful for people in the public gallery, but it would not work for television audiences.

Alasdair Morgan suggested that questions should be grouped together. However, the Presiding Officer has said that such a power would not be useful to him because he does not think that he should have that kind of scope.

**Alasdair Morgan:** Will the member take an intervention?

**Karen Gillon:** I will finish what I was saying before I let Alasdair Morgan intervene.

Over the past few weeks, the Presiding Officer has shown that, when the list of questions contains two questions on the same topic, he is able to group the questions by allowing the question that is further down the agenda to move up. That removes the subsequent question from the timetable and allows further questions to be asked. I appreciate that that is not the exactly the

kind of grouping that Alasdair Morgan wanted. Perhaps we will need to return to the issue in the months ahead, once we see how the new themed question time progresses.

John Swinburne highlighted the poor attendance of members in the chamber. We all bear responsibility for that. If we were not involved in this morning's debate, would we be here? Given the analogies that have already been made, I think that it is more likely that we would say, "I'm a politician ... get me out of here." However, it is important that we have these debates.

**Tommy Sheridan:** Notwithstanding those comments, does the member accept that there must be an understanding that much of the most valuable work that MSPs perform is done not inside the chamber but in the office, on the phone or writing letters on behalf of constituents?

**Karen Gillon:** I was about to make that point. We need to make choices about where we spend our time. Members attend debates in the chamber when they have a particular constituency or portfolio interest, but they also do a lot of valuable work outside the chamber. It is probably a bit of a fallacy to believe that members work only when they sit on these benches. Members probably do more work when they are elsewhere.

**Phil Gallie:** We meet in plenary session for only nine hours a week, so we have many other hours in which to do other work. Unlike at Westminster, this Parliament's procedures do not allow committee meetings to overlap with plenary meetings. In the main, members should surely be able to do their work outside the plenary sessions.

**Karen Gillon:** The matter is for individual members, who must look at what they do and how they spend their time.

Tommy Sheridan asked that the Procedures Committee be non-party political. I am sure that some might argue that we have not managed even to be political over the past six months. It would be wrong to say that we should be non-political—we are all political animals—but our committee has tried to operate in a non-partisan way and will continue to do so.

Finally, having already spent a lot of time on the issue, I find it sad that the timing of First Minister's question time has dominated today's debate. I feel that the jury is still out on the issue. Any change will require some time to bed in, but sufficient time has not been given for the change. Perhaps the Procedures Committee could be criticised for having set far too short a timescale in which to see whether the new arrangement would work. We should perhaps have allowed a longer trial period so that we could get a true reflection of what was happening. Members have raised genuine concerns about the timing of FMQT, but we will

address those before the summer recess by examining the evidence that is available.

I do not buy some of the Tory arguments, which seem to amount to, "My man is not getting on the telly, so I don't like it and want to change it." If David McLetchie cannot make points that catch the 1 o'clock news headlines, that is not our responsibility but his. The Tories need to consider those issues.

Phil Gallie said that only people in the central belt can visit the chamber. He should tell that to the people from Crawford Primary School. Previously, they could not possibly have attended First Minister's question time in the chamber, because they would not have been able to travel the two and a half hours to be in time for their bus home.

**Phil Gallie:** Crawford is only an hour away.

**Karen Gillon:** If Phil Gallie can get to Crawford within an hour, he must be breaking the law.

The new time for FMQT has encouraged a much wider range of people to visit the chamber for both the morning and afternoon sessions and it has doubled the possibilities for people to view question time. If Executive question time cannot exist in its own right, that is not an issue for First Minister's question time. We are here not to create an atmosphere, but to scrutinise the Executive. That can be done in all sorts of ways.

We need to allow the new arrangements to bed in and to work through. I am happy to return to the issue before the summer recess. If we have got it wrong and if the arrangements are not working after that time, I will put up my hands and accept that. If people are still not convinced, we can then move FMQT to whatever time the Parliament thinks is best. However, we need to be honest and allow time for a serious trial. I ask the Parliament to support the recommendations in the Procedures Committee's reports.

## Asylum and Immigration (Treatment of Claimants, etc) Bill

**The Deputy Presiding Officer (Trish Godman):** The next item of business is consideration of motion S2M-838, in the name of Cathy Jamieson, on the Asylum and Immigration (Treatment of Claimants, etc) Bill, which is UK legislation, and one amendment to that motion.

11:06

**The Deputy Minister for Justice (Hugh Henry):** Members will be aware that, last week, the Justice 2 Committee considered a Sewel memorandum on the Asylum and Immigration (Treatment of Claimants, etc) Bill in respect of trafficking for non-sexual exploitation.

Human trafficking is an abuse. It is a repugnant business that not only abuses the human rights of the victim but reflects on society as a whole. It is modern-day slavery. It is hard to imagine that a situation that we thought had ended in the 19<sup>th</sup> century with the abolition of the slave trade still flourishes today.

Slavery was an overt and profitable trade, but I am sorry to say that slavery in the form of trafficking for exploitation still exists in today's so-called progressive and modern society. Trafficking is a hidden and profitable operation, but it undermines the values we place on human lives and freedom. It is organised crime of the most abhorrent kind.

At the meeting of the Justice 2 Committee, I set out the reasons why we believe that the measures on trafficking in the UK bill should be welcomed and should be implemented in Scotland. I also explained why, as that is the only area of the bill that relates to devolved matters, only those provisions form part of the Sewel process.

The recent tragedy at Morecambe bay, which resulted in the deaths of 19 cockle pickers, has again highlighted the need for tough legislation on this matter to deter organised crime from targeting vulnerable people. Therefore, I have no hesitation in moving the motion.

I move,

That the Parliament endorses the principle of creating a new offence to combat trafficking in human beings for non-sexual exploitation as set out in the Asylum and Immigration (Treatment of Claimants, etc.) Bill and agrees that the provisions to achieve this end in Scotland which relate to devolved matters should be considered by the UK Parliament.

**The Deputy Presiding Officer:** I understand that Bill Aitken does not wish to move amendment S2M-838.1.

11:08

**Bill Aitken (Glasgow) (Con):** That is indeed the case, Presiding Officer.

We agree with the substantive matter of the bill—which my colleague Phil Gallie will deal with directly—but we had an issue with the wording of the Sewel motion. The Minister for Parliamentary Business has agreed to reconsider the issue. On that basis, I am quite relaxed about the motion, so I will not move the amendment.

11:08

**Nicola Sturgeon (Glasgow) (SNP):** I preface my remarks on the Sewel motion by asking members to note that the Ay family, who spent 13 months incarcerated at Dungavel, yesterday lost their appeal for asylum in Germany. They are now set to be deported to Turkey, which is not only a country that is known for its repression of Kurds but one in which the four Ay children have never set foot. The plight of that family is a human rights disgrace. I take this opportunity to ask the minister to intervene by asking the Home Office that the family be given discretionary leave to return to, and remain in, the United Kingdom.

I oppose today's Sewel motion not so much for what it says as for what it does not say. The only clause in the bill to which the motion refers is clause 4, which creates the offence of trafficking people for exploitation. I support that clause, whose importance is hard to overstate, especially in the wake of the Morecambe bay tragedy last week, as the minister said. Although many parts of the bill are, strictly speaking, reserved, they will have an enormous impact on devolved responsibilities. Therefore, it is wrong that the Scottish Parliament is not having a full and substantive debate followed by a vote on those matters that are of central importance to our Parliament.

Overall, with one or two exceptions—clause 4 is one of the exceptions—the bill is an odious and draconian piece of legislation. Two provisions stand out in particular, both of which have implications for devolved matters.

First, clause 11 will deny asylum seekers whose claims are turned down the right to seek judicial review in the Scottish courts. In light of Amnesty International's findings earlier this week that up to one in five asylum decisions are wrong, it is beyond doubt that removing the right of judicial review will result in thousands of people being unjustly deported every year.

I refer members to an example from my case load. A Kosovar woman's claim for asylum was turned down because of a mistake—not her mistake, incidentally—on her application form about the nationality of the soldiers who raped her.

She was able to go to court to have that mistake rectified and to be granted the right to remain in the United Kingdom. If the bill had been in force at the time of that woman's case, she would not have had the right to go to court. She would have been returned to Kosovo to almost certain persecution. That highlights the unjust nature of the bill. It is a denial of the due process of law and of human rights. As it concerns the jurisdiction of the Scottish courts, it should be the business of the Parliament.

Clause 7 allows for the withdrawal of benefits from failed asylum seekers with children. At the moment, asylum seekers whose claims are turned down will still receive asylum support if they have children under the age of 18. That will no longer be the case if the bill comes into force, which will inevitably result in children being removed from parents who can no longer provide for them—something that David Blunkett has shamelessly trumpeted as a good thing. Since child welfare is clearly devolved, it is hard to see how Westminster can pass that part of the bill without the consent of the Scottish Parliament. Given that it was the Scottish Executive that used the desirability of keeping families together as a justification for jailing children at Dungavel, it beggars belief that it is now prepared to sign up to a bill that will have the result of ripping families apart.

The Scottish Parliament will fail in its duty if it passes the Sewel motion as it stands without a full and substantive debate on the matters that impact so centrally on our devolved responsibilities.

11:13

**Phil Gallie (South of Scotland) (Con):** Nicola Sturgeon began her comments by describing the bill that is passing through Westminster as "odious". That was the very word used by people such as Jack Straw when the Conservative Government introduced asylum legislation. They saw that legislation as being odious, so much so that, in 1992, Labour proposed an immigration bill that would set aside many of the Conservative proposals and actions. Here we go again with another immigration bill, but this time we are injecting back in some of the Conservative ideas in practical recognition of the problems that we have with illegal immigration and asylum seeking. We close our eyes to reality if we try to clamp down on passing such legislation. The Government is doing the right thing by trying to address the issues in the Asylum and Immigration (Treatment of Claimants, etc) Bill.

Following the disaster at Morecambe bay earlier this week, we have to state that that kind of thing should not be allowed to happen. We must apply controls and we can do that only by applying strict immigration and asylum rules. It might be that

some members want to drop all immigration rules to allow free access to whoever wants to come into the country. That would be a legitimate argument. However, we have to ensure that there are laws in place that will allow the Government to control immigration at present.

**Nicola Sturgeon:** Does Phil Gallie agree that there are strict controls on who gets to come into the country? We talk constantly in the chamber about a declining population and skills shortages, but perhaps we should look at how to bring skilled people into the country instead of trying to keep them out. I suggest to the member that if the bill goes through and its measures are implemented, there will be more and more illegal immigrants in the country and the kind of tragedy that we saw at Morecambe bay last week will be more likely to happen.

**Phil Gallie:** Nicola Sturgeon is an enthusiastic supporter of the European Union. Under its rules and through the extension of the European Union, we find greater opportunities for people with skills from other parts of Europe to come into the United Kingdom. However, there is still a limit on how many people the United Kingdom can sustain. We must take one step at a time. Rules already exist to allow skilled workers to come here if they take the legitimate approach and do not try to avoid our immigration rules and regulations. We have already covered those points. We can expand our work force where necessary under the existing system. We cannot allow people to cheat that system. Those people avoid the regulations and in so doing deprive people in other countries who want to come here legitimately. By condoning their actions, we prevent legitimate workers from coming from other places.

On this Sewel motion, we will support the Scottish Executive in passing on responsibility for Scotland's affairs to Scottish MPs at Westminster, who will ensure that our interests are guarded when the issue is debated there.

11:17

**Margaret Smith (Edinburgh West) (LD):** The bill was discussed in the Justice 2 Committee. My colleague Mike Pringle sits on that committee, but he is at a funeral this morning so it is unfortunate that members have me instead of him.

The debate is topical given the events at Morecambe bay last week. Incidentally, a few months back, similar people were working on Cramond beach in my constituency and were apprehended by the police. That kind of situation is happening not a million miles away from where we stand today.

The events of last week have opened the lid on trafficking, the international gang masters and the

crime lords who are behind that misery and exploitation of human beings. Such criminals exploit people's dreams as much as anything else. We have an obligation to do everything that we can to tackle the problem.

I support the points made by the minister about the Sewel motion—we have to fulfil our obligations not only as part of the United Kingdom, but in the EU and by upholding the United Nations trafficking protocol. There is unanimous support in the chamber for doing that and, by passing a Sewel motion, we will ensure that Scotland does not inadvertently become a safe haven for such a miserable trade and that those who profit from it will not see Scotland as a soft option.

However, yet again we come to the thorny issue of Sewel motions and the discontent with how they are dealt with. The Procedures Committee should look at the matter. Some of the discontent is purely political in that the nationalists believe that the Scottish Parliament should deal with all matters. That is a respectable position, albeit not one with which I agree.

At the Justice 2 Committee, Nicola Sturgeon and Jackie Baillie commented on the devolved background to these reserved matters and on the points that the Law Society of Scotland raised about the jurisdiction of Scots law vis-à-vis tribunals. More important, Nicola Sturgeon talked again today about clause 7, which states that support for families whose claim for asylum fails will be withdrawn, which will have an impact on the children of those families. That may be a reserved matter but, as Professor Kathleen Marshall said in *The Herald* yesterday, although there are reserved matters, there are no reserved children.

We have a duty of care to ensure that children who live in Scotland have their welfare taken care of. I hope that the minister will pass on the concerns that have been raised during the debate and in committee about those matters. Although they are reserved, they have devolved dimensions. I hope that he will take my comments in good faith. I believe that the issue is of concern to us all. The procedure perhaps points up again our difficulties with Sewel motions, even though the current one works to the benefit of people by ensuring that we close a UK loophole.

11:21

**Linda Fabiani (Central Scotland) (SNP):** Margaret Smith ably outlined the problems with Sewel motions in the Scottish Parliament, so I will not dwell on that issue. However, I will dwell on the huge impact on the Scottish Parliament's areas of responsibility of aspects of the Asylum and Immigration (Treatment of Claimants, etc) Bill that we will allow to slip through Westminster.

Public services in Scotland will be affected by what David Blunkett does down in Westminster. We should be discussing the issues that will affect not only services in Scotland such as the police, social work, children's hearings, education and health, but the Children (Scotland) Act 1995 and the welfare of children. If we allow Westminster to take all the decisions, we will be allowing our local authorities to neglect their duties of responsibility for children.

**Phil Gallie:** I thank Linda Fabiani for giving way. She is right to say that Westminster legislates on many of the issues to which she referred. However, Europe probably has a greater influence over such issues. She complains about Westminster's influence, but how does she feel about Europe's?

**Linda Fabiani:** Mr Gallie knows how I feel about that issue. My view is plain and straightforward: Scotland should be independent in Europe and should be able to influence European decisions.

I am glad that the Executive has taken some responsibility for asylum seekers and refugees in Scotland. About £1.5 million has been spent on support services in Glasgow since the dispersal programme started and a further £1 million is budgeted for it. That is proof of our taking responsibility in Scotland for asylum seekers. However, the fact that failed asylum seekers are being evicted in our communities shows that we should take more responsibility for such people. The Scottish Refugee Council estimates that around 50 per cent of the asylum seekers that we are evicting in Scotland are unable to return to their own country of origin—China being a case in point—even if they wanted to.

We are making people destitute and telling them that although we know that they cannot return to their own countries, we no longer have any responsibility for them. To salve our consciences, we tell them that we will take their children if they have any. Meanwhile, we tell the adults, "Away you go and sleep rough." If our next generation of rough sleepers are likely to be failed asylum seekers, how can we say that we do not want to take full responsibility for asylum seekers in Scotland? How can we say that we will hand over, by the method of a Sewel motion, all the responsibility to Westminster?

I turn now to the issue of Dungavel, which demonstrates another responsibility that we shirk badly in Scotland. Margaret Smith made the point that we have no reserved children; we do not and should not have such children. However, we are allowing children who are locked up in our country to be the responsibility of the Home Office rather than the responsibility of the Scottish Parliament. We allow the local authority in which Dungavel is located, South Lanarkshire Council, to have

discussions with the Home Office about the welfare of children in Dungavel, but individual MSPs are told, "If you want to know anything about it, away and ask the Home Office because the Scottish Executive is taking no responsibility." That is a huge anomaly, as are all the different aspects of immigration and asylum for which we refuse to take responsibility. That is why the Scottish National Party opposes the Sewel motion. Our position is plain and straightforward. We will continue to oppose Sewel motions until members waken up to their responsibilities.

11:25

**Patrick Harvie (Glasgow) (Green):** As I have said previously, the Scottish Green Party has serious concerns about the process of Sewel motions. We want a more satisfactory arrangement to be put in place before serious mistakes are made because of the extremely poor level of scrutiny that is possible at the moment. However, we do not oppose Sewel motions in principle. When we oppose them, we do so for specific reasons. I have three major areas of concern about the issue in the Sewel motion that is before us, two of which were mentioned earlier by Nicola Sturgeon. However, there are three aspects of the Asylum and Immigration (Treatment of Claimants, etc) Bill that the Scottish Parliament should be able to examine in detail.

First, I want to deal with clause 7, which is about the removal of support from families with children. That is already a deeply disturbing issue in Glasgow and elsewhere. Scores of households are being turfed out on to the street with no form of support. In the jargon of the Home Office, they become non-returnables. However, we are talking not about empty bottles but about human beings with vulnerable families who are seeking help. We have a responsibility for them, but the bill will inflict destitution on more of those people. The welfare of children is a devolved issue and I believe that there is strong public support for the Scottish Parliament to take a humane approach to asylum seekers, who include people for whom protection from exploitation and trafficking is necessary. Therefore, we must consider the impact that the whole bill will have on such victims.

Secondly, I want to speak about clause 11, which Nicola Sturgeon also mentioned. Senior figures in the legal field have already raised their voices against clause 11, which removes the right of appeal from asylum seekers and gives the proposed asylum and immigration tribunal immunity from our courts. Given the shockingly poor record of decision making in asylum cases, it seems lunacy to allow our courts to be circumvented in that way.

Thirdly, I want to mention the impact that clause 2 will have on the victims of trafficking. That was

the main theme of an amendment that I had hoped to move in the debate. Clause 2 will create a new criminal offence of entering the country without valid immigration documents. That is something that would be true of the vast majority, if not all, the victims of trafficking. Again, ministers will no doubt argue that that is an immigration issue and is therefore reserved. However, surely the creation of a new criminal offence should at least be debated in the Scottish Parliament. Moreover, the potential impact of the creation of the new offence on victims of trafficking could be grave. Even if they were guaranteed immunity from prosecution for undocumented entry, many would be deterred from seeking support and protection from exploitation.

Therefore, the motion in front of us today examines only one tightly defined aspect of the bill. Until we have the opportunity to examine the bill's wider measures and to consider how they will impact on people in need of protection from trafficking and exploitation, I cannot support a Sewel motion on the bill. To do so would be to wash our hands of issues such as the welfare of children in Scotland, the role of the Scottish courts and the criminalisation of innocent people in Scotland. We can have no faith that the UK Government and its neutered Parliament will act in the best interests of the vulnerable in such issues. Their record on asylum seekers is one of authoritarianism and draconian treatment. The bill's wider measures are just the latest example of that. We cannot trust the UK Parliament or Government to act in the best interests of asylum seekers, so we cannot give them our consent to do so.

11:28

**Frances Curran (West of Scotland) (SSP):** The Scottish Socialist Party also intends to oppose the Sewel motion on a number of grounds. First, we are not in favour of giving David Blunkett any more powers than he has already. It is clear that every time he opens his mouth, he makes another attack on human rights. Helena Kennedy, who is a Queen's counsel, a Labour supporter and, I think, a signed-up member of the red rose club, said last week or the previous week that David Blunkett is authoritarian. The evidence to support that statement is clear, not only from asylum issues, which I will mention in two minutes, but from other issues. For example, David Blunkett introduced a major extradition treaty between America and the EU, kept it secret until two days before he signed it and allowed little or no scrutiny of it in the Westminster Parliament. Under his new proposals, which Helena Kennedy was talking about, he wants terrorism suspects to be tried in secret by vetted judges with no jury and without even seeing the evidence against them.

**Nicola Sturgeon:** Frances Curran mentioned the proposed new terrorism laws. Is she aware of the fact that right now in Belmarsh prison there are a number of suspected—and I stress the word “suspected”—terrorists, who have been held there without charge or trial for two years? It is Britain’s own Guantanamo bay. Will she join me in condemning that?

**Frances Curran:** Absolutely. Of the 529 people who have been arrested as suspects on terrorism charges, only two have been convicted. I think that that speaks for itself.

It must be quite a day when it is the Tory shadow Home Secretary who accuses the Labour Home Secretary of throwing away the very freedoms that we are fighting for. Such is the respect that David Blunkett and the Government have for the laws on asylum issues that he has frequently been found guilty in the courts of breaching the rights of asylum seekers by denying them food, support and shelter. What is his response to those so-called independent courts that have found him guilty? Does he put his hand up and say, “Guilty as charged”? No, he disnae. He says, “The judges are too liberal. I’m right and the courts are wrong.”

We are being asked to hand over the rights on this bill—and I agree with Nicola Sturgeon that the whole bill is odious—and on the specific issue of trafficking to the Labour Government and to David Blunkett in particular. It is a mistake for this Parliament to hand over those rights without making any kind of criticism.

We have had the tragedy in Morecambe bay, but it is clear that passing the bill and establishing the new offence of trafficking are like trying to deal with the issue by aiming at the dartboard and hitting the wall. It has emerged in the past few days that the immigration office was contacted and already had powers to deal with the gang masters in Morecambe bay, but chose not to use them. So why are we giving the immigration service more powers? This Parliament will not be party to the debate; we will not even have any say if the Sewel motion goes through.

One thing that would undermine the role of the gang masters and affect trafficking would be to allow asylum seekers to have a work permit and to work legally in this country. That would make a big difference to the illegality of the situation and the vulnerability of those sections of the population. I urge the Government to move in that direction in its discussions with Westminster on the bill, but the Scottish Parliament should be opposing it. It is not a question of a Sewel motion; it is a question of human rights.

11:33

**Hugh Henry:** I wondered whether I had come in for the wrong debate at the wrong time, because so many of the speakers have failed to address the issue. It is quite sad that some of the contributions clearly indicate that the speakers do not understand the process in which we are involved.

I have to ask Frances Curran, Patrick Harvie and others whether, if we were to take at face value the power and strength of their arguments, and if we were then to agree to what they suggest and vote down the Sewel motion, we would be able to open up the whole of the Asylum and Immigration (Treatment of Claimants, etc) Bill for discussion? No, we would not, because it is a UK bill. Whether we should or should not is in fact totally irrelevant as far as today’s debate is concerned. We do not have the power. What Frances Curran and Patrick Harvie are asking us to do is to become a revising chamber of the House of Commons, and that is not our function.

**Patrick Harvie:** Will Hugh Henry take an intervention?

**Nicola Sturgeon:** Will Hugh Henry take an intervention?

**Hugh Henry:** No, I will not, because I have only a couple of minutes.

Those members are asking us to do something that is not competent and is irrelevant. If we listened to Frances Curran or Patrick Harvie, we would not reopen the debate on asylum and immigration. In fact, there would be nothing whatever before this Parliament. We could just walk away from the whole issue.

**Members:** Shame.

**Hugh Henry:** Whether members think it a shame or not, the fact is that that is the procedure. The motion is before us today only because we have attempted to address one specific issue. In fact, what we have heard this morning is ignorance compounded by prejudice. Frances Curran and Patrick Harvie clearly do not understand.

I find it incredible that the Greens, the Scottish Socialist Party and the Scottish National Party, which have all at different times professed concern for organised labour and defending the rights of ordinary people, now find themselves asking us to vote down a motion that will extend protection to exploited workers. We find ourselves in a situation in which they want to deny protection to exploited workers, while the Conservatives are prepared to give some protection to exploited workers. How absurd.

**Nicola Sturgeon:** Will Hugh Henry give way?

**Hugh Henry:** No. Nicola Sturgeon should sit down. If she and other members cannot support the motion, I can only conclude that what she, the Scottish socialists and the Greens are doing is posturing. They are posturing in the confidence that we will take the decision to give protection to exploited workers. They want to posture and they do not want to take the decision, but they want us to give that protection to organised workers. It is cowardice dressed as principle.

I really cannot imagine a situation in which this Parliament would walk away from those who are being trafficked by criminals in order to satisfy an irrelevant, abstract point raised by other members on issues over which we have no power. Members must make a decision. Are they going to vote to give protection to exploited workers or are they going to turn their backs on those exploited workers? That is the question before members today.

## Commissioner for Children and Young People in Scotland

**The Deputy Presiding Officer (Trish Godman):** The next item of business is consideration of motion S2M-886, in the name of Scott Barrie, on behalf of the selection panel on the appointment of a commissioner for children and young people in Scotland. I call on Scott Barrie to speak to and move the motion on behalf of the selection panel.

11:37

**Scott Barrie (Dunfermline West) (Lab):** I speak to the motion in my name, as a member of the selection panel, to invite members of the Parliament to nominate Kathleen Marshall to Her Majesty as the first commissioner for children and young people in Scotland. I would like to say a few words about the background and process before I turn to the proposed nomination of Kathleen Marshall.

The act that established the new and independent office of commissioner for children and young people in Scotland came about as a direct result of a recommendation from the former Education, Culture and Sport Committee. I would like particularly to pay tribute to that committee which, under the convenership of Karen Gillon, conducted an inquiry into the need for a children's commissioner in Scotland. Having concluded that such a post should be established, the committee then set about the process of framing a committee bill to that effect and, eventually, of ensuring that that bill was passed.

Although I have for well over a decade been a passionate believer in the need for such a commissioner, others in Parliament are much more recent converts. Indeed, the former convener herself was won over to the idea not by advocates such as I am, but by the persuasive evidence that was given to the committee by children and young people. The Commissioner for Children and Young People (Scotland) Act 2003 was passed by the Scottish Parliament almost a year ago, with the key function of the post being

"to promote and safeguard the rights of children and young people".

In accordance with standing orders, a selection panel under the convenership of the Presiding Officer was, on behalf of Parliament, set up to consider the appointment. The panel consisted of Rhona Brankin, Robert Brown, Ms Rosemary Byrne, Lord James Douglas-Hamilton, Mrs Margaret Ewing and myself, and I would like to take this opportunity to thank those members for their diligence and hard work throughout the sifting and interviewing processes.

The position was advertised in the national press, and I am pleased to say that it attracted a wide range of applications. Given the nature of the post and the views of the committee during the passage of the bill, we thought it essential that children and young people be meaningfully involved in the recruitment exercise. The selection interviews were therefore split into two parts: an interview with children and young people and a more formal interview with the selection panel later the same week.

Twenty children and young people from across Scotland were invited to Our Dynamic Earth on Tuesday 13 January. They came from Edinburgh, Fife, Midlothian, Glasgow, Cumbernauld and Elgin, and were aged between 10 and 17. The reason for the involvement of children and young people was to obtain their perception of the candidates' skills, knowledge and attributes and to report back to the selection panel. Their feedback was invaluable and a number of them have come to see the final part of the process today. On behalf of the selection panel, I want to thank warmly all the children and young people who were involved in the process for their valued contributions. [*Applause.*] I also thank Louise Rose who acted as an independent assessor to the panel and who ensured that we followed good practice during the process.

I turn to the nominee herself. Kathleen Marshall is a well-known and respected advocate of children's rights in Scotland. She is a qualified solicitor and is currently a child law consultant and visiting professor at the centre for the child and society at the University of Glasgow. Her work has addressed many aspects of the lives of children and young people including family matters, education, international child abduction, health, public care, criminal justice and participation in court processes.

I first had contact with Kathleen Marshall back in 1990 when she was the director of the Scottish Child Law Centre. Her invaluable advice and assistance helped me enormously in my work. I know of many other child care professionals in both the statutory and voluntary sectors who share that view. Her knowledge is extensive and her range of skills is impressive.

I like to think that I come from a strong background of involvement in children's rights. Kathleen Marshall comes from an even stronger background. I have no doubt that she will prove to be an effective and well-respected commissioner who will bring enthusiasm and highly relevant knowledge to the post. I am sure that Parliament will wish her every success.

People like me have waited a long time to see a commissioner for children and young people in Scotland. It is perhaps unfortunate that Wales got

in before us, but at least we are ahead of England in appointing our commissioner. On behalf of the selection panel, it is with great pleasure that I move the motion.

I move,

That the Parliament nominates Kathleen Marshall to Her Majesty The Queen for appointment as the Commissioner for Children and Young People in Scotland.

11:42

**Mrs Margaret Ewing (Moray) (SNP):** I will be brief. I am conscious of the clock and Scott Barrie covered many of the points that I would have raised.

It was a great privilege to serve on the selection panel, although I think that we all felt that the task was onerous. We did not take it lightly but applied our minds to it. I want to add my thanks to the young people for the feedback that they gave us and I also thank the Presiding Officer and his staff for the great deal of work that they undertook behind the scenes.

As Scott Barrie pointed out, the idea of having a commissioner for children and young people is not new. Indeed, my Plaid Cymru colleague Elfyn Llwyd first floated the idea way back in the 1990s in the Westminster Parliament. That may be the reason why the National Assembly for Wales moved a little bit faster than we did. That said, it is good to see us catch up with Wales and Ireland, where such commissioners exist.

Way back in 1995, Lord James Douglas-Hamilton and I worked together on the Children (Scotland) Act 1995. I think that it was Margaret Smith who referred to that in an earlier debate; if it was not her, I am certain that another member did so. Lord James Douglas-Hamilton steered that act through the Westminster Parliament.

At the time, the Children (Scotland) Act 1995 was seen as a major step forward: members of the Westminster Parliament had wanted such legislation for a long time. It is always possible, however, to improve on previous legislation and I believe that the appointment of the commissioner is a great step forward for Scotland.

I welcome Kathleen Marshall's nomination and I am sure that Parliament as a whole also does so. I hope that we will all be supportive of the motion on her nomination and give our full support and assistance to Professor Marshall as she takes up her onerous task. Certainly, Scottish National Party members support her in the many challenges that we are sure lie ahead.

11:44

**Karen Gillon (Clydesdale) (Lab):** It seems a very long time ago that the then Minister for

Children and Education, Sam Galbraith, asked the Education, Culture and Sport Committee to consider whether Scotland required the appointment of a children's commissioner. Scott Barrie said rightly that I was one of the members who was most sceptical about the need for such a post. I had been involved in youth work for many years and was not convinced that simply by creating a post the rights and needs of children and young people would be heard any more loudly. I felt that we would simply be creating another talking shop that would raise false expectations.

The course of the committee's investigation convinced me otherwise. That did not happen as a result of the contributions of the children's organisations: valuable though those organisations' contributions were, they came from only one perspective. I was convinced when I had heard the views and aspirations of children and young people, who said that their desire and belief was that a children's commissioner would enhance the status of children and young people in Scotland and give them a voice at the highest level.

In fact, in the many discussions that we had with children and young people, it became apparent that their hopes and aspirations were often diametrically opposed to those of the children's organisations that represented them. However, what we all wanted was the appointment of a children's commissioner and so began the process of the nomination that we are asked to confirm today. I welcome the nomination of Kathleen Marshall.

Throughout the process, the children and young people to whom we spoke told us that they wanted someone who would speak up for them and who would act as an advocate on their behalf. They said that they wanted someone who would act without fear or favour of any political party or organisation. In the lifetime of work that she has undertaken to date, Kathleen Marshall has shown that she can act in such a role and that she can fulfil the function to the benefit of our children and young people.

Ultimately, it is for the Scottish Parliament to legislate on all issues that are within our competence. We will have to take cognisance, however, of information that the children's commissioner places before us and we will have to take note and often act upon the recommendations that she will bring to the Parliament in her annual reports and in other reports that she undertakes.

Today is an important day for Scotland's children and young people. I pay tribute to all those who were involved in the campaign for a commissioner, particularly to the *Evening Times*,

which set a trend and took up a campaigning role to ensure that the vulnerable children and young people who could be seen every day on the streets of Glasgow would have a voice in Scotland that would last for generations to come. I pay tribute to the *Evening Times* and to everyone else. I welcome, and look forward to, working with Kathleen Marshall as the commissioner for children and young people in Scotland in the weeks and months that lie ahead.

11:47

**Robert Brown (Glasgow) (LD):** I echo the comments that were made by previous speakers, not least those of Karen Gillon. Considerable credit is due to her Education, Culture and Sport Committee for initiating the bill during the first session of Parliament. It is important to reflect on the fact that the appointment is a parliamentary rather than an Executive appointment. In an appointment of this kind, that extremely important aspect will enhance the independence of the appointment.

As a member of the interview panel, I am bound to say that we were extremely impressed by the high quality and number of candidates who came forward for interview. The fact that Kathleen Marshall came out at the head of the queue, so to speak, as the candidate who the panel thought would make the most suitable appointment is a considerable tribute to her reputation and work.

Since I became the convener of the Education Committee at the beginning of this session of Parliament, I have spoken to a number of groups and different organisations that are involved with education and young people. It is notable how strong the demand is among them for the appointment and for the influence that the commissioner can bring to bear.

I heard this morning at a seminar that

"Education is a medium for bringing about change."

The appointment of the children's commissioner is one thing that should bring about change. I suspect that Kathleen Marshall's views will not always be comfortable for Government, for people in authority or for Parliament. However, they are views that we have not in the past heard as effectively as we might have; they will be views that we will need to hear. The commissioner's views will have a considerable power and influence to bring about important, radical and significant changes in the interests of the children of this country. It is extremely important to have a voice at the highest level in that regard.

The range of issues that will be talked about will be vast and, to a certain extent, unpredictable. No doubt, the issues will include those that relate to

the Antisocial Behaviour etc (Scotland) Bill, and children's rights including the right of play. The issues will also include the perspectives of youth organisations, to say nothing of the issue of Dungavel.

At the end of the day, our children are our future. The nomination of the children's commissioner in the form of Professor Marshall is a landmark day in the life of Parliament. On behalf of the Liberal Democrat group and the members of the Education Committee, I have great pleasure in welcoming her nomination today.

11:50

**Lord James Douglas-Hamilton (Lothians) (Con):** I warmly welcome Scott Barrie's motion and the nomination of Kathleen Marshall, who is a distinguished academic and expert professional in child law and other matters relating to the law in general. She is in a position to make a thoroughly outstanding contribution. Her book "Children's Rights in the Balance" is a significant work, and her expertise in the field with the Scottish Child Law Centre will prove to be invaluable.

As Robert Brown suggested, the standard of candidates who came before the selection committee was extremely high, and selection by the panel was made exclusively on merit. The children's commissioner will undoubtedly have a pioneering role in Scotland. The only other children's commissioner in Britain is in Wales. England has none, so we are leading the way. Perhaps in a few years' time, when England sees the success of what happens here, it may follow in our wake.

As Margaret Ewing suggested, the appointment is a natural progression from the Children (Scotland) Act 1995. I hope that all parliamentary committees and parliamentarians will give the commissioner their full support in providing a higher profile for children's issues and for general subjects that involve greater responsibility for, and involvement by, children.

I welcome the enthusiastic commitment and dedication that Kathleen Marshall has shown on the subject. She said recently:

"Subject to parliament and the Queen endorsing the appointment, I look forward to working with the children and young people of Scotland to make Scotland a better place for all of us. My first priority will be to set up ways in which children and young people can get *their* issues on the public agenda."

In other words, she will undoubtedly raise their profile, which I warmly welcome.

I wish Kathleen Marshall every possible good fortune in the task that is before her of supporting the best interests of children, whose interests should be paramount at all times.

11:52

**The Minister for Education and Young People (Peter Peacock):** It is my pleasure to speak briefly in this historic debate, as others have referred to it, because this is an important stage in the process of appointing within hours Scotland's first children's commissioner.

Like Karen Gillon, I feel that it was a long time ago when, as Sam Galbraith's Deputy Minister for Children and Education, I took part in debates on a children's commissioner in this chamber.

As Parliament is aware, the Executive supported the introduction of the legislation to establish the commissioner for children and young people in Scotland. That legislation provided a fitting end to the first session of Parliament. Like others, I acknowledge the sound work that was done by Karen Gillon and her committee at the time, and also the work of the selection panel, which was mentioned by Scott Barrie.

Parliament agreed that the commissioner should be an independent voice for children and young people in Scotland, therefore the Executive rightly has had no involvement in the appointment process. I should not and will not comment on the individual merits of the candidate who is being nominated, as I cannot prejudge Parliament's decision. That said, if Professor Marshall's appointment is confirmed in the vote, I look forward to working with her to improve the lives of and opportunities for children and young people in Scotland—particularly the lives of the most vulnerable and the most disadvantaged in our society—and to ensuring that we celebrate and recognise the tremendous and positive contributions that children and young people make to Scottish society.

As Parliament is aware, the Executive is committed to improving the lives of our children and young people in a variety of ways that have been the subject of debate in the chamber. However, we are not complacent: more needs to be done to protect and promote the interests of children, and to close the opportunity gaps that exist in our society. I look forward to working constructively with the commissioner in the time to come. The Executive wishes the commissioner well in what will be a challenging, significant and extremely important new role in Scottish public life.

11:54

**Scott Barrie:** The warm words and the congratulations that every speaker has bestowed on Kathleen Marshall indicate that the selection panel chose the correct nominee for this important yet challenging post. Karen Gillon commented on those who were sceptical about the need for a children's commissioner; those of us who have

passionately argued for one for a long time have been vindicated.

The challenges that lie ahead for Kathleen Marshall are immeasurable. She is being entrusted by Parliament to be the independent voice for children and young people in Scotland. Her eking out of that role will mark her in history. It is incumbent upon all of us who voted to pass the Commissioner for Children and Young People (Scotland) Act 2003 to offer her all the support that we can in her job. Although we may not always agree with her—because that is the nature of such things—I know from my previous work with her that she will bring a great deal of knowledge and expertise to the post and I know that she will fulfil her role to the highest standard.

Members have mentioned that Wales already has a children's commissioner and that England—we hope—will follow soon. It is imperative if we are to ensure that the voices of young people and children are heard adequately that we give all possible support to Kathleen Marshall in the coming months.

**Linda Fabiani (Central Scotland) (SNP):** Was Mr Barrie, who headed up the interview panel, as impressed as I was by the way in which the panel agreed that children should have input to the selection process, which set firmly the idea that the role of commissioner is about listening to children and their experiences? Does he agree that it is crucial that the children's commissioner—who is to be appointed by Parliament—listen to the views of children in Dungavel, who are being locked up, sometimes for months at a time, and that the commissioner bring to Parliament the real experiences of the innocent children who are placed in that situation?

**Scott Barrie:** I appreciate that Linda Fabiani was not on the selection panel, but I assure her and other members that every single candidate at the formal interview was asked a specific question on Dungavel, which was answered. The panel made its decision based on what candidates said in answer to all questions. I cannot tell Linda Fabiani what happened during interviews, but I assure her that that issue was touched on.

Clearly, it would be inappropriate for me to say how the commissioner will tackle her forthcoming job, but Linda Fabiani is right that in entrusting the children's commissioner role to Kathleen Marshall it is important that we give her all the support that we can, whether or not we agree fully with what she does or does not advocate because, at the end of the day, she will be the independent voice for children and young people in Scotland.

The importance of the post and of the procedure that led to the appointment cannot be overestimated. It should be remembered that the

Commissioner for Children and Young People (Scotland) Bill was a committee bill; it was not Executive legislation. That shows the power that Parliament and, more important, Parliament's committees have in framing legislation.

I hope that Parliament endorses unanimously the nomination of Kathleen Marshall at decision time.

**The Presiding Officer (Mr George Reid):** Before we move on to First Minister's question time I welcome to the VIP gallery the Irish Ambassador Daithi O'Ceallaigh. Fáilte gu Pàrlamaid na h-Alba, a Mhaighstir Ó Ceallaigh. His Excellency is in Parliament to present the priorities of his country's presidency of the European Union at a public meeting in committee room 1 at 1.15, which I urge members to attend.

## First Minister's Question Time

11:59

**The Presiding Officer (Mr George Reid):** We are a little ahead of ourselves, but I think that we are all here, so we will begin.

### Cabinet (Meetings)

**1. Mr John Swinney (North Tayside) (SNP):** To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-627)

**The First Minister (Mr Jack McConnell):** The next meeting of the Cabinet will discuss our progress towards implementing the partnership agreement to build a better Scotland.

**Mr Swinney:** In October, the First Minister said about the council tax:

"we are running a low-tax policy that"

is

"good for Scottish taxpayers".—[*Official Report*, 30 October 2003; c 2771.]

Which taxpayers was he talking about when he made those comments?

**The First Minister:** I was talking about Scottish taxpayers, funnily enough. Increases in council tax in Scotland last year were significantly lower than increases in England, and increases in council tax in Scotland in recent years have been lower than increases in the years when the Conservatives were in government. Both those comparisons show that council tax in Scotland is on a lower trajectory, but there are serious issues about efficiencies in spending in local government, to which I am sure we are about to return.

**Mr Swinney:** I do not think that the people of Scotland will be heartened by the First Minister's complacent attitude to increases in council tax in Scotland in comparison with increases south of the border. People in Scotland are paying high council tax bills, of which I will give the First Minister examples. As of today, the lowest council tax and water charge in Scotland will be a significant £1,249 in the Western Isles, which is an increase of 39 per cent since this Government came to power four years ago. In the Scottish Borders the charge will be £1,323, which is a rise of 56 per cent. In the city of Dundee, the charge will be £1,481 and in Glasgow it will be a massive £1,559 for a band D property.

It is scant comfort to those council tax payers that the First Minister hides behind the higher increases south of the border. Does the First Minister accept that the council tax is not a low tax

but a high tax, which hurts the poorest the hardest?

**The First Minister:** I do not think that there is such a thing as a popular system of taxation or a system that does not hit people in their pocket. However, there are ways in which we ensure that the public services that local authorities in Scotland provide are funded properly; that allows the councils to make their decisions and be held accountable for them locally, whether they are providing for additional activity to challenge antisocial behaviour, as is happening in Edinburgh, or taking decisions in relation to their schools, roads or other public services, as is happening in other parts of Scotland.

The important thing is that we as a Government take our responsibility for those services seriously. That is why we have funded in total free personal care for the elderly. That is why we fund in total the teachers agreement that is revolutionising our classrooms. That is why we fund in total programmes on youth justice that are central to our objectives of challenging antisocial behaviour. In each of those areas, we provide the funding that councils require; councils then have to make decisions on the local services that are required and the taxation that funds them.

Mr Swinney's party was the most vocal in this chamber in advocating the abolition of council tax capping, which reduces central Government control over local authorities. One of the good things that the Parliament has done is to give local authorities a bit more freedom. Councils should exercise that freedom responsibly and they should be held accountable by their electors as well.

**Mr Swinney:** Let us go back to what the First Minister said in October about the council tax, which he described as a "low-tax policy". Throughout local authorities in Scotland, the tax has gone through the roof in the past four years with an average increase of 40 per cent; there have been increases in the Scottish Borders of 56 per cent, in Aberdeenshire of 46 per cent and in Stirling of 44 per cent. Those are significant increases that contradict what the First Minister said about low tax.

The fundamental problem with the council tax is that it is an unjust tax. It is wrong for the First Minister and for me to pay the same council tax as a low-paid worker or a pensioner with a modest occupational pension. In the face of such unfairness and injustice, does the First Minister accept that we need to introduce a system of local taxation that is based on people's ability to pay? Does he accept that we do not need to review the council tax, as he plans to do, but that Parliament quite simply needs to abolish the council tax and to introduce a system that is based on fairness, justice and the ability to pay?

**The First Minister:** Our starting point in the discussions is to ensure that all the facts are on the table. The first important fact in all this is that at least 80 per cent of Scottish local authorities' income—that which is spent on public services locally—is funded by national Government and therefore by taxes that are based largely on the ability to pay. There is a direct correlation between income tax as it stands nationally and the funding of local services.

Within the council tax system, there is a substantial system of benefits that could be reviewed in relation to pensioners, but that currently ensures that 25 per cent of all households and 40 per cent of pensioner households receive some benefit. Those who are lowest paid or who have the lowest incomes receive council tax benefits that contribute towards meeting their costs. The system can be reviewed and that will happen in the review of local government finance. However, there must be a tax system to pay for our roads and schools. In my view, that system must share the pain among as many people as possible. Whatever system we come up with at the end of the day should be based not just on ability to pay, but on efficiency, effectiveness and spreading the pain among as many people as possible who benefit from local services.

**Mr Swinney:** Does not the First Minister accept that council tax takes no account of an individual's ability to pay, with the exception of the benefits to which he referred, most of which are reserved matters? Is not the principle that is at stake the importance of the ability to pay? Is not a consensus beginning to emerge in Scotland that the council tax is unfair and unjust and that it should be abolished and replaced by a system that is based on ability to pay? Will the First Minister consider that as part of the review of local government finance?

**The First Minister:** Months ago we said that we would examine different systems as part of the review, and that will happen. That will be a good thing, because it will ensure that every alternative to the council tax is subjected to scrutiny. No one should choose a local tax system without taking account of all the facts. No one should choose a local tax system assuming that those who have to pay the tax will be particularly happy at the end of the day. Mr Swinney supports a system in which substantially fewer people would make a contribution, but in which all the people who pay would make a larger contribution than they make at the moment.

It is simply not true to say that a system that is based on the property that people own or rent, with a benefits system that assists 25 per cent of all households and 40 per cent of all pensioner

households, is in no way related to ability to pay. Ability to pay is a factor in the council tax, which is one part of an overall taxation system. If the council tax is replaced by a local income tax, there will be administrative costs and money will come out of local services to meet those costs. The Parliament may want to make that choice at some point, but it should do so with its eyes wide open.

### Prime Minister (Meetings)

**2. David McLetchie (Edinburgh Pentlands) (Con):** To ask the First Minister when he next plans to meet the Prime Minister and what issues he intends to raise. (S2F-623)

**The First Minister (Mr Jack McConnell):** I expect to meet the Prime Minister again later this month. Nearer the time, I will decide what issues I want to raise with him.

**David McLetchie:** I suggest to the First Minister that he and the Prime Minister discuss the issue of boundaries. Speaking earlier this week in the House of Commons about the plan to have different constituency boundaries for elections to Westminster and elections to this Parliament, Brian Wilson said:

"If, even at this late stage, we do not stop to contemplate the essential stupidity of what is being done, people in Scotland ... will have a long time to wonder how politicians"

created such an incomprehensible measure

"out of something that should be as straightforward ... as possible."—[*Official Report, House of Commons*, 9 February 2004; Vol 417, c 1183.]

I think that I have quoted him accurately.

As it was the First Minister's determination to retain 129 members of the Scottish Parliament that got us into this mess, does he agree with Mr Wilson that his position was essentially stupid?

**The First Minister:** If we read the whole—[*Interruption.*] If we read the totality of what Mr Wilson said earlier this week, we find that he was speaking in support of the announcement by the Secretary of State for Scotland of a commission that will investigate these matters. I, too, support that decision. I welcome the fact that, perhaps for the first time at Westminster, the Secretary of State for Scotland has agreed to commission an inquiry that will report both to him and to me as First Minister. I look forward to the debates that we will have in the chamber about the issues relating to the work of the commission and about its outcome. However, I have absolutely no regrets about representing the view of the Parliament to the British Government and winning the argument to ensure that the Parliament has stability over the next four years.

**David McLetchie:** The problem with that statement is that no one outside the chamber believes that the Parliament needs 129 members.

The late Mr Dewar understood the importance of having the same boundaries, which is why the Scotland Act 1998, as it stands, would reduce the number of MSPs to 108. Sam Galbraith—otherwise known as the authentic voice of Scottish Labour—said that there was “nothing magic” about 129. Does the First Minister not agree that it is essentially stupid that Labour politicians are setting up an advisory commission to sort out an unnecessary mess that is entirely of their own making and which is, even at this late stage, perfectly avoidable?

**The First Minister:** Not at all. It is absolutely right that we have stability in this Parliament for at least the next four years; it is absolutely right that the number of Scottish MPs at Westminster be reduced following the devolution settlement; and it is absolutely right that the British Government should stick to the principles of the devolution settlement that were voted on in a referendum by the people of Scotland. Those principles should stand and should be adhered to in any new system or in any debate that takes place over the next few years.

It is important that, in this Parliament, we continue to prioritise the issues of improving our schools, improving our health service, improving our transport systems and tackling crime in Scotland—rather than getting involved in the sort of boundary reorganisation and redistribution that Mr McLetchie seems to want passionately, despite the fact that he has only recently become a constituency member. He should make a point of enjoying his next three or so years representing Edinburgh Pentlands, because in 2007 we hope that he will not be there any more.

**David McLetchie:** I hate to disappoint the First Minister, but I think that that is wishful thinking. We will see.

The First Minister says that he is sticking to the devolution principles, but one of those principles was of a partnership of MPs and MSPs working together. One of the ways of underpinning that principle in the Scotland Act 1998 was to have the same constituencies for this Parliament and for Scotland's other Parliament at Westminster. Instead of having another bureaucratic commission, why do we not do two very straightforward things that would resolve the problem? First, we should stick to the provisions of the Scotland Act 1998, which the First Minister's Government passed; and, secondly, we should scrap the plans to change the voting system for our local councils. Why do we not simply leave well alone—not so much doing less better as, in the First Minister's case, doing nothing brilliantly?

**The First Minister:** I thank Mr McLetchie for the compliment in his final word. However, the debate around constituency boundaries and

reorganisation is not, and has not been, a priority for the Executive. In my view, it should not be a priority for this Parliament.

The British Government is absolutely right to go for stability here in the Scottish Parliament. I hope that the Scottish Parliament (Constituencies) Bill passes through the House of Commons quickly and without too many incidents. I also hope that, over the coming period, we can have a genuine debate about the way in which the bill will impact on our work as MSPs and—much more important—on our constituents. Ultimately, we are here to serve them. I hope that we will continue to stay focused on the important things—reducing crime, improving our schools and hospitals, and creating jobs.

**The Presiding Officer:** We have one important constituency question from Johann Lamont.

**Johann Lamont (Glasgow Pollok) (Lab):** Meanwhile, back in the real world, the First Minister may be aware of two serious incidents involving firearms in my constituency in the past week. Does the First Minister recognise the concerns of my constituents about those events? The fact that such violence can happen in their neighbourhoods generates an understandable fear. Does he also recognise the dispiriting impact on the people who carry out very good work locally—often voluntarily—to create active and attractive communities?

What action is being taken to tackle the use of firearms by organised criminals? What steps are being taken to deal with the organised criminal elements that may be rooting themselves into communities through businesses such as private security firms, private rented property firms and other local enterprises?

**The First Minister:** I am happy to give Johann Lamont assurances. The response this week from the newly appointed director of the Scottish Drug Enforcement Agency made it clear that his organisation will not only continue to target successfully Scotland's biggest drug dealers, but will be prepared to move into the area of targeting the other biggest criminals in Scotland, including those who are responsible for much violent crime, not only in Glasgow but elsewhere. That is very welcome and he will have our full support.

We welcome the British Government's announcements earlier this week that it will move towards having a national serious crime agency that will be responsible for tackling incidents, gangs and criminal activity. We will co-operate fully with that and the SDEA will be fully involved in it.

There is also a responsibility at local level. I know that Strathclyde police and Glasgow City Council are considering the measures that can be

taken to tackle not just the outcome of such incidents, but the supply of knives and weapons. Far too many shopkeepers in Scotland sell weapons that should not be on the counter, never mind in anybody's homes. They need to stop doing that, or we will bring in regulations to stop them.

### Climate Change (Emissions)

**3. Robin Harper (Lothians) (Green):** To ask the First Minister whether, in the light of last week's Scottish Executive report into increased flooding because of climate change and the Natural Environment Research Council's rapid climate change programme predicting a possible cooling down of western Europe because of changes to the Gulf stream, the Executive will give higher priority to reducing emissions that cause climate change and what reduction in such emissions is expected by 2010. (S2F-653)

**The First Minister (Mr Jack McConnell):** Tackling climate change is a high priority for Scottish ministers and we are working in partnership with the United Kingdom Government to meet our Kyoto target.

**Robin Harper:** If that is the case, how does the First Minister justify his massive, climate-busting road-building programme, which is supported by the Tories and will simply increase traffic levels and climate pollution?

**The First Minister:** I justify the road improvement package, because it is part of, first, a much larger package of measures that will improve the Scottish economy—improved transport links of all kinds are vital for that—and secondly, a wider programme of transport improvements, the vast majority of which involve funding for public transport that does not involve roads. In my lifetime—perhaps even in Mr Harper's—there have never been so many new investments in new railway stations, new trains and new public transport developments in Scotland to increase the number of bus journeys, for example.

Public transport in Scotland is on the up and that is very important, not just for our environment but for our economy and for the movement of ordinary people, a large proportion of whom still do not have access to a private car.

**Robin Harper:** Does the First Minister agree with these words, from Donald Dewar's white paper on transport policy in 1998:

"We acknowledge that the 'predict and provide' approach to roads building is unaffordable, unsustainable and, ultimately, self-defeating?"

**The First Minister:** I absolutely agree with that and that is precisely why we are not building new

roads willy-nilly throughout Scotland. Instead, we are investing in trains, railway stations and new railways.

The M74 is an exception; it is a vital link if we are to stop what might currently appear to be the terminal decline of the economy of the west and south-west of Scotland. We will turn round that decline by investing in the M74 and in rail links to airports and between that part of Scotland and the rest of Scotland—and the rest of Britain. Those investments in transport will keep business competitive in the west of Scotland and ensure that there are jobs in the area in the years to come. The existence of that specific road-building project is not an indication that new roads will be built willy-nilly throughout Scotland. We will provide new roads where they are required, whether that is around Aberdeen or in the south of Scotland, but we will ensure that there are also public transport options.

**Ms Wendy Alexander (Paisley North) (Lab):** Given the First Minister's commitment, not only to sustainability but to sustainable growth, will he comment on the fact that we now know not only that growth in Scotland in the most recent four quarters, compared with the previous four quarters, was higher than in the rest of the UK, but that, as the Scottish Parliament information centre confirmed this morning, the growth rate was faster than in Canada, Mexico, Austria, Belgium—

**The Presiding Officer:** Back to climate change, please.

**Ms Alexander:**—Finland, France, Germany, Italy, the Netherlands, Norway, Portugal, Spain, Sweden and Switzerland? [Interruption.] Indeed, if one merely considers the averages, the rate was faster than in the G7, faster than in the European Union 15—

**The Presiding Officer:** No, I am afraid that I will have to stop you—

**Ms Alexander:**—and faster than in the eurozone. Let me come to the question. [Interruption.] Does the First Minister agree that it would greatly improve the quality of the debate on the Scottish economy if the Opposition parties could accept that fact—

**The Presiding Officer:** I am sorry.

I call Alex Johnstone.

**Alex Johnstone (North East Scotland) (Con):** To return to the original question, does the First Minister accept that the need to cut CO<sub>2</sub> emissions is paramount and that the way in which to achieve that in the short term is to replace electricity generating capacity with nuclear capacity at the earliest possible opportunity?

**The First Minister:** I will take both members' points.

The growth area for Scotland in electricity generation in the years to come must be renewables generation. I have seen dismissive suggestions in the media and elsewhere about our ability to tackle that challenge, but in doing so, we will not only improve the environment in Scotland for generations to come, but create jobs from the expertise that we develop and the manufacturing production that takes place.

On the subject of manufacturing production and on the general issue of sustainable growth that Wendy Alexander raised, this week's clarification of the figures is welcome because it makes it more appropriate for us to compare the growth in gross domestic product north and south of the border. However, we should never base our economic strategy in Scotland simply on a comparison between Scotland and England. We should look for economic growth in Scotland, and look to grow that growth, because that is good for Scotland. The challenge that we must take up is to be more competitive than anywhere else in Europe, not just England. Those who seek to make only that comparison and to disparage Scotland at all times are wrong. The Executive's progressive and positive policies will ensure that Scotland grows in the future.

#### Environmental Justice Fund

**4. Karen Whitefield (Airdrie and Shotts) (Lab):** To ask the First Minister what the purpose is of the Scottish Executive's environmental justice fund and what its potential impact will be. (S2F-628)

**The First Minister (Mr Jack McConnell):** Our partnership agreement makes it clear that we are committed to securing environmental justice for all Scotland's communities. Ministers are currently looking at the potential for an environmental justice fund that would allow resources to be targeted at a number of communities that have been exceptionally ravaged by the cumulative effects of quarrying, mining and landfill operations.

**Karen Whitefield:** I am sure that the First Minister is aware of the great anger that is felt by my constituents in Greengairs, who believe that there is little environmental justice following a Scottish minister's approval of an application for yet another landfill site there. That application has been approved despite the fact that my constituents already have Europe's largest landfill site on their doorstep. Does the First Minister agree that there must be a fundamental review, with environmental justice for all as its guiding principle, of Scotland's planning law? Does he agree that planning conditions must be properly enforced and that resources must be made

available to ensure that landfill operators comply with the conditions of planning consents? Will he ensure that representatives from Greengairs and communities like it are involved in the development of the environmental justice fund to ensure that it meets their needs and does not negate developers' obligations? Finally, will the First Minister agree to the reasonable request of my constituents to meet him?

**The First Minister:** Ministers will be happy to meet representatives of the Greengairs community. I suggest that that meeting should take place before we finalise any details of an environmental justice fund so that the community can have an input into the framework for the fund. I remind members that we have recently provided resources for North Lanarkshire Council and others to tackle the issues of contamination and decay of vacant and derelict land that require to be tackled.

We plan to launch our consultation document on rights of appeal and planning before the Easter recess. We will ensure that, although the ministers with responsibility for planning are rightly bound by the legal position, which they must ensure is properly implemented, the conditions that are attached to the most recent planning application decision for the area adjacent to the Greengairs community—and those that are attached to other decisions—must be met by the developer and the council in advance of any application being approved. If the conditions are not met, we will want to reconsider the matter.

#### Scottish Sport (Lottery Funding)

**5. Alasdair Morgan (South of Scotland) (SNP):** To ask the First Minister what discussions the Scottish Executive has had with Her Majesty's Government's Department of Culture, Media and Sport in relation to lottery funding for Scottish sport. (S2F-633)

**The First Minister (Mr Jack McConnell):** There is regular discussion and correspondence on a range of issues, including the lottery and sport, between ministers and officials in the Scottish Executive and the Department of Culture, Media and Sport.

**Alasdair Morgan:** I am glad that those discussions take place. Can the First Minister estimate how much Scottish lottery players will contribute to a successful bid for the 2012 Olympic games to be held in London? Does he agree that the benefits to Scotland of any such bid would be, at best, tangential? Most important, will he guarantee that Scottish sportsmen and sportswomen will not suffer a reduction in funding as a result of that bid?

**The First Minister:** As Mr McAveety made clear yesterday in relation to one sport, football, and as the Executive has made clear on many occasions—in relation to support for Scottish sportsmen and sportswomen, support for young people in relation to sport, support for capital expenditure to improve sports facilities in schools, communities and at national level—the Executive will not only maintain current levels of spending on sport in Scotland but increase them in the years to come.

It is the worst kind of Scottish parochialism that would deny young people in Scotland the inspiration and the enjoyment that would come from the Olympics being brought to Britain; those young people could see, on their doorstep, athletics at the highest level and perhaps they would be inspired to take on a career as a competitive athlete or to participate in the sport of their choice. If Scotland makes a contribution towards the Olympic bid and the bid is successful, the benefits for Scotland—if we have ambitions for Scotland rather than resentment towards England—could be substantial. When Sydney won the Olympics, the people of Melbourne did not hide in a corner and cry. They won contracts from the Olympic companies, they attracted tourists from among those who came to Australia, and they got their young people to watch the games and be inspired to take part in years to come. We in Scotland should do the same.

#### **Free Personal Care (Funding)**

**6. Mary Scanlon (Highlands and Islands) (Con):** To ask the First Minister whether sufficient resources are being allocated to fund free personal care. (S2F-630)

**The First Minister (Mr Jack McConnell):** Free personal and nursing care is one of the real achievements of devolved government, with more than 40,000 elderly people already benefiting throughout Scotland. It is well funded and we will ensure that it remains so.

**Mary Scanlon:** Given that more than 2,000 patients remain in national health service hospitals, ready for discharge, and given the long wait for occupational therapy appointments and community care assessments in some councils, how will the First Minister ensure that local authorities deliver high-quality, value-for-money care services to many of the most vulnerable people in Scotland?

**The First Minister:** There have been further discussions this week involving ministers and representatives of local authorities. Additional funding has been allocated to local authorities, and there should be no need for them to make people wait for those important services.

Health ministers are working on that issue constantly and are ensuring that local authorities have the right level of resources to implement the policy on personal care. Those of us who implemented that policy, put the commitment into action and ensured that the resources were available increased the cancer budget in Scotland at the same time and increased and improved the facilities that are available for cancer sufferers. We are very proud to have done not just one of those things, but both.

**Shona Robison (Dundee East) (SNP):** In the light of that comment, perhaps the First Minister will join his Minister for Health and Community Care in slapping down his former colleague, Sam Galbraith, for the disgraceful comments that he made about free personal care. Will the First Minister reassure the Parliament that the views that were expressed by Mr Galbraith are not held by any of his Cabinet colleagues?

**The First Minister:** In my short time as First Minister, the Executive has implemented free personal and nursing care in Scotland, fully funded it, and ensured that we have monitored its implementation. At the same time, the cancer budget in Scotland has increased, facilities for cancer sufferers in Scotland have been improved, and the lifespan of cancer sufferers has been increased. I am very proud of that record and I stand by it.

I make a commitment to the chamber that the Cabinet discussions in which I have been involved for nearly five years will, with due respect to my colleagues, remain private. Some of them should be very glad about that.

**Mark Ballard (Lothians) (Green):** On a point of order, Presiding Officer. You used the provisions of rule 13.7 when Wendy Alexander, in a supplementary to a question by my colleague Robin Harper, deviated from the subject matter of the original question. Why, then, did you not use your powers to stop the First Minister when he deviated from the subject of Robin Harper's question in his response to the question from Alex Johnstone?

**The Presiding Officer:** Under our standing orders, I am responsible for questions. Supplementary questions must be to the point and must be brief, which is why I zapped Ms Alexander. I am not responsible for answers, but I indicated that the First Minister should hurry on.

I now suspend this meeting of Parliament until—

**Phil Gallie (South of Scotland) (Con):** On a point of order, Presiding Officer. In this morning's debate, a suggestion was made that the Presiding Officer should have powers in relation to answers. The Procedures Committee has considered the matter, but it decided not to go ahead with

providing the Presiding Officer with such powers. Will you undertake to have further discussions with the Procedures Committee, with a view to taking such powers on board?

**The Presiding Officer:** The Procedures Committee has reached its conclusion, as Mr Smith said this morning.

I now suspend this meeting—

**Karen Gillon (Clydesdale) (Lab):** The reason for the committee's decision was to prevent bogus points of order such as those that we have heard this morning.

12:32

*Meeting suspended until 14:30.*

14:30

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Tanker Traffic (The Minch)

**1. John Farquhar Munro (Ross, Skye and Inverness West) (LD):** To ask the Scottish Executive whether it is aware of any potential threat to the environment from unregulated tanker traffic in the Minch. (S2O-1294)

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** All shipping is regulated internationally under International Maritime Organisation conventions and protocols and domestically under merchant shipping legislation. The Scottish Executive continues to liaise with the United Kingdom Government in its efforts to ensure that shipping in the Minches and elsewhere around Scotland is regulated as effectively and safely as possible.

**John Farquhar Munro:** I am sure that the minister is aware of the sinking of the Jambo off the Summer isles and that last year the Minch proved to be too great a navigational challenge for Her Majesty's submariners. Does he accept that it is important for Scottish ministers to raise concerns with Her Majesty's Government at every possible opportunity? If no effective action is taken soon, a situation involving a stranded oil tanker in the Minch is a matter not of if, but of when.

**Allan Wilson:** The Executive recognises the sensitivity of the Minches to pollution and works closely with all Government departments, the industry and other agencies with maritime safety as a clear priority. There are long-standing arrangements for laden oil tankers transiting the Minch and measures that have been introduced develop a western route to the outside of the Hebrides. Such an approach contributes significantly to shipping safety in the area and helps to preserve the Minches from the potential threat posed by oil pollution from a stricken tanker.

**Mr Alasdair Morrison (Western Isles) (Lab):** I urge the minister and his UK counterpart to ignore in their discussions the pleadings of those who wish to ban tankers from the Minch. After all, forcing tankers to sail west of the Hebrides in all weathers is extremely dangerous. Does the minister agree that all talks on tanker traffic should be focused on establishing a pilot system up and down the Minches?

**Allan Wilson:** I agree with the general thrust of the member's question that it would be inherently

dangerous to ban tankers from the Minch and, indeed, would increase the potential risk of pollution. That said, the route that I referred to was agreed by the International Maritime Organisation and is clearly marked on navigational charts. As a consequence, the vast majority of tankers that transit the Minch do so in ballast.

**Jim Mather (Highlands and Islands) (SNP):** Does the Scottish Executive plan to authorise a further inspection of the wreck of the Jambo off the Summer isles and the complete recovery of its cargo and any other possible pollutants?

**Allan Wilson:** No. As I have explained in correspondence with John Farquhar Munro, the recovery of the Jambo's cargo was effected during the summer as well as it could be under the circumstances. We have no plans to authorise any further procedures in that respect.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Has any consideration been given to using an automatic identification system for vessels travelling through the Minch? Such an approach would lessen the need for mandatory pilotage and would provide a safe, worldwide approved system that would allow coastguards and other authorities to pinpoint the position of tankers and communicate with them when necessary.

**Allan Wilson:** As I understand it—and I am happy to get back to the member on the matter—the issue that he raises falls under merchant shipping legislation, which means that it is reserved. I also understand that no current mechanisms can specifically identify ships at sea that are carrying more than 2,500 tonnes in their bunkers. However, I am happy to consider in concert with UK colleagues that and any other suggestion that would improve navigation through the Minch and which would help to protect the islands from the potential threat of oil pollution.

**Eleanor Scott (Highlands and Islands) (Green):** The minister will be aware that the cargo of the Jambo contained potentially toxic materials—1,500 tonnes of primarily zinc sulphate but also arsenic, lead and cadmium. At the time of the wreck, it was felt that the removal of those toxic materials was essential and that the cargo could not be left in situ. What has changed? How can the minister be sure that it is safe to leave that toxic cargo on the sea-bed?

**Allan Wilson:** All the best scientific advice available tells us that the remainder of the cargo of the Jambo does not pose a threat to the environment—except, obviously, in the immediate vicinity of the wreck. The costs of recovering the last remnants of that cargo would be wholly disproportionate to the environmental threat posed, which is, as I say, negligible.

## Mixed-Sex Wards

**2. Shona Robison (Dundee East) (SNP):** To ask the Scottish Executive what the reasons are for it not achieving its target of ending mixed-sex wards in hospitals by March 2002. (S2O-1301)

**The Minister for Health and Community Care (Malcolm Chisholm):** We are fully committed to ensuring the privacy and dignity of patients at all times. Ninety-nine per cent of wards meet the target. Changes to wards at Grampian University Hospitals NHS Trust and the North Glasgow University Hospitals NHS Trust will be complete by autumn. Discussions are in progress with clinicians at the Royal Edinburgh hospital on how to ensure that its wards comply with the target as soon as possible.

**Shona Robison:** Does the minister agree that it is totally unacceptable for any patients in Scotland to have to be accommodated in mixed-sex wards? Was all of the £4.8 million that was allocated to resolve the problem indeed spent on addressing it? When will we finally see an end to mixed-sex wards in Scotland?

**Malcolm Chisholm:** It is certainly unacceptable; that is why we have put such effort and resources into resolving the problem. A total of £4.8 million was spent and that is why we have made such great progress and have achieved 99 per cent compliance. However, I am certainly not happy with any figure that is less than 100 per cent. In the three trusts that I mentioned, there were reasons for non-compliance. For example, at Stobhill hospital in north Glasgow, there were difficulties with fire safety regulations. I am told that those difficulties will be resolved by June. I expect the other difficulties to be resolved this year as well. By coincidence, there will be a meeting with patients groups and the management at the Royal Edinburgh hospital on Monday. If the situation is not resolved satisfactorily, we shall certainly intervene to ensure that we achieve 100 per cent compliance by the end of the year.

**Mrs Nanette Milne (North East Scotland) (Con):** When considering the setting of achievable targets in this respect, or in any other respect, will the minister follow the example of his counterpart in England, who this week announced proposals for a new, slimmed-down set of targets for the national health service? Things will be driven at local level and more power will be put into the hands of front-line staff, allowing them to focus on clinical needs.

**Malcolm Chisholm:** John Reid did not say anything in England this week that I have not said already. On many occasions I have said that we need to have a small number of targets. People accept that targets such as a maximum waiting time are what patients expect. However, I have

said on many occasions—and it is in many of our documents—that we want a limited number of targets. There is an emphasis on local decision making and empowerment of front-line staff. We have been saying that since “Partnership for Care: Scotland’s Health White Paper” was published a year ago this month.

### Scottish Executive (Travel Policy)

**3. Chris Ballance (South of Scotland) (Green):** To ask the Scottish Executive whether it has a policy to encourage staff to travel by train where appropriate. (S2O-1314)

**The Deputy Minister for Parliamentary Business (Tavish Scott):** The policy of the Scottish Executive is that when staff are travelling on official business the most efficient and economic means of travel available must be used.

**Chris Ballance:** I thank the minister for that answer and note that it did not include the word “sustainable”.

The minister will be aware that he and his ministerial colleagues took 20 flights each last year and that more than 70 per cent of those flights were within the United Kingdom mainland. Given that it is easier to work on a train and that the train is almost as quick as flying when checking in and travel to and from the airport are taken into account, when will ministers ask officials to adhere more to their own environmental travel policies, rather than using the most polluting form of transport?

**Tavish Scott:** I am afraid that Mr Ballance is just wrong. The Executive travels in the most sustainable manner possible. He may be interested to know that during 2002-03, 40,519 rail journeys were undertaken, compared with 10,166 journeys by air within the United Kingdom. By my maths, that is a pretty sustainable level—eight out of 10 journeys are undertaken by rail.

I hope that the member accepts that the Executive maintains its own travel plan: it has set up a green travel website, bicycle user and car-sharing forums and taxi-sharing schemes and has taken other practical measures to encourage and simplify the use of sustainable transport.

I encourage the member to note the exemplary behaviour of my colleague Mr Kerr, who this week travelled to London on ministerial business by train, a form of travel that he commends to all of us—although thankfully not to me when I am going home.

**Robert Brown (Glasgow) (LD):** Does the minister agree that for particular buildings and major employers to have green transport plans is the best way to proceed on such matters? What progress is the Executive making on the

production of green transport plans, particularly in hospitals and other similar organisations that are under its jurisdiction?

**Tavish Scott:** I am sure that Mr Brown will be familiar with the Executive’s partnership commitment on green transport plans, which involves the production of packages specific to individual sites that aim to promote more sustainable transport and travel behaviour. We aim to increase the number of green transport plans that are developed and implemented in Scotland by local authorities, national health service boards and businesses and other organisations.

### Waiting Times (Drug Treatment Services)

**4. Richard Lochhead (North East Scotland) (SNP):** To ask the Scottish Executive what the average reduction in waiting times for drug treatment services has been in the last year. (S2O-1323)

**The Deputy Minister for Justice (Hugh Henry):** The information requested is not held centrally. However, a national information framework for monitoring drug treatment waiting times is being introduced on 1 April 2004. Drug action teams will be required to collect waiting times from treatment providers in their areas for a number of treatment types and to report quarterly to the Executive.

**Richard Lochhead:** I hope that, once the minister gets that information, he will appreciate the scale of the problem in Scotland, particularly in areas such as Grampian, where many drug addicts are told that they will have to wait a minimum of three months—and perhaps up to eight months—for an appointment with the local drug problem service. Will the minister tell us what he thinks is an appropriate time for drug addicts to wait for drug treatment services? Does he agree that a period of eight months is utterly unacceptable if we want families and communities to escape the impact of drug misuse on their lives?

**Hugh Henry:** I recognise that problems remain in some parts of Scotland. That is why we are examining closely treatment and rehabilitation services. Although I acknowledge that more needs to and can be done, we must also ask ourselves whether the money that we are using at the moment is being used to best effect. We need to build on good practice and to eliminate practice that is not delivering consistent quality.

I can inform Mr Lochhead that NHS Grampian, for example, has achieved a significant reduction in waiting times for its prescribing service over the past couple of years. Since 1999-2000, there has been a 30 per cent increase in residential services

throughout Scotland and, since 1998-1999, the resources allocated to Grampian for drug treatment services have almost doubled. Although we can always do more, we can demonstrate some significant progress.

**Richard Baker (North East Scotland) (Lab):** Although the minister acknowledges that the Executive wants to make further progress on the issue, he will be aware of the additional provision of drug treatment services in Aberdeen in recent years. I am sure that he will join me in welcoming the reduction in drug-related incidents that Grampian police announced this week. Will he tell us what consideration the Executive will give to the provision of residential rehabilitation services based in the north-east to help to reduce drug misuse in the region?

**Hugh Henry:** As I have indicated, since 1999-2000, there has been a 30 per cent increase in residential services in Scotland. We recognise that residential services have a part to play in treatment services, but the assessment of an individual's needs must be made by the clinician. Although we accept implicitly that residential treatment can make a difference, there could well be circumstances in which community-based treatment would be far better for an individual. There needs to be a balance, and the clinician needs to make a decision based on the individual's circumstances. Where residential treatment is required, we would say that we need to ensure that the facility is available quickly, so that the person is treated when they need to be treated and when they are prepared to seek help, without a delay that could perhaps compound their problem.

**Miss Annabel Goldie (West of Scotland) (Con):** Does the minister accept that in the provision of those vital services there is scope to have regard to what the voluntary and charitable sector is trying to do? Will the minister confirm whether, within the new national provision of data, it is proposed to quantify the work of that sector?

**Hugh Henry:** We are considering who provides services and where the services are provided. Without the support of voluntary and charitable organisations, we would not be able to deliver a quality service in Scotland. Those organisations are indispensable to how we want services to be developed. I guarantee that we see such organisations as legitimate and valuable partners. Where we believe that voluntary or charitable organisations can make a contribution to residential services, we encourage local providers to work with them. The key point is to ensure that what is on offer is the most appropriate service for the individual involved. In some cases, the most appropriate service may be residential; in other cases, it may well be community based; while in

others, abstinence may be the best way forward. The matter depends on specific cases and individuals.

#### **Area Tourist Boards (Restructuring)**

**5. David Mundell (South of Scotland) (Con):** To ask the Scottish Executive what plans it has to restructure area tourist boards. (S2O-1290)

**The Minister for Tourism, Culture and Sport (Mr Frank McAveety):** The ministerial group on tourism has been examining the state of Scottish tourism and the public expenditure that is devoted to it. We are considering the role of area tourist boards in the context of those wider issues. We need a support structure for the tourism sector that not only is right for today's market but will stand us in good stead for the future, because tourism is one industry that has a long-term future. We hope to announce the group's conclusions in due course.

**David Mundell:** The answer does not surprise me. Perhaps in his next response, the minister will advise us how long the phrase "in due course" means. Surely even the Scottish Executive must recognise that the unwillingness to announce the outcome of the review is causing great uncertainty in the industry and is leading to the inability of area tourist boards to plan for the future and to difficulties with the recruitment of staff. If the minister had the concerns for the tourism industry that he says he has, he would proceed with the review as a matter of priority and not treat the industry with contempt.

**Mr McAveety:** We have had a good tourism season in the past year. The Executive is committed to supporting Scottish tourism. One of the reasons why we are taking the time that is required to get the matter right is that we need to connect the role of area tourist boards to the broader marketing structure and the role of our national agency, VisitScotland. VisitScotland requires a commitment to an integrated network to ensure that it delivers marketing of the whole of Scotland and allows the individual tourist boards to plug in more effectively to the structure. The Executive is committed to that. Rather than show contempt for the Scottish tourism industry, we are prepared to give it full support.

**Dr Elaine Murray (Dumfries) (Lab):** I am sure that the minister recognises the growing frustration in the sector about the length of time that it is taking to make the announcement. Will he advise members how many times the ad hoc ministerial group has met so far? The group intended to report to the Cabinet in autumn 2003. Does the minister have a new estimate of the date on which the report might go to the Cabinet?

**Mr McAveety:** The ministerial group is still deliberating some final issues. As I said, we hope to present the report to the Cabinet in due course. The commitment is to consider the overall package of Scottish tourism, not only the structure of area tourist boards, important as they are. We are considering the marketing budget, the focus and direction of VisitScotland and the connections between local area tourist boards and VisitScotland. The aim is to consider how the bodies can integrate more effectively. If we do that, we will provide a much more sustainable future for tourism in the long run. It is right to take the necessary time to do that. Elaine Murray can be confident that when we make our decisions, they will be about growing Scottish tourism, not attacking it.

**Alasdair Morgan (South of Scotland) (SNP):** The Executive has given a whole new meaning to words and phrases such as “in due course” and “soon”. The minister’s predecessor said in February—last February, of course:

“an announcement will be made as soon as possible after the new Parliament has convened.”—[*Official Report*, 13 February 2003; c 18176.]

Did he mean this Parliament or the Parliament that will be elected in 2007?

On a slightly more consensual note, will the minister give close consideration to areas in which the tourist board’s boundaries are already coterminous with those of the other bodies in that area and where the present system works well? Will he take that into consideration in the review, the results of which he will announce soon? The minister will recognise that I am talking about Dumfries and Galloway, of course.

**Mr McAveety:** I do not mind taking a lecture from Alasdair Morgan on the general principle of time—he is a member of a party that said quite a long time ago now, “Free by ’93.” We are still waiting for that. Perhaps any predecessors in the position of—

**Alasdair Morgan:** We might overtake you.

**Mr McAveety:** I can assure Alasdair Morgan of our commitment to consider how we can pull together the whole structure of Scottish tourism. Part of the debate has been about whether the 14 area tourist boards form the most appropriate structure for the future challenges that will face tourism. More important, as I stressed earlier, is the role that VisitScotland plays in achieving a much more integrated network, to ensure that we have the ability to respond flexibly to emerging tourism markets.

There have been many submissions on the matter, including some from Dumfries and Galloway members such as Elaine Murray and Alasdair Morgan. Those have been taken into

account. Rather than prejudice the final recommendation to the Cabinet, I simply reiterate that we have been addressing seriously the issues that the member raises.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Will the minister concede that, although the debate about the structures within what he calls the “overall package” is important, what tourists really want is a network of accessible, high-quality tourist information centres? Does he agree with me that having such a network in place would lead us to build on last year’s highly successful tourist season?

**Mr McAveety:** I agree with the member: that is why we have been supporting the development of much more modern and appropriate visitor centres, through which we can ensure that the quality of the experience of visitors to Scotland is as high as possible. Recently, I found on a visit to the national Mòd in Oban that the Oban visitor centre is one of the most popular in Scotland. The quality and range of what the centre provides, as well as its staff, are excellent. We need to sustain that quality of staff in whatever structure we have in the future. I can assure the member that tourism information centres are part of that.

**The Presiding Officer (Mr George Reid):** I call John Swinney.

**Members:** Oh!

**Mr John Swinney (North Tayside) (SNP):** Well, I take every opportunity that presents itself. Did the Minister for Tourism, Culture and Sport read among his press cuttings on Monday morning an article in *The Courier* in which the chairwoman of Perthshire Tourist Board expressed on behalf of the local industry a total frustration—the type of frustration that Elaine Murray was talking about—about the length of time that the Government is taking to resolve the issue of area tourist boards? Given the impact that such uncertainty is now having on planning for the future development of the tourism sector at a local level, will the minister—having been asked numerous times—give a definitive timescale for when the Government will publish its review and give some certainty to the industry in Scotland?

**Mr McAveety:** That was from one of the individuals whose new slogan is probably, “Still unfree by 2003.”

We are trying to pull together the issues that many individuals, including the spokesperson from Perthshire Tourist Board, wish to be developed. If we have a strategy that addresses training and skills, marketing and investment and a much more integrated connection with VisitScotland, that individual will, if we get things right in the long run, welcome any announcement that we make—in due course.

### Erskine Bridge Tolls

**6. Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Executive when it will remove tolls from the Erskine bridge. (S2O-1283)

**The Deputy Minister for Finance and Public Services (Tavish Scott):** The Executive has no plans to remove tolls from the Erskine bridge, but the matter will be considered as part of the review of existing bridge tolls in Scotland.

**Jackie Baillie:** The minister will be aware that the tolls were established under the Erskine Bridge Tolls Act 1968 to pay for construction of the bridge. Given that we have now paid for the bridge's construction not just once, but five times over, will the minister recognise the significant economic, environmental and social benefit that would be gained by removing the tolls, and will he encourage his colleague, the Minister for Transport, to remove the tolls from the Erskine bridge, once and for all?

**Tavish Scott:** Jackie Baillie will be familiar with the terms of the partnership agreement, which states:

"We will improve access for our ... communities by ... Reviewing existing bridge tolls in Scotland".

It is important that, in the review that will shortly be under way, we consider the issues that Jackie Baillie raises and all the issues that will be raised in relation both to the specific issues of bridges and to the Executive's plans for the new transport authority and regional partnerships. It is too early to determine when that review will be finished, but the Minister for Transport will make an announcement—

**Members:** In due course.

**Tavish Scott:**—in due course.

**Des McNulty (Clydebank and Milngavie) (Lab):** The minister will be well aware of previous representations that I and my colleague Trish Godman have made regarding the socioeconomic impact of tolls on the Erskine bridge, which runs between our constituencies. Will the minister work with the relevant local and national agencies to quantify the positive impact that removal of the tolls would have on West Dunbartonshire and Renfrewshire? Will he also ask his officials to investigate the effect that removal of the tolls would have on congestion at the Clyde tunnel and the Kingston bridge? Surely removal of tolls on the Erskine bridge would represent even better value for money than the Executive's investment in the M74 extension.

**Tavish Scott:** Mr McNulty raises a number of important issues that I will be happy to bring to the attention of my officials and of the Minister for Transport. Such issues and the detailed

socioeconomic arguments that he has put forward will certainly be part of the review, when it takes place.

### Electricity Supply

**7. Frances Curran (West of Scotland) (SSP):** To ask the Scottish Executive whether it is acceptable for an elderly couple to be without electricity for almost a year. (S2O-1300)

**The Minister for Communities (Ms Margaret Curran):** The Scottish Executive is committed to tackling fuel poverty in Scotland and would wish to ensure that all people have proper access to supply of fuel.

**Frances Curran:** I refer to the case involving Mr and Mrs Bradshaw, about whom I have written to the minister. Mr and Mrs Bradshaw are an elderly couple who have chronic health problems. They have lived without electricity or gas since last April. Their neighbours, who have two children, have had no gas since November because the owner of the caravan park will not let in gas supplies. No one who has been contacted seems to be able to help to restore fuel supplies at the caravan park. Will the minister tell me how it is possible that a caravan park owner seems to have more power than a local authority, the courts, the police, the procurator fiscal and ministers in the situation in question? I cannot get my head around the matter. I give a warning—[*Interruption.*]

**The Presiding Officer:** Order.

**Frances Curran:** I am being serious. I say to the minister that a tragedy is waiting to happen at Ailsa View caravan park and I urge her to act.

**Ms Margaret Curran:** Frances Curran has written to me about the matter and I understand her commitment to resolving it. Jim Murphy MP has also been in contact with me to attempt to resolve the issue.

That a site owner can do such things is a serious matter of concern. We are considering mobile homes legislation and site licensing arrangements: various measures are being taken. The member will know that the Office of Gas and Electricity Markets has certain powers relating to the resale of electricity. We are ensuring that those powers will be exercised and we are considering a raft of measures that have been undertaken.

The member will know that mediation failed. The local authority has made strenuous attempts to deal with the situation and, as I said, we are concerned. I give the member and Jim Murphy a commitment that we will examine the legislation to ensure that we can protect elderly and other residents in such situations and to ensure that the situation in question is dealt with. That situation is

unacceptable. The member will know that the courts are involved and I am sure that she recognises that that prohibits certain interventions. However, I share her commitment to resolving matters, because such practices are unacceptable.

**Mr Kenneth Macintosh (Eastwood) (Lab):** Is the minister aware from discussions with me and correspondence with my colleague Jim Murphy MP of the range of problems that a number of families—not just the Bradshaws—face on the Ailsa View site as a result of lack of electricity and gas supplies? I know that the minister is aware of the number of outstanding civil law actions, but is she aware that absolutely no progress is being made to resolve the difficulties through such civil action? I ask her again to investigate with the police and the procurator fiscal whether criminal proceedings can be brought in the matter, given the lack of progress and the need to resolve difficulties before the health dangers and risks that are already damaging residents on the site get any worse.

**Ms Margaret Curran:** I should also acknowledge the conversations that I have had with Ken Macintosh about the issue. I am happy to give him an undertaking that we will consider all possible options and that we will investigate matters as he wants us to in order to find out how we can resolve such an unacceptable situation.

**The Presiding Officer:** Question 8 has been withdrawn.

#### Internet Security (Children)

**9. Dr Sylvia Jackson (Stirling) (Lab):** To ask the Scottish Executive what measures are being taken to protect children from viewing inappropriate material on the internet. (S2O-1272)

**The Minister for Justice (Cathy Jamieson):** The latest phase of the Scottish Executive's think U know campaign was launched on 6 February. The campaign aims to warn children and parents of the potential dangers of the internet, and provides practical advice on making internet use safer.

**Dr Jackson:** Following the minister's visit with me last week to see pupils and teachers at Cambusbarron Primary School who are involved in the stranger danger internet safety package, will she join me in congratulating the community police officers from Central Scotland police and Stirling Council's children's services department on implementing a much-needed approach, which I gather will now extend to 300 pupils and which should prevent people from being conned into disclosing personal information in chatrooms?

**Cathy Jamieson:** I am happy to record my congratulations to the officers of Central Scotland

police and the local education authority on the innovative work that they have done on that. The project was piloted in the Raploch area of Stirling and involved about 60 young people. It has now been transferred to different primary schools, as Sylvia Jackson said, and involves 300 young people. I very much enjoyed the visit, during which there was a lot to learn, and I hope that Sylvia Jackson will congratulate me on getting all the answers right in the internet safety quiz that the children set.

#### Waste Prevention Targets

**10. Shiona Baird (North East Scotland) (Green):** To ask the Scottish Executive what plans it has to set targets for waste prevention for household and commercial waste. (S2O-1310)

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** The national waste plan sets out the Executive's aim to stop growth in the amount of municipal waste that is being produced by 2010.

**Shiona Baird:** Audit Scotland's figures show an increase in municipal waste from 3 million tonnes to 3.2 million tonnes in the past year alone. Clearly, something more is needed to reduce our growing waste mountain. Will the minister commit to setting targets now for reducing the amount of waste that is produced and, in so doing, send a strong signal to all who are involved that the Executive is willing to tackle the problem head on?

**Allan Wilson:** This is a clear case of the Green glass being half empty rather than half full. The report to which the member refers also mentioned a 30 per cent increase in recycling rates over the period. However, I accept fully that there is much more to do, and I am interested in the concept of zero waste. I am prepared to examine that in concert with the Greens to see how we could better develop policies to that effect. We have clear targets to 2010 for minimising the production of municipal waste.

#### Central Heating Programme (Private Landlords)

**11. Dr Elaine Murray (Dumfries) (Lab):** To ask the Scottish Executive what restrictions are placed on private landlords whose tenants have had central heating installed as part of its central heating programme. (S2O-1282)

**The Deputy Minister for Communities (Mrs Mary Mulligan):** In agreeing to having a central heating system installed in their property, private landlords must give an undertaking that they will accept ownership of and responsibility for the system and for any other measures that are installed at the same time, such as insulation and safety alarms.

**Dr Murray:** I am sure that the minister will share my concerns about one of my constituents—a single pensioner in private rented accommodation—who was encouraged by her landlord to have free central heating installed under the Scottish Executive's programme but who then received a demand for considerably increased rent. When she questioned that, she was threatened with eviction and the sale of the property concerned. What safeguards exist to prevent private landlords from abusing the free central heating programme by inflating the rents that are paid by pensioner tenants or even evicting those tenants and selling the property or re-letting it to other tenants at an increased rent?

**Mrs Mulligan:** It is an appalling situation in which Elaine Murray's constituent finds herself and I see why Elaine Murray has brought the matter to our attention. It is not a situation of which I have heard before. I am sure that Elaine Murray has already advised her constituent to take legal advice regarding her tenancy agreement, which is one way in which the matter could be pursued; however, it is my intention today to ask officials to investigate whether there have been other such instances so that we can consider what options are open to us to deal with such situations. I am anxious not to deter other landlords from applying for the programme, because it would be their vulnerable tenants who would be put at risk if we did not go ahead with the programme.

### Palliative Care

**12. Mr Kenneth Macintosh (Eastwood) (Lab):** To ask the Scottish Executive what action it is taking to respond to NHS Quality Improvement Scotland's report, "Specialist Palliative Care—National Overview", regarding services for patients with incurable illnesses. (S2O-1284)

**The Minister for Health and Community Care (Malcolm Chisholm):** Our policy is that palliative care should be available to everyone who needs it. A number of managed clinical networks are already in place, and we will work with all the agencies that are involved to implement key recommendations.

**Mr Macintosh:** Does the minister acknowledge that, while recognising the excellence, commitment and compassion that were revealed to exist in specialist palliative care throughout Scotland, more needs to be done to improve the choice and range that are available to patients, including age-appropriate services for younger patients, the establishment of an evidence base on which to make future decisions and expansion of the local managed clinical networks to cover the whole country?

**Malcolm Chisholm:** Ken Macintosh rightly gives a balanced view of the report. It indicated a

high level of compliance with most of the standards and could not praise too much the quality of care that is provided by staff. I am sure that we would all like to echo his recognition of their work.

The purpose of the report is to home in on weaknesses so that we can have a culture of improvement. Staffing issues were highlighted in the report, along with other issues that Ken Macintosh mentioned. Action is being taken in those respects. We are encouraging the development of managed clinical networks and we are addressing the staffing issues in terms of some of the specialist positions. Further, the Health Department recently sent out a letter to ensure that national health service boards meet their commitment to pay 50 per cent of the recent costs as soon as possible. When I visited St Columba's hospice in Edinburgh last week, one of the staff said that that was a useful letter because it brought that situation closer.

A range of actions is being undertaken. The partnership between the health service and the voluntary sector, which was praised in the report, is one of the key elements in the health sector in Scotland.

### Agricultural Land

**13. Alex Johnstone (North East Scotland) (Con):** To ask the Scottish Executive how much agricultural land has been let under the terms of limited duration tenancies and short limited duration tenancies created by the Agricultural Holdings (Scotland) Act 2003. (S2O-1321)

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** It is too early to measure the impact of the 2003 act. However, we are committed to monitoring the impact of the act and I can assure Alex Johnstone that we will collect information this year and annually thereafter about the number of limited duration tenancies and short limited duration tenancies that are in effect on a given date, and about the amount of agricultural land held under such tenancies. We are actively investigating the optimal way of collecting the new information, which will place minimal additional form-filling burdens on farmers. I know that Mr Johnstone will appreciate that.

**Alex Johnstone:** Is the minister aware that the results of a recently published Lloyds TSB survey indicated that there is a large demand both for new land to be let and for land to become available for let? However, those who would like to become involved in that appear to have no confidence in the system that would enable them so to do.

Can the minister explain why there seems to be little demand to use the new system? What action

will the minister take to make the new system more acceptable to those who wish to let land?

**Allan Wilson:** I notice that Alex Johnstone has changed tack: I seem to remember that he was the chap who argued that introduction of the legislation would stifle demand for agricultural land to let, but he is now telling me that demand is increasing.

It is, of course, too early to determine the impact of the act. It has been in force for only two and a half months and, as Alex Johnstone knows, most agricultural lets are traditionally made at Whit and Martinmas, so we made great efforts to ensure that the act came into force when it did. We will continue to monitor the situation and to make adjustments that reflect the demands of the market in relation to future agricultural lets.

### Leaving Care

**14. Scott Barrie (Dunfermline West) (Lab):** To ask the Scottish Executive how it will increase the participation of 16 to 19-year-olds leaving care in education, employment and training. (S2O-1271)

**The Deputy Minister for Education and Young People (Euan Robson):** An additional £10 million over three years has been allocated to local authorities for a new system of support for young people leaving care.

**Scott Barrie:** The minister might be aware of the chief social work inspector's recently published third annual report, which indicates that 60 per cent of young people leaving care are not in education, employment or training, compared with 14 per cent of other 16 to 19-year-olds. That sort of depressing statistic has been referred to previously in the chamber. Does the Executive have any plans to address the situation, not only by working with organisations such as Who Cares? Scotland and the Scottish Throughcare and Aftercare Forum, but by urging public and private sector employers and further education establishments to become much more proactive in assisting care leavers?

**Euan Robson:** Mr Barrie is right to draw attention to those figures and could have gone on to mention the poor educational attainment of looked-after children. There is no escaping the statistics' depressing nature. New arrangements for throughcare and aftercare of young people who leave the care system will take effect from 1 April this year. The arrangements include regulations, guidance and materials for local authorities on assessing the needs of that group of young people, including their needs for training, education and employment.

Careers Scotland has been closely involved in that work and has been a member of the Executive's working group to implement the

proposals. Local authorities will work closely with Careers Scotland and other service providers to meet the needs of the young people who are identified in the assessment process, but Scott Barrie is right that other organisations need to be involved. The situation involves a waste of talent and must be turned round.

### Scotland Act 1998 (Amendment)

**15. Dennis Canavan (Falkirk West) (Ind):** To ask the Scottish Executive what discussions it has had with Her Majesty's Government with regard to amending the Scotland Act 1998. (S2O-1319)

**The Minister for Parliamentary Business (Patricia Ferguson):** The Executive and Her Majesty's Government have a continuing dialogue about the operation of the devolution settlement, which is working well. We have agreed that the Scotland Act 1998 should be amended to ensure that the Parliament remains at its present size.

**Dennis Canavan:** Will the Executive tell the United Kingdom Government that proportional representation is one of the essential pillars on which the Parliament was built and that the ludicrous voting system that the House of Commons Scottish Affairs Committee proposes for elections to this Parliament must be rejected, because it would destroy the Parliament's proportionality?

Will the Executive tell the UK Government that when the new Westminster constituencies take effect, the simplest and fairest way to achieve proportionality in elections to this Parliament will be to introduce the single transferable vote system in multimember constituencies that consist of two or three Westminster constituencies?

**Patricia Ferguson:** The Executive is aware that the Scottish Affairs Committee recommended that the Electoral Commission should consider such issues, but Scottish ministers agree with the Secretary of State for Scotland that establishing an independent commission is the appropriate way to consider relevant issues. That commission will make its recommendations to the secretary of state and to the First Minister.

## Common Agricultural Policy Reform

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a statement by Allan Wilson on common agricultural policy reform. The minister will take questions at the end of his statement, so no interventions should be made.

15:13

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** The common agricultural policy reform agreement of June last year provides key flexibilities in the policy's operation. For the first time in more than a generation, we in Scotland can influence the direction of agricultural policy in Scotland and tailor support arrangements to our circumstances and strategic objectives.

The consultation exercise on the implementation of CAP reform in Scotland has been completed and received 292 responses. A summary of the outcome has been sent to all those who responded and is available in the Scottish Executive library and on the Executive's website. I am pleased to report that most respondents embraced the objectives of the partnership agreement and "A Forward Strategy for Scottish Agriculture", which of course reflect the widely agreed strategic focus for the future of agriculture and rural areas in Scotland.

The Executive has now reached decisions on the key high-level implementation issues. Our decisions make full use of the flexibilities that are available to advance our objectives. We will support the more rapid development of environmentally sustainable farming that provides consumers with quality products. We will shift subsidies away from merely supporting production to recognising the economic, social and environmental contribution that agriculture makes to rural development. We will use this opportunity to develop land management contracts to deliver reformed CAP support that takes account of the diversity of Scottish agriculture and its economic, social and environmental impact. We aim to do that by fostering a spirit of partnership and involving all interested parties in future decision making.

The essence of the CAP reform agreement is decoupling, which is the separation of the receipt of subsidy from the need to produce. In Scotland, the decision is for full decoupling. That means that we will not take up any of the options to retain the existing support schemes. The decision also extends to early decoupling in the dairy sector from 2005, which is in line with the position in other sectors.

The decision for full decoupling is the single most important step in achieving our strategic objectives. The first and most important outcome is that producers will make decisions in response to the market rather than in response to subsidy scheme rules or incentives. That will encourage sustainable farming. The second outcome, which is also important in its own right, will be a reduction in bureaucracy. The form filling and bureaucracy that is associated with the current six main support schemes will be reduced with the introduction of the single farm payment. The payment will be based on subsidy receipts during a reference period, which will be 2000-2002 in most cases—the so-called "historic basis". That is the standard system envisaged in the European Union legislation. It will provide vital stability for farmers so that they can adapt to the major changes that full decoupling will bring.

Payment will be conditional on recipients adhering to environmental standards and sustainable farming practices. Such so-called "cross-compliance" will include the requirement to maintain land in

"good agricultural and environmental condition".

We have worked closely with environmental experts and land managers to develop cross-compliance standards that are appropriate to Scottish circumstances. I will initiate consultation on those standards very soon.

Our work to develop cross-compliance standards will ensure that farmers must comply with demanding but fair environmental requirements in return for subsidy. The new standards are important. My hope today is that all those who are involved in responding to the consultation will view the standards positively. We need to recognise that the delivery of environmental benefits and sustainability are crucial.

There is an issue about the long-term rationale for the single farm payment. As currently drafted, the legislation does not provide for a review date, but we will press for one. It is also worth remembering that, although the CAP reform provides Scotland with considerable flexibility to operate policies in ways that are suitable to Scottish circumstances, the basis for support payments is still determined by EU legislation. Hence, the long-term rationale for the payments is not for us alone; it must be addressed at EU level. For our part, we will stress the link between the payments and the public benefits that accrue by keeping our land farmed.

Some respondents to the consultation have raised questions about the undesirable consequences of the tradeability of entitlements. The suggestion is that consideration should be

given to ring fencing certain areas in order to prevent entitlements from coming into or going out from those areas. That issue will be considered once the implementing legislation has been agreed in March or April. Decisions on whether we should pursue ring fencing will be taken in the light of further analysis of the position at that stage.

Let me turn to the national envelope provisions in the reform agreement, which provide us with the ability to top-slice the single farm payments and to use the money for specific types of farming that are important for the protection or enhancement of the environment or for improving the quality and marketing of agricultural products. Our intention is to make use of those provisions only in the beef sector to support quality calves for beef production. However, final decisions on the detail of the scheme that will be introduced will follow further discussion with the interested parties. The details will also depend on the provisions of the EU implementing legislation, which will not be finalised until March or April.

Among the consultation responses, there was almost no support for use of the envelope provisions in sectors other than beef. Even the support for a national envelope in the beef sector was guarded and qualified. A number of respondents argued for use of the provisions as a short-term measure to be replaced after a period by a specific environmental scheme for retaining suckler cows in peripheral areas under the rural development regulation.

In the medium to long term, the future of the beef sector, crucial as it is both at farm level and in downstream processing and marketing in Scotland, will be to respond to market signals under full decoupling, as in every other sector. The problem is that, in the short term, we do not have a stable market position. The export arrangements continue to be highly restricted. Hence, the beef sector, more than any other, remains vulnerable to short-term uncertainty.

Aside from those market issues, however, there are widely held and well-founded concerns about loss of cows from certain areas, which would have environmental and social implications. Our intention is to consider a scheme from the envelope moneys that addresses both the short-term market issues and the environmental and social issues. Whether the envelope arrangements can be used on a transitional basis will remain uncertain until the implementing legislation is finalised—we will be exploring that possibility as the negotiations on the legislation proceed. Our intention is to address as fully as possible the short-term issues before deciding to discontinue the national envelope provisions.

Finally, I turn to modulation. Our intention is to move to a combined rate of at least 10 per cent by

the end of 2007. That includes both EU compulsory modulation, which will be at 5 per cent in 2007, and additional national modulation. However, our intentions, including the possibility of a higher rate, will be clarified once we know the outcome of the 2004 United Kingdom spending review. That is because European rules mean that modulation moneys cannot be spent without a member state contribution. Currently, that contribution is £1 match funding for every £1 raised through modulation. We will know the future position on match funding by early summer or midsummer 2004.

In the consultation responses, the greatest divergence of view arose over the level of future modulation. The rate of modulation determines the amount of funding available for rural development measures designed to purchase the range of outputs—economic, environmental and social—that the public want. It also determines the speed of development of the land management contract model, which is our strategic approach to the delivery of payments for the different outputs.

The increase in modulation by 2007, subject to decisions on match funding, represents more than a doubling of the modulation funds that are currently available. Our intention is to press at European level for better European funding for our rural development measures in the next EU financial planning period—2007-2013. Decisions on whether to go beyond 10 per cent will depend on future match funding decisions, on further work with all interested parties on the options for rural development investment and on the wider sources of possible rural development funding.

In the consultation responses, various measures and priorities were suggested for rural development spending and the use of additional modulation moneys. We will initiate work quickly with all involved to develop those ideas and proposals and to identify priorities for support. That engagement will also look at developing the work already undertaken on land management contracts with the firm objective of using that approach as the main vehicle for support payments in the future. As set out in the partnership agreement, there is a lot of work to be done in that area and we need to get down to it quickly. We also need to maintain the sense of close co-operation between interested parties, which was apparent during the consultation exercise. The future has to involve partnership, which is a key agriculture strategy theme.

The decisions today represent only the start of a process. Apart from further decisions on the use of additional modulation funding and on the national envelope for beef, several important decisions will need to be taken and further consultation exercises will arise as a result of the EU

implementing regulations, which are likely to be finalised in March or April. There will be key decisions on the use of the national reserve, the need to consider the transfer arrangements for entitlements and the question of resolving the basic entitlements in the first place, including appeals arrangements. Again, that will require close engagement with interested parties. We are considering how best to engage in the most productive and least burdensome way.

The decisions that we have taken within the flexibilities available in the CAP reform agreement are radical and will greatly advance the achievement of our strategic objectives as set out in the partnership agreement and the agriculture strategy. We will have to take more decisions on the detail, particularly when the EU implementing legislation is finalised, but the decisions that I have announced today set the basis for a sustainable future for Scottish agriculture and rural areas more generally.

**The Deputy Presiding Officer:** The minister will now take questions on the issues raised in his statement. I intend to allow 20 minutes for the questions, after which we will move to the next item of business. It would be helpful if members who wish to ask a question pressed their request-to-speak buttons now. A considerable number of members wish to ask questions, so members should remember to ask questions rather than make statements.

**Roseanna Cunningham (Perth) (SNP):** I welcome the minister's statement, which goes a considerable way towards addressing some of the key questions and problems raised by a number of sectors in the industry, notably the beef sector. However, I note that a considerable number of issues remain unresolved and much uncertainty remains. I wish to question the minister on a few specific issues.

First, the door is obviously left open for the modulation rate of 10 per cent to increase, but a great deal is dependent on the availability of match funding and I presume that that depends in turn on the United Kingdom's 2004 spending review. Does the minister have an ideal percentage target in mind? How confident is he that match funding will be made available? Indeed, how confident is he that he will even be able to maintain the proposed 10 per cent rate?

Secondly, the minister indicated that he wants to press for a review date for the single farm payment. Does he have a date in mind? If so, what is it and how confident is he of success in achieving it?

Thirdly, I note that a number of final decisions are still to be made, one of which involves consultation on cross-compliance standards. Does

the minister have a timescale for completion of that?

**Allan Wilson:** I thank the member for welcoming my statement. On her point about cross-compliance standards, I hope that Jim Wallace and I will shortly make an announcement on a consultation. We will look forward to hearing the member's views and those of others on that. On the negotiations with the UK Treasury, in which we will engage with our colleagues in the Department for Environment, Food and Rural Affairs, it would be inappropriate for me to set a timescale or a target because the negotiations are obviously continuing and the timescale will become clearer as they ensue. Equally, on the EU developments on the single farm payment, I cannot set a particular target for when we would want to return to the matter. However, we intend to return to it during the discussions with the EU.

**Alex Fergusson (Galloway and Upper Nithsdale) (Con):** I am John Scott in another guise.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** John Scott has more hair.

**Alex Fergusson:** The member is quite right; John Scott has a touch more hair.

I thank the minister for his courtesy in making the statement available in good time prior to his delivery of it in the chamber. In general, Conservative members welcome the commitment to full decoupling, including in the dairy sector, the adoption of the historic basis for the single farm payment and the opting at this stage for the maximum permissible amount of modulation. However, within that general acceptance, I have three questions for the minister.

First, what will be the reference period for decoupling the dairy sector? If it is to be 2005 or later, can the minister explain why it cannot be retrospective, as it is with other sectors? Does he agree that a future reference date can only play havoc with an already distorted quota market and lead to an inflated price for quota that may be worth absolutely nothing in 2006?

Secondly, the use of a national envelope for the beef sector seems to be inconsistent with the clarity and simplicity of the rest of the statement. Does the minister agree that a far better method of support for quality beef calf production would be through pillar 2 support under the rural development regulation? Will he confirm that any use of the national envelope will be for the briefest possible length of time?

Finally, on modulation, can the minister confirm that the first €5,000 of support is not to be modulated? Will he ensure that—in line with his recognition of the economic, social and

environmental contribution that agriculture makes to rural development—farmers will have the first call on the recirculation of modulated funds? Will he assure members that, if the Chancellor of the Exchequer is not to continue the match funding that he currently provides on modulated funds, the Executive will not increase the burden on farmers to compensate but will reduce it to a degree that is similar to the chancellor's reduction?

**Allan Wilson:** Dairy farming decoupling is determined by EU regulations. I am happy to go into the detail of that with Alex Fergusson afterwards.

On the two more general questions about historic payments, I am glad that Alex Fergusson welcomes our decision, which I believe provides vital stability for farmers to adapt and respond to market signals. Decoupling will already involve a considerable change in thinking. To have done other than we did would have been to create an unnecessary additional burden on the agricultural community.

On modulation, we have said that we intend long-term growth of rural development measures beyond 2007. Of course, funding for that and how that money circulates within the agricultural community will depend on a number of factors, including changes in the EU budget for rural development and discussions with the UK Treasury on match funding. Those moneys will allow us to make considerable progress on rural development measures, to achieve agricultural strategy objectives and to advance the land management contract model by which we set such strategic store. I hope that, by that process, progress in rural development will ensure that the modulated funds return to the wider rural community. That will, of course, include agricultural businesses, which form a vital part of our rural development.

The new arrangements will enable applications for agri-environment funds to benefit a wider group of people than those who currently benefit. In Scotland, we have a much higher percentage of agricultural businesses benefiting from agri-environment schemes than is the case south of the border.

**George Lyon (Argyll and Bute) (LD):** I welcome the minister's statement, as will farmers throughout Scotland, who can now look forward to throwing off the crippling burden of bureaucracy and form filling that has beset the industry since the 1992 McSharry reforms.

I have two specific points, one of which has already been raised by my colleague Alex Fergusson. First, there is a real debate about the proper way of addressing the industry's rightful concerns about beef production in Scotland. To

make the right decision on whether the national beef envelope is the way forward or whether we should look to the rural development measures to address that concern, we need good, hard information. Can the minister guarantee that the Scottish Executive is gathering the appropriate information on who currently produces high-quality beef calves and on the geographic nature of where their production takes place? Without that information, it will be difficult to come to a decision on the right way forward.

Secondly, I plead with ministers to ensure that the linkage between the payments and the public benefits that we expect farmers to deliver should be based on the principle of the carrot rather than the stick. I fully believe that the right way of encouraging farmers to provide those public benefits is to ensure that they are rewarded for doing the work rather than penalised for failing to do it. I plead with the minister to adopt that principle, so that the carrot rather than the stick is used to deliver those benefits.

**Allan Wilson:** I am not known for my use of the stick, it has to be said.

On the objectives of a national envelope for beef, final decisions on the scheme obviously depend on further discussion with all concerned, which clearly includes the producers. I shall ensure that the best advice is available to civil servants on the detailed provisions in the implementing legislation and I assure George Lyon and Alex Fergusson that those discussions will include all the relevant organisations representing farming interests.

Where public subsidy takes the form of a single farm payment and is no longer related to production subsidy, and where we seek public benefit in terms of environmental improvement and future rural development, cross-compliance ought to include—and must include—penalties for failure to deliver on that public agenda. We have to acknowledge that that is the proper way in which to proceed, although the proposals will be incorporated into the cross-compliance consultation when we deliver on that. However, that does not mean that we will look to use the penalties as a first resort as opposed to a last resort. I do not expect that we would wish to use the penalties to ensure cross-compliance except in the event of a producer's failure to deliver on the public benefit that modulation gives us the opportunity to take forward in respect of better rural development.

**The Deputy Presiding Officer:** Before I call Sarah Boyack, I remind members that they are supposed to ask questions. I would like to fit in the 11 members who have a question for the minister, but I will not be able to do so if members make statements, which is unfair to colleagues.

**Sarah Boyack (Edinburgh Central) (Lab):** As a Labour member, I welcome the minister's statement. This is the beginning of the end for the common agricultural policy, against which we have campaigned for years.

Will the minister confirm that 10 per cent modulation will deliver £40 million of new investment for our rural environment in Scotland, which will bring huge public policy benefits across the country? What plans does he have to manage the transition period after 2007 to move us to a position whereby spending on agriculture is founded on the needs of Scottish rural communities? Will we deliver a much more integrated approach than the one that we have at the moment, so that we can link up a regional focus on the key priorities such as organic farming and forestry management and create much more environmentally sustainable and integrated rural development? Will he say something about the clear and measurable public objectives that will be needed if we are going to spend this public money in a totally different way?

**Allan Wilson:** As a Labour minister, I am of course proud of the fact that the announcement that we have made today, in concert with our Liberal Democrat partners, takes forward full decoupling and increased modulation. The announcement is indeed a watershed in respect of future agricultural development, better environmental management and rural development as a whole. I can indeed confirm that the combination of EU modulation plus match funding—less current plans—means that the additional, new money that will be available for rural development in 2007 as a result of our decision to go for a rate of 10 per cent modulation is £40 million. That is a considerable sum of money. I believe that, properly utilised for better agricultural and environmental management and better rural development, it will make a real difference in our rural communities.

**Rob Gibson (Highlands and Islands) (SNP):** I welcome the statement. However, will the minister give us a flavour of how he sees the national envelope working to support the quality beef sector, given that the short time that he referred to in his statement is of an uncertain length and during that time the market for quality Scottish beef will remain highly vulnerable? Is he prepared to guarantee that the national envelope will be used for as long as is required to support the vulnerable communities that rely heavily on the sector?

**Allan Wilson:** I thought that I had said as much in my statement. The important point is that the national envelope will provide short-term stability for the beef market until the export position is normalised. The fact that the beef sector remains

open to short-term uncertainties led to our decision, which I believe is the right one, on the use of the national envelope. That is a Scottish solution for Scottish circumstances.

The national envelope provides an incentive for cattle to be retained in our more peripheral areas for environmental reasons as well as for the social reasons to which I referred in my statement. That is important for the area that Rob Gibson represents. I take the point that Opposition members have made about the transitional nature of what I announced today. It is our intention in the longer term, whether by the national envelope or another mechanism, to ensure that the beef sector is protected, not only for the benefit of agricultural beef protection, but to retain the social and environmental benefits of keeping cattle in peripheral areas.

**David Mundell (South of Scotland) (Con):** The minister mentioned that the appeals process is still to be determined and consulted on. Will he ensure that the impact of the foot-and-mouth outbreak in 2001-02 on historic stock levels is taken into account in that process? Will the appeals process enable an appeal to be made on that basis?

**Allan Wilson:** I asked officials that question when we looked at the 2000-02 reference period as the basis for the historic payment. As David Mundell said, issues such as the national reserve and appeals mechanisms still have to be decided on, but I am determined to ensure that nobody will be disadvantaged as a consequence of the events to which he referred.

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** Does the minister agree that opting for a low level of modulation effectively sends a message to Scottish taxpayers that they must not only subsidise overproduction and overgrazing, but pay further to tackle pollution, such as agricultural run-off, in order to comply with, for example, the tighter standards that are to be imposed under the Water Environment and Water Services (Scotland) Act 2003?

**Allan Wilson:** No, I do not. The member should be patient and await the outcome of the consultation on cross-compliance and the requirement to maintain land in good agricultural and environmental condition, which is a fundamental part of our proposals. If I thought that our proposals would in any way damage future environmental management of our rural areas, we would not pursue them. As for the additional moneys to be made available through increased modulation, the £40 million to which I referred will make a substantial difference to better environmental management in our rural areas. The Scottish Green Party should welcome that.

**Dr Sylvia Jackson (Stirling) (Lab):** I recently attended a meeting of the National Farmers Union Scotland at Gartmore. Much of what the minister said will please its members, particularly in relation to decoupling and form filling, which we talked about at the meeting. I will follow up Alex Fergusson's comment on the dairy industry. Recently, John Kinnaird—[*Interruption.*]

**The Deputy Presiding Officer:** Do we have a question?

**Dr Jackson:** Yes, we do, if the Opposition is ready to listen.

Recently, John Kinnaird, the president of the NFUS, stated that an independent report on the UK dairy sector would inform the debate on the future of the sector after the reforms. Will the minister indicate how the industry will proceed following his announcement today?

**Allan Wilson:** I know Gartmore well and I am sure that today's announcement will be welcomed there, as it will be in farmyards throughout the country. As for the effects on the dairy industry, the only specific decision in today's announcement is early decoupling in the dairy sector. I trust that that will be welcomed by people who work in the sector, because it will bring dairy into line with other sectors. Other decisions on the dairy side, as I said to Alex Fergusson in response to his question, will be announced separately.

**Alex Johnstone (North East Scotland) (Con):** The minister said that the beef sector has to be treated carefully, but will he undertake to do that with a light hand, because one of the greatest environmental benefits that the changes could facilitate would be the movement of cattle down off the hills and back into the environmental deserts that have been created in the east by the CAP over the past 20 years? Will he give an undertaking that money that has been accrued through modulation will be redistributed through the rural development regulation in such a way as to begin to eat away at the prejudices created by a system that taxed the many and rewarded the very few?

**Allan Wilson:** Alex Johnstone will find, if he reads the Labour Party constitution, that we are all about rewarding the many and not the few. I discussed the issue that he raises with the Secretary of State for Environment, Food and Rural Affairs. We share the view that a light touch is needed in respect of the regulatory regime. It is important to take that approach, which we will discuss with the NFUS and others. As we have outlined today, the national envelope is designed to bring stability to the beef sector and environmental improvements to our rural and peripheral areas. As members might imagine, these issues are finely balanced, but I am sure

that on balance people will agree that we took the right decision, which will help to restore stability in the market.

**Richard Lochhead (North East Scotland) (SNP):** I have two brief questions. First, the minister talked about seeking a review of the single farm payments. How soon after they come into force would he like a review? Is he talking about one, two or three years? For what timescale will he be pressing? Secondly, on the national beef envelope, given all the uncertainty surrounding the reforms, does he have full authority to make adjustments at any time that he sees fit or are there obstacles that prevent him from intervening?

**Allan Wilson:** That is of course a devolved matter, but we have to introduce the schemes to comply with EU regulations. There are and will be discussions between the devolved Administrations, the UK Government and the EU commissioner on the final outcome of all the responses to decoupling and modulation issues. I answered the question on setting timescales for discussions when I responded to Richard Lochhead's colleague Roseanna Cunningham. With respect, I announced the decisions only today, so to start talking about when we should review them is a bit premature.

**The Deputy Presiding Officer:** I apologise to the members whom I did not call to ask questions.

## Budget (Scotland) Bill

**The Deputy Presiding Officer (Trish Godman):** The next item of business is consideration of stage 3 of the Budget (Scotland) Bill. As there are no amendments to the bill, we will move to the general debate on motion S2M-902, in the name of Andy Kerr, that the Budget (Scotland) Bill be passed.

15:47

**The Deputy Minister for Finance and Public Services (Tavish Scott):** Today, Parliament reaches the end of a long road that started right back in September 2002 when the Minister for Finance and Public Services announced in the chamber the results of the previous spending review. That was the first time that we discussed outline spending plans for 2004-05 in the Parliament.

More detailed consideration started last September, with the publication of the draft budget for next year. All the subject committees discussed the plans relevant to their interests through the autumn. Parliament then debated the Finance Committee's stage 2 report before Christmas. Last month, we debated stage 1 of the bill and I was disappointed that I missed the debate due to snow in Shetland. Some colleagues have been fortunate enough to discuss the bill further with me at stage 2 in the Finance Committee, under Mr McNulty's convenership, earlier this week.

I can understand it if members greet the end of the process with relief. However, I must tell them that, within the Executive, work has begun on the next spending review. The process for the 2005 Budget Bill will start as early as next month with the publication of the new-look annual expenditure report. Having reached the end of one long road, we must start off down another.

None of that is to play down the importance of the budget cycle. During the stage 1 debate, members of all parties underlined the fact that it is perhaps the most important part of parliamentary business. The key to the devolution settlement is the Parliament's power to determine how to spend our resources in line with our priorities. However, the importance lies with the whole budget process throughout the year, not just with today's debate, which brings it to a formal conclusion.

Andy Kerr's opening speech in the stage 1 debate indicated the major changes to the plans in the bill compared with those that the committees considered when examining the draft budget. The most significant of those arise from the introduction of the prudential regime and an accounting adjustment to change the way we reflect pension liabilities. I certainly recognise

Stewart Stevenson's considerable knowledge of financial reporting standard 17—a tome with which not all are as familiar as is he.

The work on the next spending review that is already under way within the Executive will come to a head in September, when we announce spending plans for 2005-06, 2006-07 and 2007-08.

The great strength of our budget process is that the Parliament and the committees have such a central part to play in it. Given that the annual budget process largely seeks parliamentary approval for plans agreed in the spending review, it is important that the Parliament and the committees are taken into account as much in the spending review as in the budget process itself.

**Brian Adam (Aberdeen North) (SNP):** Given that we are likely to know the consequences of the Westminster Higher Education Bill by the time the spending review comes out in the autumn, will the minister assure us that Scotland's higher education institutions will not be disadvantaged in any way and that they will be given a high priority in the spending plans in the next spending round?

**Tavish Scott:** I am sure that Mr Adam has heard the First Minister, the Deputy First Minister and a number of other ministers refer to the spending review and what the process that is under way south of the border might mean for Scotland. I certainly assure him that the higher education sector, which is crucial to the future of the Scottish economy and Scotland in general, is very much central to that process and that those matters will most certainly be considered over the coming months.

We have been discussing with the Finance Committee changes to the budget process to make sure that there is parliamentary approval for the plans. However, the current process is not perfect. I am most grateful to the Finance Committee for keeping ministers on their toes and for the constructive way in which members continue to suggest further improvements.

I am also grateful to the committee for the recognition in its stage 2 report that the Executive has a good track record in responding positively to its recommendations. I hope that, in the coming months, we will be able to offer the committee and the Parliament news of further progress on both capital spending and 10-year trend data, which are subjects that are particularly dear to committee members such as Wendy Alexander and Jim Mather. I look forward to discussing those matters again.

Improving the budget process needs commitment not only from the Executive but from the Parliament and the committees. I hope that each of the committees will take the spending

review fully into account during stage 1 of the budget process, which will happen after Easter. I look forward to hearing the results of their deliberations in the Finance Committee's stage 1 debate in June.

Members will know that in the partnership agreement we have already set out a programme for the lifetime of this Parliament. That will be central to determining the spending proposals for the next three years that we will bring forward in September. Our priorities will remain delivering excellent public services; supporting stronger, safer communities; developing a confident, democratic Scotland; and, above all, growing Scotland's economy. In that light, I will set out some of the many initiatives that we are taking to help the growth of the Scottish economy.

This Government is addressing fundamentals such as lifelong learning, skills, innovation and entrepreneurship. We will invest in Scotland's physical and electronic infrastructure, because those components of economic viability must be fit for the 21<sup>st</sup> century. The Government will work with Scottish businesses large and small, from start-up to world leader, from Lerwick to East Kilbride to ensure that our focus never wavers from assisting business and company growth.

That approach is paying off. The most recent business surveys from the Royal Bank of Scotland, Lloyds TSB and the Scottish Chambers of Commerce for the fourth quarter of 2003 all confirm encouraging increases in business activity. Moreover, the Ernst and Young ITEM Club most recently concluded that manufacturing growth in the UK will match growth in gross domestic product for the first time in a decade.

A specific example of how we are taking this matter forward is the new innovation-related initiative that Jim Wallace recently announced. The initiative is designed to encourage many more small and medium-sized enterprises to link up with universities and other institutions to help them to innovate.

Another example is the Executive's support for the new intermediary technology institutes. Backed by a long-term Government commitment of up to £450 million over the next 10 years, all three ITIs—covering energy, life sciences and technical media—are now up and running. As members will see, that commitment is over a considerable period of time and is an important illustration of this Administration's concentration on the long term and the importance of such an approach to investment.

The Budget (Scotland) Bill takes forward our work on ensuring that the infrastructure to support economic growth is fully in place. Of course, transport is central to growing the Scottish

economy and our annual spending in that area will rise to more than £1 billion a year by 2005-06.

Our investment in broadband and digital technology is vital to increasing economic productivity. The Government's target of 70 per cent broadband coverage—principally ADSL—for Scotland has already been met. That target was met well ahead of schedule.

**Stewart Stevenson (Banff and Buchan) (SNP):** Will the minister explain the information that was provided in a recent parliamentary answer, which shows that, in one year, the number of Scottish businesses that provide services via the internet has dropped by a third?

**Tavish Scott:** I would be happy to look into that, if what Mr Stevenson suggests proves to be the case.

The figures illustrate that the work that the Executive is doing on broadband with the private sector is making considerable progress. We will continue to work in that area with what I believe is considerable success.

In speaking to the motion, I have demonstrated that growing the Scottish economy is central to the bill in front of us. I commend the Budget (Scotland) Bill to the chamber.

I move,

That the Parliament agrees that the Budget (Scotland) Bill be passed.

15:56

**Jim Mather (Highlands and Islands) (SNP):** Today, the Parliament moves its consideration of the budget on to stage 3 although, as we and others have said on previous occasions, it is in reality only a list of spending commitments. The budget process has exposed shortcomings in the way in which the Executive communicates its spending plans. The budget documentation is still hard to read and assimilate and it is difficult to reconcile it with the Executive's stated policy priorities.

The Executive has missed an opportunity to break the mould created in another Parliament. It has yet to present a budget in a clear and comprehensive way. Sadly, not only has that opportunity been missed, but the budget has failed to involve and engage the Scottish electorate. A truly accessible budget with clear cross-references and reconciled cross-additions would have given people a simple way of drilling down through the schedules and understanding the sums being spent at a local level or in their own areas of interest. That would have made a real difference.

**Tavish Scott:** Mr Mather talks about accessibility. Does he not accept that, since

devolution, ministers with responsibility for finance have purposely, as part of the budget process, taken the budget to all the airts and parts of Scotland? That opening up of the budget process has allowed real people—dare I say that?—to be involved in the process and has now been built into our budget deliberations.

**Jim Mather:** I recognise that and I recognise that some say that there have been improvements. However, those improvements are not happening fast enough and are not radical enough. If, at a portfolio summary level, the Executive had been able to give historical data showing spending over time in major areas of expenditure, and if that had been matched against major outcomes—such as population movement, growth, and national competitiveness—there would have been much more engagement. However, that has not happened. In respect of that latter omission, the Scottish Executive has neglected to do what any commercial organisation that valued accountability to its stakeholders would have done. Any company that was spending shareholders' money would be bending over backwards to explain exactly what its expenditure had bought and to explain any increase in turnover, market share, profits or share values. Surely taxpayers deserve the same treatment and to be offered similar explanations and reassurances that the Scottish Government means what it says about accountability and transparency, and is serious about improving overall performance—especially when the Government in question is not burdened by the need to levy taxes, manage borrowing or set and achieve growth targets.

The shortcomings and omissions in the reporting are significant as there are plenty of good role models to emulate and plenty of easily identifiable macro-targets that are meaningful and that touch the lives of most people in Scotland. That is disconcerting when we consider how the Government, in its approach to the budget, fails to highlight the overall lack of focus on competitiveness—especially when we are destined to trade with and compete with every other national and regional economy on the planet. Surely, with a post-FRS 17 adjusted spend of some £25 billion, we are entitled to have a clear focus on the big outcome numbers that dictate whether there will be worthwhile jobs for our children, whether our earnings will continue to fall behind those in other economies, and whether our population will continue to decline.

**Des McNulty (Clydebank and Milngavie) (Lab):** I accept Jim Mather's point on the importance of competitiveness and on the Government's focus on growth, but does he not accept that Governments are different from companies? Some of the expenditure that the

Government necessarily makes—for example, much of the expenditure on care for old-age pensioners—is not necessarily driven towards economic targets or goals and does not deliver greater competitiveness, but it is the right thing to do. In that sense, we have to take a broader perspective when it comes to Government expenditure than we would in a commercial setting.

**Jim Mather:** In both cases, there is an agenda of pushing the common good; I think that Mr McNulty can see what I mean.

The agenda here is that there seems to be a tendency to laud spending and ignore outcomes because, after all, our competitor nations have more autonomy and they are more likely to create a gravitational pull that retains wealth, builds infrastructure and retains skilled people. We face the continuing spectacle of the Scottish people and this Parliament being subjected to a budget process that merely celebrates spending for spending's sake and which considers spending to be an end in itself. That is in spite of the fact that Donald Dewar is on record as saying that the Parliament is not an end in itself but a means to ends. We are still waiting.

In the meantime, we have the farce of a situation in which the Executive and its apologists appear increasingly content to slice a more and more finite cake, the distribution of which never seems to be able to allow the people of Scotland to match the living standards of those in other western European countries. The Executive is even starting to factor in its failure to deliver on important targets, such as stabilising our population or creating the conditions for real economic growth, in order to manipulate the data and gild its increasingly tarnished performance.

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

**Jim Mather:** I have taken enough interventions.

For example, spending is being recalculated on the basis of a diminished head count—after people have voted with their feet—to bolster per capita spending and GDP per capita. GDP data are being restated so that we can move to a new reality that simply downgrades and buries industries that have contracted because of the erosion of competitiveness; such industries have never been supported here to the extent that they have been supported by Governments elsewhere.

**The Deputy Presiding Officer (Murray Tosh):** I must hurry you.

**Jim Mather:** When unemployment data have been announced, no attempt has been made to acknowledge the fact that many people have been compelled to move within the union for want of local opportunity.

Therefore, on the budget, I must tell the Executive that I am not alone in craving more information, more trend data, more cross-additions, more reconciliations and more cross-references.

16:02

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I shall not be taking interventions, as there is not enough time.

Today is an important day for the economy of Scotland, not just because we are deliberating on the third and final stage of the Budget (Scotland) Bill but because of that bill's impact on local authorities that are setting their council tax levels today—the coincidence is ironic.

The Scottish Government's budget covers many areas and some of those, such as health and enterprise, were tackled by Conservative members in the stage 1 debate. Because of the lack of time, I will leave to my colleagues those areas that I do not cover. I wish to speak about two subjects. The first is the funding of local councils, which accounts for one of the largest proportions of the budget's allocation—some £7.6 billion goes on aggregate external finance. The second is our economy. In spite of ministers' happy, shiny faces today, we still have serious problems.

I want to correct two points on local councils. The Minister for Finance and Public Services and his deputy have put about the suggestion that Scottish increases in council tax compare well with those in England, because Tory councils have proposed far larger increases than their Labour colleagues have. I do not deny that there are some examples of that, but that is not the whole story. The truth is that the contorted—or rather, distorted—funding formula that Labour introduced in England has penalised many Tory-run councils and forced them to raise council tax further than they would have liked; indeed, it has penalised many Liberal-run councils as well. There is the rub. At Westminster, the Liberals blame the Labour central Government. What is the truth? Andy Kerr blames the Tories, while Tavish Scott's colleagues blame Labour. I rather suspect that the deputy minister has yet again shown that he would rather sleep with the enemy than join his colleagues in the real fight.

Secondly, I want to correct the assertion that the council tax has not gone up by 42 per cent since 1997. I remind Parliament that Labour proudly stated its commitment to the Tory spending plans for its first two years in government and, by implication, it accepted the local government settlement at that time. It could have pumped more money into councils and provided a council

tax relief or it could have changed the settlement the following year to offset the increase in council tax, but it did neither.

The Tories may have set the level of council tax for 1997-98, but Labour accepted it. By the inclusion of that statistic Labour shall be judged. The comparison must be made with the council tax of 1996-97, which was the last year in which Labour was unable to change the settlement. That comparison shows a 42 per cent increase; by tomorrow, the figure will be 47 per cent.

To touch on the economy—

**The Deputy Presiding Officer:** You have one minute. [*Laughter.*]

**Mr Monteith:** I have allowed for that.

Because of the recalibrated economic statistics that have allowed ministers to come over all smug today, when we look back at our economy, we will not now be comparing oranges with oranges, but oranges with lemons, which is an especially bitter and pointless exercise. However much ministers crow, there is a sting in the tail. The very fact that the figures have been recalibrated within such a short time illustrates precisely what I and critics from other parties have been saying all along: that our engineering and manufacturing sectors are experiencing serious decline and that only the service sector is pulling us through. It must be said that the service sector is riding on the back of the wild stallion of property inflation. A day will come when the rider will be thrown and our economy will falter.

If we are to avoid those perils, we need a broader approach through which all sectors can prosper. As Professor Ed Glaeser outlined this week, we need more business-friendly regulations and, as Professor Sir Donald MacKay has argued, we need a serious cut in business rates. The Administration and the Budget Bill will achieve neither and, for that reason, they stand condemned.

16:06

**Dr Elaine Murray (Dumfries) (Lab):** Like Brian Monteith, I was struck by the coincidence that the bill is being debated on the same day as local councils set their rates of council tax. As has been observed in previous debates, tonight's and tomorrow's newspapers will be full of headlines about councils and council tax, but probably none of them will run a story about the Budget Bill. I do not think that anybody will remark on the £21.6 billion cash authorisation for the Scottish Administration or that the much-maligned Scottish Parliamentary Corporate Body's budget for next year will be £87.7 million. The budget's headline figures are provided in the broad-brush breakdown in schedule 1 to the bill.

Although I recognise that only ministers can amend the bill, it is important that parties that condemn the bill and the Executive produce alternatives, at least for the people. The Opposition has not only a duty to oppose but a duty to provide alternatives. I am waiting to see what the major Opposition parties' alternatives are. Perhaps members of those parties would like to enlighten us at some point, not necessarily in this debate, about how they would do things differently.

As I said, the legislation that we will pass today contains headline figures. The minister referred to a new-look annual expenditure report and suggested that he is keen to work with the Finance Committee on the desire that we have for timeline data, which would allow us to reconcile spending with the Executive's priorities. I recognise that expenditure is not the whole story. Ministers have rightly said that it is outcomes not inputs that matter. However, we need that information to allow us to judge whether money is being spent effectively. I recognise that smaller sums targeted in particular areas may well do more to achieve the Executive's main priorities than large amounts of money that are not as well spent will. I do not for one minute accuse the Executive of not spending its money well.

I was surprised to see in the draft budget that the contingency fund is a modest £58.37 million for the forthcoming year. Of course, that is a prudent measure, as things with which the Executive has to deal might be around the corner. Unforeseen payments would otherwise have to be funded by dipping into departmental budgets. However, I was surprised by how modest the sum was compared with Dumfries and Galloway Council's reserves, which stand at £14.5 million, even though the council still finds it necessary to have a council tax increase that is above the rate of inflation. I noted that the same contingency fund was £120 million the year before and is expected to go up to £180 million the year after. I wondered what the relevant payments are and where the judgment that that figure should stand at £180 million in the future came from.

Schedule 5 indicates that Scottish Water has been allocated a borrowing consent of £241.9 million. Ministers are well aware, following discussions with the Finance Committee, that Scottish Water borrowed only £51 million in its first year of operation. There is concern about the fact that Scottish Water is not using its full borrowing levels. To refer to something that was mentioned in the Finance Committee on Tuesday, I am a bit concerned about the fact that £85 million of borrowing consent appeared to be returned to the Executive in the spring revision and then reallocated to health for a reduction in waiting lists. Therefore, a capital consent somehow became

revenue spend.

Overall, I welcome the Budget (Scotland) Bill, and it is important that we pass it today, because it enables all those agencies, councils and health boards that are dependent on the Scottish Executive to continue to function and to fund the services that they provide.

16:11

**Stewart Stevenson (Banff and Buchan) (SNP):** I thank Tavish Scott for his congratulations on my interest in FRS 17. That is perhaps because I am slightly closer to retirement than he is. He indicated to the Finance Committee this week that he could spend

"up to £50 million"

from his contingency fund

"without coming to Parliament first".—[*Official Report, Finance Committee*, 10 February 2004; c 973.]

Perhaps he could approach Granada television to try and do a deal to get some questions on the subject of FRS 17 in "University Challenge".

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Ha!

**Stewart Stevenson:** Thank you, Jamie.

In the same meeting, it was made clear that we have had continuing difficulties getting realistic trend data. Wendy Alexander said:

"we need to set a good example by ensuring that we have comprehensive statistics in Scotland."—[*Official Report, Finance Committee*, 10 February 2004; c 979.]

That neatly segues into the debate about GDP, and about the restatement and the baselining that have taken place recently. It also opens up the argument about how effective the new baseline is in giving us a real indication of what is happening in our economy. Interest rates are rising: we have a rate of 4.5 per cent, while the rate is down at around 2 per cent in the European Union. In the United States, it is 1 per cent. That makes things quite difficult for business.

Let us move beyond macroeconomics and consider how our budgets affect people in the real world. In a previous debate this afternoon, Allan Wilson said that Labour wishes to reward the many, not the few. However, parliamentary written answer S2W-5627 tells me that, under Labour, people earning over £40,000 will, between them, make about £5.6 billion or substantially more. Under the current Executive, people earning under £5,000 a year will make substantially less than £4 billion. The trend figures from 1996 suggest that the disparities in our society, as measured on the top and bottom levels of the table contained in the written answer to which I referred, have increased, with inequality growing by about 400 per cent.

That is hardly a ringing endorsement of the Executive's policies and its stewardship of our money.

I received a parliamentary answer on the subject of bankruptcies in the past couple of weeks. It indicates that, between 1997 and 2003, there was a rise in the number of bankruptcies from 2,534 a year to 3,363—a rise of a third. Perhaps small businesses, which account for 98 per cent of all businesses and which are at the very heart of our economy, are doing well. In fact, the number of VAT registrations has been falling over the period since Labour came to power; the number of VAT deregistrations has been rising. Those are very serious issues for us all.

I will close by asking about a specific issue that relates to my parliamentary constituency and my own interests. In the Finance Committee this week, Tavish Scott referred to

“modernising the prison estate over the next five to 10 years.”—[*Official Report, Finance Committee*, 10 February 2004; c 986.]

I welcome hearing from the minister that there will, in fact, be further proposals to assist the Scottish Prison Service to modernise within that time frame.

16:15

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Alasdair Morgan said in last year's stage 3 debate on the budget:

“I have said before that I think that the budget documents are becoming much more helpful to members. They are a great improvement on what they were some years ago.”—[*Official Report*, 13 February 2003; c 18236.]

That is contrary to Jim Mather's view. It is worth recognising that ministers have again responded to the Finance Committee's recommendations for changes in the budget process.

**Alasdair Morgan (South of Scotland) (SNP):** Something can get better but still be capable of significant improvement.

**Jeremy Purvis:** Indeed, and the substance of what I will say concerns suggestions about how the process can be improved. The process has been open and I hope that it will be more open in the future.

Before I come to substantive points on the budget, I would like to deal with the processes as we near the end of this year's budgetary cycle. I found myself in a considerable state of agreement with much of what Brian Monteith said during the stage 1 debate—although not with what he has said in today's debate. I accept that that is a disorienting place in which to find oneself. Mr Monteith made a good case for the budget process being more of an event in parliamentary

life. Between my meetings yesterday morning, a taxi driver spoke to me about the football debate in the Parliament. He complained on two grounds: first, he complained that the Parliament has no powers relating to how football is managed; and secondly, he complained that, as a bowls player, his sport receives considerably less financial backing than football does. At least the debate stimulated a debate. I doubt that passengers in the fleet of black cabs this morning were exercised by lively discussions about our budget debate this afternoon. How the Executive spends the consolidated fund and the areas in which the Parliament scrutinises it should be part of public political discourse. I hope that there is an opportunity to reconsider how we conduct the process to stimulate wider debate.

I acknowledge that the Conservatives sought to have a reasoned amendment debated at stage 1. It would have been good to have an opportunity to consider the areas in which there will be increased spending, which were the very areas that Brian Monteith recognised and welcomed at the Finance Committee meeting on Tuesday. It would also be interesting to know in what areas the Conservatives would freeze spending and cut money to pay for their tax cuts. Indeed, in the stage 1 debate, Mr Monteith's colleague Murdo Fraser, who is in the chamber, stated that Tory economic policy is now top-down Reaganomics. However, he did not allude to areas in which public spending would have to be cut. I mention only in passing that members have the benefit neither of the SNP's alternative spending plans, nor of knowing how it expects its economic policy of cutting taxes and making spending pledges to stack up.

On the substance of the bill, I readily acknowledge that the budget for 2004-05 will be just shy of £24 billion, which represents a further major increase in spending ability. We must ensure that the increased capacity to spend is reflected in a determined improvement in services. I have spoken before in the chamber and in the committee about the need for a cultural shift away from an obsession with quantitative outputs towards scrutinising qualitative outcomes. That the United Kingdom Department of Health has just this week decided to go down that route is interesting. I hope that the Health Committee will have an opportunity to consider the consultation paper that the Department of Health launched this week and the Scottish Executive's approach.

The UK Secretary of State for Health neatly summed up the aim of the targets after reforms when he said:

“They are designed to enable the overall quality of health care to rise as the additional resources being invested in the NHS take effect.”

Those should be the Parliament's wishes. In the next budget process, which will begin later this year, I hope that that will be the focus of our attention.

16:19

**Mr Ted Brocklebank (Mid Scotland and Fife) (Con):** According to a recent report in *The Sunday Times*, in the five-year period from devolution to 2005-06, Scottish public spending will have soared by 73 per cent, which is almost a third more than will be the case south of the border, where it will have risen by 51 per cent over the same period. Compared with in 1999, 30,000 more people now work in the public sector in Scotland. Business start-ups have reduced by 25 per cent in that period and, since Labour came to power in 1997, bankruptcies have soared by 27 per cent. Those are the classic symptoms of low growth, as economists Donald MacRae and Peter Wood pointed out in separate submissions to the Finance Committee on this year's budget.

Despite today's miraculously massaged growth figures and Wendy Alexander's understandable attempts to grab some historical credit for them, the private sector of the Scottish economy is still growing at a far slower rate than the economy in the rest of the UK. In response to Tavish Scott's assertion that, according to some Royal Bank of Scotland league tables, we are improving, I say that Scotland comes 11<sup>th</sup> out of 12 UK regions in the Royal Bank of Scotland's purchasing managers report. We are not doing too well there.

The Conservatives recognise the assertion by Ian McMillan of the Confederation of British Industry, that although

"the Scottish executive has a social agenda ... the war on poverty and social exclusion can be won only if Scotland has a competitive and growing economy."

The fact is that this budget is likely to make Scotland more rather than less dependent on the public sector.

It is difficult to be optimistic about any sector of the Scottish economy. Our manufacturing base has been steadily eroded; electronics has been a disappointment; and the oil industry is now declining. Until recently, the Executive was still able to point to the financial sector as the one bright spot but, following the problems of Standard Life and others, Scotland's proud record of financial innovation and prudence looks as though it is built on far flimsier foundations than anyone had realised.

**Ms Alexander:** Would not the member regard as a bright spot the fact that, in the past four quarters, the Scottish economy has outperformed the G7, the euro zone and the euro 15? Can he

explain his remarks about wonderfully massaged figures in referring to the European methodology that is now applied to Scotland?

**Mr Brocklebank:** I am sure that that is what Wendy Alexander was referring to this morning, but about half a dozen people to whom I spoke after reading the figures said that that was so much hogwash. I look forward to seeing where that ends up.

It is depressing that Scotland is increasingly being bailed out by Westminster. The so-called Barnett squeeze, which was supposed to see public spending in Scotland converge with that south of the border, simply is not working. Every Scot gets £1,234 a year more public money spent on him or her than do our counterparts south of the border.

**Brian Adam:** Will the member take an intervention?

**Mr Brocklebank:** I cannot take any more interventions.

Yet, hospital waiting lists continue to grow and our schoolchildren appear to know less and less. As Scotland continues to haemorrhage people, those who remain find themselves increasingly locked into a dependency culture. The coalition appears to believe that it is the job of the state to run the economy, rather than the job of businessmen and businesswomen, despite the fact that, with two possible exceptions, Jack McConnell's top team comprises people who have absolutely no experience of running a business and to whom profit often seems a dirty word.

In his speech during the stage 1 debate, the convener of the Finance Committee, Des McNulty, heaped praise on the budget for

"very substantial increases in spending across the range of portfolios."—[*Official Report*, 29 January 2004; c 5386.]

Spending is certainly budgeted to increase by nearly 9 per cent over 2003-04; however, with such a period of sustained growth in the public sector, is it really justifiable to throw another £592 million of end-year flexibility windfall money into the brimming pot over the next year? The truth is that, although public spending continues to soar, Scotland is living on handouts. Is that what the proud entrepreneurial nation that produced the likes of Andrew Carnegie, William Young, Alexander Leith and William Burrell is reduced to?

The recent Burns season is still close enough for us to recall the poet's words in "To a Mouse". He could have been referring to this budget when he wrote:

"But Och! I backward cast my e'e,  
On prospects drear!  
An' forward, tho' I canna see,  
I guess an' fear!"

**The Deputy Presiding Officer:** I call Wendy Alexander and remind her that she has only four minutes.

16:24

**Ms Wendy Alexander (Paisley North) (Lab):** In that case, tempting though it is for me to pursue today's growth figures, I will turn to the budget debate. I want to pick up a theme that has been raised by both my colleagues, Elaine Murray and Jeremy Purvis.

I wanted to entitle my remarks "The Great Escape", not simply because the Minister for Finance and Public Services—who is not gracing us with his presence today—bears a passing resemblance to Steve McQueen, but because today is a great escape from some pretty daft ideas. The election in May might seem a distant memory, but if other members had triumphed it could all have been very different in the final stages of Scotland's budget.

Imagine if, in May, Tommy's Trots had sneaked into a colourful coalition and cornered the finance ministry. If that had happened, today's centrepiece would be not the growth of the Scottish economy but Chancellor Sheridan's announcement of which of his colleagues—who, I notice, cannot even turn up to the chamber—would be running the banks, managing Scottish oil and running our power stations, which would all have been nationalised without compensation. That might reverse the recent growth performance.

That is Scotland's first great escape. Next, imagine if we had Budget Ballard. What would those cuddly Greens be up to in today's budget? I suspect that the talk of the town tonight would have been the cancellation of the extension to the M74, the M8 upgrade and the Aberdeen ring road, but the centrepiece of the budget would have been the introduction of a citizens income scheme. The Greens would have announced that, from this date, every citizen would receive an income. I think that that would leave thousands turning pea green. We have made a great escape from the Green nirvana.

I mention those two parties because the smaller parties are quick to condemn the budget but, as others have said, they are much slower to showcase their own policies—no wonder.

Let me turn to the serious alternative parties. What would it mean if Finance Minister Monteith had triumphed in May? As some might recall, the Tories' May election manifesto was entitled, "Time to do something about it". That rather begged the question: time to do something about what? I venture to suggest that, if Mr Monteith had triumphed, we would have been discussing the introduction of health vouchers. About that measure, their manifesto says:

"health care could be purchased from any provider whether in the public or independent sectors."

There is no mention of the fate of the Scots who are not in a position to purchase from the private sector. Tory voters in May were either planning to stay extremely healthy or to get rich extremely quickly.

Of course, it might not have been wise to have been a Tory in May if one wanted to use a library, live in a council house or even have cleaner streets because, if the Tories are to be believed—and that is a big "if"—we would be freezing council tax, which would result in real-terms cuts in every council budget. They just do not learn, do they?

All that goes to explain why neither Finance Fergus—who is not here today either—nor Minister Mather seemed an attractive bet for some Scots. The SNP has learned to be circumspect in its manifestos about the things that actually matter—foremost among those things, of course, being finance. We search in vain in the SNP manifesto for mention of the words "full fiscal freedom", but I invite the chamber to ponder what today would have been like if we had been hearing about the first budget of a nation preparing for statehood. Today would have been all about saving for our sovereignty. It would be to do with finding the cash to pay for the defence force, the foreign office, the overseas development department—the list goes on. That is the fourth of Scotland's great escapes.

The SNP would tell us not to worry about that, as we would have the oil flowing. Here I return to a slightly familiar theme. Every published SNP budget relies on oil to balance the books. I am, of course, on a mission to get the SNP finance team to disown that fiscal folly because whatever Finance Fergus could control, he could not control the international oil price. Possessing oil does not present a country with an unsolvable conundrum, but no nation with significant oil reserves can rely on them to balance the books. If we did so, we could no more guarantee the future of the Scottish health service than we could predict future oil prices.

Today represents a great escape from some pretty daft decisions. The partnership agreement has delivered what it promised: popular, ambitious and fair measures, and I commend them to the chamber.

16:28

**Brian Adam (Aberdeen North) (SNP):** I will let the other parties defend themselves from Wendy Alexander's attacks but I point out to her that people in Scotland already pay for the defence force, the Foreign Office and every other reserved matter. The problem is that we do not get value for

money in return. Very few of the jobs related to those areas exist in Scotland, which scores against us. Further, on funding things from our oil wealth, the UK Exchequer has squandered that money for the past 20 or 30 years. The money has been spent not to the benefit but to the detriment of Scotland. I hope that Ms Alexander will bear that in mind the next time she talks about her fantasies. I suggest that her fantasies might be better applied to an area other than economics. In spite of her much-vaunted credentials, I do not think that she has displayed much today that would commend her thoughts to the population at large.

Labour and Liberal Democrat members have today made their usual speeches about the budget process. I am delighted to say that they have been more temperate than usual. It is fairly obvious that the Liberal spokesperson, Jeremy Purvis, has examined closely what George Lyon and Iain Smith have said and I commend him for saying more temperately what has been said in the past.

Nevertheless, the process was designed to be difficult to amend. Probably the most important comment from the Labour spokesperson, Elaine Murray, was that local government is setting council taxes today. Tomorrow, the public and the press will be interested in how much council tax they will pay and which services will be cut. That shows the Parliament's weakness.

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

**Brian Adam:** No, thank you. I noticed that Bristow Muldoon's replacement in the debate did not make the usual attacks, which I have no interest in hearing again.

The process provides little access to details. About a third of the budget goes to local government, but we have few ways of going into the detail of and scrutinising that. In the city that I represent, considerable concern is felt because the per capita grant is so disparate. Aberdeen receives about £1,500 a head, whereas the figure in Glasgow is nearer £2,000, and that is only the lump sum. In addition, there are a host of little pockets of money and special funds, few of which find their way to Aberdeen. It is high time that we had proper accounting and scrutiny of such budget details. In the past, cosy arrangements were made between the Convention of Scottish Local Authorities and the Scottish Office, which to some extent have continued with the Executive. I do not deny that COSLA should have a role, but the public have a right to know on what basis the financial allocations are made.

I hope that the local government finance review will allow proper scrutiny of such matters and of the extra moneys that are allocated, in particular

on the basis of deprivation, for which we do not have a clear-cut analysis of where the money goes or of what outcomes will be delivered. If significantly disparate per capita allocations are to continue to be given to local authorities—and particularly the authority in the area that I represent—we are entitled to know why that happens. The minister might wish to address that as part of the overall local government finance review.

16:32

**Mark Ballard (Lothians) (Green):** I welcome Wendy Alexander's interest in the Scottish Green Party manifesto's financial plans. I commend particularly the idea of integrating the tax and benefits systems, which is attracting increasing support from the whole political spectrum. A key way of doing that would be through a citizens income, but that would take us to a discussion of United Kingdom tax and benefits. If we had an independent Scotland, today's debate would be about such tax and benefits, rather than merely about spending. I thank Wendy Alexander for bringing that idea to the chamber's attention. I hope that when the Parliament has full powers, we will be able more adequately to discuss integrating tax and benefits.

**Jeremy Purvis:** If, under a Green Administration, the Parliament and the nation became independent, would that Administration use its powers to renationalise utilities? Would it provide compensation for part of that nationalisation?

**Mark Ballard:** We believe that the most effective way to deliver basic utilities such as electricity is through state provision. Only at question time this afternoon, we heard examples of problems that people throughout Scotland face because of the actions of private utility companies that are more interested in profit than in public service. We would move towards a state-controlled rather than a private situation. Achieving that would involve a difficult process, given the mess that the Tories made of utilities, as they did of so many other matters. It is inevitable that some compensation would have to be offered to put a decent system back in the state's hands, but that would be to the long-term benefit of everybody in Scotland. Anyway, we are supposed to be discussing the budget.

Another day, another budget debate. I welcome again the opportunity to talk about Scotland's spending plans. As I said, I wish that today's debate was not just on spending but on tax. That might have attracted rather more interest among members.

Let me repeat the point that I made in the stage 1 debate, which was not adequately answered

then, although it goes to the heart of the commitments that the Executive made in the partnership agreement. Will the Deputy Minister for Finance and Public Services accept that, despite the claim that Jack McConnell made way back in February 2002, the Executive has failed to ensure that all spending is assessed for its impact on the environment and on sustainable development? If the Executive continues to ignore that question, we will view that as an admission of failure on the Executive's part.

During a previous debate on the Finance Committee's report on the budget process, Des McNulty said that insufficient information was supplied in the budget to scrutinise sustainable development and other cross-cutting themes. There is plenty of evidence out there that the Executive is failing in those budgets, but we have not been given sufficient information to assess what the Executive is doing on such themes in the budget that is before us today.

Although there is much to commend about the transparency of the Parliament's budget process, our Executive is still committed to road building and the climate damage and environmental destruction that comes with that. The budget does not give us the evidence to assess what the Executive is doing to meet its commitments on sustainable development. I believe that the Executive is failing. I believe that the evidence that is coming in from the wider Scottish environment shows that the Executive is failing. However, today's budget does not give us the evidence to make a proper assessment of that.

16:36

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** As Tavish Scott reminded us, we are about to embark on the budget process all over again. For those of us who have been here for some years, the process can seem like an endless treadmill. However, the minister was quite correct to highlight the transparency of the process and the interaction between the Scottish Executive and the Parliament's committees. He was correct to say that that is something very special.

Tavish Scott also referred to our commitment to higher education, which is an important commitment that I am proud of. Of particular interest to my constituency is the investment in electronic infrastructure. Linked to that is the innovation idea, which Jim Wallace has been pushing forward, which is all about industry and commerce linking with universities.

In response to an intervention from Tavish Scott, Jim Mather recognised that there has been significant progress on transparency along the lines that I have mentioned. We are moving in the right direction and I welcome that.

Brian Monteith made some interesting comments on council tax and the manufacturing sector. I well remember that, after I was elected to the Highland Council in 1995, we found that Michael Forsyth's cutbacks swung heavily against us. At that time, council taxes rose due to Conservative action. On manufacturing, I can only remind Brian Monteith that his party did more damage to manufacturing than any other in recent history.

As Elaine Murray highlighted, we must not forget that Opposition parties have a duty to provide alternatives. Attempts have been made to do that today, but the results have perhaps been mixed.

Elaine Murray was also correct to highlight the importance of outcomes. The money goes in one end of the tube, but what comes out at the other end? I know that ministers and all right-thinking people take an interest in that, but let us be honest about the fact that we must still improve the process. With the best intentions, we are not always quite certain that the money is hitting the desired targets.

Stewart Stevenson made a characteristically thoughtful speech, which I enjoyed—at least I enjoyed that percentage of it that I understood. However, Stewart Stevenson is the economic ballast in our "University Challenge" team.

Jeremy Purvis is in some degree of trouble with me after expressing his agreement with Brian Monteith's comments. I remind Jeremy that I am the deputy whip of the Liberal Democrat party, so we shall talk about the matter later. However, he quite correctly highlighted the question that the Conservatives will not answer: which services and functions would the Conservatives cut? We know from Murdo Fraser's reply to me last week that Scottish Enterprise would be one of the first targets to be clobbered if, to use Wendy Alexander's idea, there were to be a Conservative finance minister.

Ted Brocklebank—who, I am sorry to see, is not in the chamber—got himself into a slight mess. He went on about the growth in the public sector work force and the extra money that is coming to Scotland. What was he talking about? That growth comes from having more of the very policemen that the Conservatives shout for. It comes from the extra classroom assistants, the social workers and the teachers who make a difference to the poorest people in this country. None of us should be ashamed of that fact. On the subject of the extra cash that is coming to Scotland, I say thank you and amen to that.

We heard robust and fiery contributions from Wendy Alexander and Brian Adam. I have just heard from our good friend in the Greens. It is no accident that, on the "University Challenge" team,

Robin Harper is the expert on myths and fairy tales—tales of the unreal. If he talked to my constituents about not building roads and not investing in infrastructure, he would get a very dusty answer indeed. Some of us do not live in utopia; some of us live in remote rural areas where we depend on investment. I value the investment from the Scottish Executive and I whole-heartedly commend the bill to Parliament.

16:40

**Des McNulty (Clydebank and Milngavie) (Lab):** In my role as convener of the Finance Committee, I thank the clerks and the members of the committee for the tremendous work that they have done on the scrutiny of the budget.

We are making significant progress on improving transparency along the way, which is a cross-party goal on the committee, because we all feel that it is important.

We have had an interesting debate. I noticed that Stewart Stevenson used the *Official Report* of the Finance Committee as the basis of his contribution today. Stewart Stevenson has a reputation as a bit of an anorak on such matters. However, he is welcome to come to the Finance Committee—we welcome people should they wish to come along to our discussions. We have had an interesting few months, not only in considering the budget process, but in some of the other work that we are doing to scrutinise the Executive's finances.

Wendy Alexander made reference to the fact that the Scottish Socialists are not present. I pick up Ted Brocklebank's analogy of the mouse that did not roar. Politics rests on finance. One cannot do anything in politics without making decisions about budgetary matters. It is incumbent on every political party to participate, to offer its ideas and suggestions and to involve itself in the budgetary process. It is a great shame that one party has chosen to absent itself from the process.

**John Swinburne (Central Scotland) (SSCUP):** Does Mr McNulty agree that Wendy Alexander painted a vivid picture of what would happen to the budget process if the Opposition parties had been elected to power, but failed abysmally to mention that, under the existing coalition, a quarter of a million senior citizens live below the poverty level and we are selling people's houses to pay for their residential care? Wendy Alexander calls that success.

**Des McNulty:** I believe that the Executive has made significant progress in recent years to provide better services, particularly for our elderly people. I point to three obvious examples. One is free concessionary travel, which has been appreciated by my elderly constituents. The

second is the introduction of free personal care, which is in advance of what is being done elsewhere. The third is the massive investment that has been made in the health service, which has benefited older people in particular. When they fall ill in Scotland, older people have a better chance of receiving better treatment than they would have anywhere else in the UK or in many other places in Europe.

Wendy Alexander made the good point that, if one compares growth rates in different parts of Europe using the statistics that we have now, Scotland bears up well. I hope that Jim Mather will now stop saying things such as:

"Unless we see policies in place that are fair to Scotland, such as the powers to compete, Scotland will remain on a disastrous trajectory that shames the Scottish Executive."

I hope that he will stop saying things such as:

"low growth which occurs as a direct result of our parliament not having the power to compete, results in higher real unemployment."

Our unemployment situation compares very favourably with the situation elsewhere in Europe and is the lowest that it has been for a generation. We are doing tremendously well.

We are doing much better on economic growth than people, including myself, thought. Those are all positive aspects that we should celebrate. We should also work out how we can take them further. That is what the budget debate should be about. It should not be about making inappropriate comparisons. We should be asking how we can gear our resources within the budget to ensure that we improve on the good growth levels that we have achieved.

May I just say in conclusion, Presiding Officer—

**The Deputy Presiding Officer:** No, you must finish now.

**Des McNulty:** Brian Monteith referred to a 42 per cent increase in capital—

**The Deputy Presiding Officer:** Mr McNulty, there is no time to introduce new material. I now call Murdo Fraser to close for the Conservatives.

**Mr Monteith:** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** There really is no time, Mr Monteith, but if you insist.

**Mr Monteith:** Mr Stone made a remark about a Conservative member. Can I—

**The Deputy Presiding Officer:** May I anticipate your point by saying that two members—Mr Brocklebank and Mr Stone—who spoke in the debate are now not present for the closing speeches, which is regrettable given that we have a practice in the Parliament of being present for

the end of debates to hear the closing speeches, with which I would now like to proceed.

16:45

**Murdo Fraser (Mid Scotland and Fife) (Con):** I was just reflecting on "The Great Escape", to which Wendy Alexander referred. She may remember that the fate that befell the escapees at the end of the movie was not a happy one. Of course, if Andy Kerr is Steve McQueen, I wonder who Wendy Alexander considers herself to be—perhaps Gordon Jackson, or Richard Attenborough, or the camp commandant. We can reflect on that.

The debate has been good and I agree with something that Jeremy Purvis said, which I am sure will do him even more damage with the Liberal whips. I agree that we need more time to discuss the financing of the Executive's budget, which is a fundamental matter, and I am sorry that more time was not available. However, I will pick up on a number of important points in the brief time that I have.

First, there is the question of the business growth figures, to which Brian Monteith, Stewart Stevenson and others referred. What we have seen is a miraculous turnaround. If the figures are to be believed, they mean that Scotland has had higher growth than the G7 countries. I am sure that that will come as a great surprise to many people in the business community, because they do not seem to have experienced such growth. Stewart Stevenson referred to other statistics, such as those on bankruptcies and VAT deregistrations, which suggest that the recalibrated figures for business growth must be looked at rather closely.

Even if we accept the business growth figures as correct, they disclose that the service sector is booming and the manufacturing sector remains in serious trouble. However, the service sector is booming on the back of a credit explosion and rising house prices. As my colleague Ted Brocklebank said, the real expansion has been in the public sector. Fifty-two per cent of the Scottish gross domestic product is consumed by the public sector. That situation cannot be sustainable in the long run, if we want a growing economy. I heard Professor Donald MacRae, of Lloyds TSB, saying this morning that we must recognise that we have low growth in Scotland and that there is nothing to be complacent about.

Let me touch on the question of council tax increases. Today we have seen, across Scotland, council tax increases that average 5.2 per cent, which is substantially ahead of inflation. That has been the continuing trend over the past few years. There is a great deal of unhappiness about the

council tax and its perceived unfairness. I have some sympathy for people on low incomes—perhaps they are retired—who live in a large property, but do not wish to move. Because their council tax is assessed on the value of their house, they must pay a sum that is not proportionate to their income. For many people, of course, the only fair tax is one that somebody else pays.

A great deal of unhappiness is generated not so much by the structure of the council tax as by the increases. Where Conservative councillors across Scotland have been able to offer an alternative budget, their projected increases would have averaged 2.8 per cent compared with 5.2 per cent, which would be an average saving of £46 per annum for band D householders across Scotland. Therefore, Conservative councils would be offering lower council tax charges than are current administrations.

The budget is a missed opportunity to make a difference to the economy of Scotland and a missed opportunity to tackle council tax bills. Unless the Executive does better next year, the real great escape that we will see will be yet more of our people leaving Scotland to seek work and careers elsewhere.

16:49

**Alasdair Morgan (South of Scotland) (SNP):** Earlier, this debate managed to achieve the very rare feat of clearing the gallery totally. I notice that people are now beginning to come in, but I think that that has more to do with the members' business debate that follows.

I shall start with the point that Murdo Fraser ended with, on the council tax. It is not just the party that is in power, whether in the council or in the Parliament, that is the problem. It is clear that the problem is with the tax itself. As members have pointed out, all the coverage tomorrow will be about decisions and debates that have taken place in other chambers throughout Scotland; there will be no coverage of the debate in this chamber.

We all know that the council tax is unfair, but when it was lower and equivalent to a smaller percentage of disposable income, that unfairness was acceptable to most people because of the relative convenience and simplicity of the tax. We have now moved far beyond that situation. The proportion of many people's disposable income that is taken by the tax, particularly when annual increases are far above the rate of inflation, means that the unfairness has reached a stage at which it can no longer be tolerated. The Parliament will have to address that issue, because it affects us all and speaks badly of us all.

Jeremy Purvis made a point about something that I said last year. I did indeed say that the budget documents had improved but, as both Jim Mather and Wendy Alexander said, we need to continue to improve our statistics and there is lots of information that should inform our decisions that is still not available to us. I was glad to see that the *Official Report* of the stage 2 debate was available this time; I complained last year that it was not available, so I am glad that the minister has responded to that point. However, I also asked for a date to be put on the budget documents. If one has a pile of them, as some of us anoraks do, it is sometimes difficult to remember which is which, especially in a year when there may be a spending review and documents are coming out continually. Including a date to say when a document was published should not be beyond the wit of the Executive.

I return to something else that I have mentioned before: business rates. I am surprised that business rates have not been mentioned in this debate, which must be a first. I presume that that is because Mr Ewing is not here. We have heard the argument that our rateable values are lower and that, because our rate poundage is higher than south of the border, that means that, by and large, businesses are in the same position both south and north of the border. However, there are a significant number of businesses to which that does not apply and whose rateable values are fixed on a harmonised basis north and south of the border. For example, chemical plants, small hotels, pipelines and, I believe, even British Telecommunications' fibre optic cable are rated in that way, so it costs people more to run such businesses north of the border than south of the border. Perhaps that is one of the reasons why broadband is a bit of a problem in Scotland.

On Tavish Scott's comments about the 70 per cent target that has been achieved, I have to say that, with one or two exceptions—and I can understand why people are pleased about that—the achievement of that target has nothing to do with anything that the Executive has done or anything in the Executive budget. The target has been achieved mostly because of commercial decisions on the part of the companies that provide the broadband fibre in the first place.

In relation to future decisions on the budget, I re-emphasise the conclusions of the Enterprise and Culture Committee's Scottish solutions report on university funding, in which we said that

"it will be essential to lever additional funds into the sector"—

that is the higher and further education sector—and that

"we believe that significant Executive funding will also be necessary."

Today, we received the Executive response to that report, which is encouraging in part. However, it just says:

"We are committed to ensuring that Scottish higher education maintains its competitive edge."

I simply emphasise the need to deliver on that commitment, which will mean real money being put into the sector.

The fact that we have so many debates on the budget means that we must consider how we structure those debates and what we say in them, otherwise we get speeches that are simply gratuitously offensive, like Ms Alexander's.

I conclude, as always, by saying that we are debating only part of a budget. There is no income side to the budget that we debate and there are huge slices of expenditure in this country—defence, foreign affairs and social security—that we do not debate. I look forward to the day when we can discuss a complete Scottish budget in this chamber.

**Mr Stone:** On a point of order, Presiding Officer, I gather that I was admonished during my absence from the chamber. I would like to point out that, while members were discussing spending billions of pounds, by necessity, I had to spend a far smaller sum. [*Laughter.*]

**The Deputy Presiding Officer:** There is no answer to that. I call Tavish Scott to respond to everything else in the debate.

16:55

**Tavish Scott:** I take the point, Presiding Officer.

I begin by thanking my officials, Richard Dennis and Richard Wilkins, who put in a huge amount of work on this side of the equation in respect of the Budget (Scotland) Bill. I thank Des McNulty and all his colleagues on the Finance Committee for the constructive assistance that they brought to the process. I also thank my colleague Peter Peacock for pointing out that whatever I say this afternoon will get no coverage whatsoever. With that assurance, I might depart from my written text.

I want to pick up on the points that were made this afternoon about the Budget (Scotland) Bill. To Elaine Murray and Stewart Stevenson—and to Alasdair Morgan in relation to time-series data—I reiterate what I said in my earlier remarks and in front of the Finance Committee on a number of occasions. We will work strongly on that area, as we will on the clarity of the annual expenditure report and the introduction of a form of reporting that we hope will be more easily read and understood. That is an important piece of work. I say to Stewart Stevenson in particular that the subject of the prisons estate was raised at the

Finance Committee on Tuesday. He might wish to reflect on the *Official Report* of that meeting.

Mr Ted Brocklebank has returned to the chamber. He made an allegation about the GDP figures that were announced yesterday; I think that the word he used was “hogwash”. I hope that he can substantiate that allegation in relation to the points that he raised.

**Mr Brocklebank:** Will the minister give way?

**Tavish Scott:** In a minute.

One could quote from any number of publications, but I will quote from *The Herald*. Does Mr Brocklebank not accept that

“Scotland beat the UK quarterly growth rate in 10 of the last 23 quarters”,

or that

“The Scottish economy also punched above its weight in 16 of the last 23 quarters, producing more goods and services than would be expected for a country of its size”?

The figures are in line with accepted European Union and UK standards. If Mr Brocklebank does not accept them, he should say very clearly why he does not.

**Mr Brocklebank:** I refer the minister to what I actually said, which was that those business people to whom I had spoken earlier this morning had claimed that the figures appeared to be hogwash. The figures were dramatic new figures. I think that if the minister checks the *Official Report*, he will find that that is what I said.

**Tavish Scott:** I reiterate my point. I am sure that Mr Brocklebank would like to put that on the record. He can write to the Minister for Enterprise and Lifelong Learning or, indeed, to any other minister and state the exact nature of his allegation.

Brian Adam made a point about local authority funding. He will accept that local authority funding in the coming year will rise by 6.5 per cent. Indeed, we debated the subject last week. I do not accept the argument that there is nothing that the Parliament can do to scrutinise local authority spending. I am sure that Brian Adam would not accept that argument either, given that he sat on the Finance Committee for some time. There is nothing to stop any parliamentary committee, particularly the subject-based committees and the Finance Committee, from looking at local authority funding.

I congratulate Chancellor Ballard on the honesty of his position on renationalising all the public utilities. I give him 10 out of 10 for honesty. I hope, however, that he and his party accept that the fact that there is a Cabinet sub-committee on sustainable Scotland, which is chaired by the First Minister, illustrates the seriousness with which the

Administration takes the subject and its commitment to strategic environmental assessment.

**Mark Ballard:** Will the minister give way?

**Tavish Scott:** No. I have answered the point and I want to deal with other points that were raised in the debate.

I agree absolutely with what Des McNulty said in his response to John Swinburne’s intervention on older people in our communities. I do not accept Mr Swinburne’s constant protestations that the Administration does nothing for older people. The one issue that I would add to Des McNulty’s list is the central heating investment. I believe that that is an important theme of the Scottish Executive expenditure and one that is widely welcomed in many of our communities throughout Scotland.

I do not accept what Mr Mather said in his speech. I hope that I quote him accurately when I say that he talked about “shortcomings and omissions” in reporting procedures. Given that Mr Mather has sat on the Finance Committee since he entered the Parliament, I hope that he can clarify that. It is helpful for us to be precise about the language that we use. In my view, Mr Mather was very loose in his usage of language. He also talked about celebrating “spending for spending’s sake”. He should try that line on Mr MacAskill or on some of his other colleagues on the SNP benches.

Mr Monteith and Mr Fraser made points about the council tax. Uncharacteristically, Mr Fraser missed out Scottish Borders Council. He did not mention that council’s 5.4 per cent increase when he talked about Tory influence—I wonder why.

The Conservatives do not appear to want to accept that the Administration has frozen business rates and introduced an increase in water rates that is below the rate of the retail prices index and a new low-user water tariff for 20 per cent of Scottish firms. I presume that those are all things that the Conservatives—given the Reaganomic trickle-down nature of their modern approach under Mr Howard—would oppose. Of course, the Conservatives have a clear policy to cut Scottish Enterprise, they would cut transport and they would cut higher education. However, they would introduce something—health vouchers. I am sure that that would be tremendously welcomed by many people.

The only point on which I agree with Mr Fraser is the need to avoid complacency, which is exactly what the Deputy First Minister did yesterday when he responded to the GDP figures. We accept that point.

At today’s First Minister’s question time, the SNP leader quoted local authority council tax

rates, yet funding the SNP's spending commitments would increase the requirement for taxation. What will be cut? Will there be cuts in other areas of the Scottish Executive budget? Some SNP members are nodding away furiously. The SNP never identifies the cuts. Does Mr Mather speak for the SNP on taxation, or is it Mr MacAskill? Is it cuts or is it spending? We never get a straight answer to that question. Does the SNP want Irish taxation levels or Finnish spending levels? We deserve an answer. Which one will it be—free by 93, more by 2004 or heaven by 2007?

This Administration's financial plans for 2004-05 are responsible and will deliver an ambitious programme. The budget delivers value for money for Scotland and helps to ensure that the people's money is allocated to the people's priorities. This partnership Government is investing in the long term, investing to grow business and investing for the future of Scotland. I commend the Budget (Scotland) Bill to Parliament.

## Higher Education Bill

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of motion S2M-787, in the name of Jim Wallace, on the Higher Education Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the provisions contained in the Higher Education Bill which have the effect of creating a UK Arts and Humanities Research Council and which confer powers and functions on Scottish Ministers, so far as those provisions relate to matters within the legislative competence of the Parliament, should be considered by the UK Parliament.—[*Mr Jim Wallace.*]

17:01

**Brian Adam (Aberdeen North) (SNP):** I oppose the Sewel motion on the usual ground that Sewel motions are inappropriate. This one in particular is inappropriate. I draw Parliament's attention to the position that the Conservatives have adopted. They took a principled position such that their one and only Scottish Tory MP did not vote on the bill on the ground that it was exclusively to do with England and, perhaps, Wales. It certainly is not to do with Scotland. The very fact that we have a Sewel motion on the Higher Education Bill gives the lie to that view.

I draw the Parliament's attention to the fact that some English Conservative members have lodged amendments to the bill at committee stage. Those amendments will have significant implications for Scotland if they are agreed to. If we agree to the Sewel motion, we will hand over Scottish education—with respect to the measures in the bill—to the hands of an English Parliament that has not borne in mind the detail of what is required in Scotland. We are actually giving away £5.4 million of our budget to someone else to decide where it will go. I therefore oppose the Sewel motion, and I will encourage my colleagues to do so in a few minutes.

17:03

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** It is curious that Brian Adam describes the Westminster Parliament as an English Parliament. It does not say much for what his colleagues—such as Salmond the Sassenach, as someone described him—are doing there.

The Sewel motion is limited to that part of the Higher Education Bill that relates to the establishment of an arts and humanities research council on a similar basis to that of the science research councils that already operate. The new research council will be established by royal

charter, and will be put on an equal footing with the six existing UK science research councils. The bill will make the new AHRC a reserved matter, but it will also make provision for the direct funding of arts and humanities research in Scotland by the Scottish Executive, in addition to the research that might be funded through the new council. That position will parallel that of science research.

After extensive consultation, the bill has been widely welcomed. There is widespread support for the change within the arts research community, which has long argued that the creation of an AHRC is in the best long-term interests of research in Scotland, and will lead not only to opportunities to win additional funding, but to increased prestige for arts and humanities research.

Scotland consistently wins more under the current arrangements of the Arts and Humanities Research Board than is put in by the Scottish Higher Education Funding Council. We certainly punch above our weight and there is no reason to think that we will not do that after the arts and humanities research council is established. Not being part of the council could be damaging to arts and humanities research in Scotland. I therefore urge colleagues in the Parliament to support the motion.

**The Presiding Officer:** The question on motion S2M-787 will be put at decision time.

## Decision Time

17:05

**The Presiding Officer (Mr George Reid):** There are five questions to be put tonight. The first question is, that motion S2M-864, in the name of Iain Smith, on the Procedures Committee reports on oral questions and emergency bills, be agreed to.

*Motion agreed to.*

That the Parliament notes the Procedures Committee's recommendations for changes to the format of Question Time and other aspects of oral questioning in its 2nd Report, 2003 (Session 2), *Oral Questions in the Chamber*, and about the timing of First Minister's Question Time and Question Time in its 1st Report, 2004 (Session 2), *Oral Questions and Time in the Chamber*, further notes the Committee's recommendations for changes to the procedure for Emergency Bills in its 2nd report, 2004 (Session 2), *Report on Emergency Bills*, and agrees that the changes to standing orders set out in Annexe A to the 2nd Report, 2003 (Session 2) and in Annexe A to the 2nd Report, 2004 (Session 2) should be made with effect from 13 February 2004.

**The Presiding Officer:** The second question is, that motion S2M-838, in the name of Cathy Jamieson, on the Asylum and Immigration (Treatment of Claimants, etc) Bill, 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)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Etrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)

Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**ABSTENTIONS**

Swinburne, John (Central Scotland) (SSCUP)

**The Presiding Officer:** The result of the division is: For 76, Against 33, Abstentions 1.

*Motion agreed to.*

That the Parliament endorses the principle of creating a new offence to combat trafficking in human beings for non-sexual exploitation as set out in the Asylum and Immigration (Treatment of Claimants, etc.) Bill and agrees that the provisions to achieve this end in Scotland which relate to devolved matters should be considered by the UK Parliament.

**The Presiding Officer:** The third question is, that motion S2M-886, in the name of Scott Barrie, on the appointment of a commissioner for children and young people in Scotland, be agreed to.

*Motion agreed to.*

That the Parliament nominates Kathleen Marshall to Her Majesty The Queen for appointment as the Commissioner for Children and Young People in Scotland.

**The Presiding Officer:** The fourth question is, that motion S2M-902, in the name of Andy Kerr, on the Budget (Scotland) Bill, be agreed to. Are we agreed?

**Members: No.**

**The Presiding Officer:** There will be a division.

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Henry, Hugh (Paisley South) (Lab)

Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (SNP)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Curran, Frances (West of Scotland) (SSP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)

Leckie, Carolyn (Central Scotland) (SSP)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)

**ABSTENTIONS**

Aitken, Bill (Glasgow) (Con)  
 Baird, Shiona (North East Scotland) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Tosh, Murray (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 86, Against 10, Abstentions 14.

*Motion agreed to.*

That the Parliament agrees that the Budget (Scotland) Bill be passed.

**The Presiding Officer:** The fifth and final question is, that motion S2M-787, in the name of Jim Wallace, on the Higher Education Bill, 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)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 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)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross)  
 (LD)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Cunningham, Roseanna (Perth) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Rob (Highlands and Islands) (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)  
 Martin, Campbell (West of Scotland) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Curran, Frances (West of Scotland) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Swinburne, John (Central Scotland) (SSCUP)

**The Presiding Officer:** The result of the division is: For 77, Against 22, Abstentions 10.

#### *Motion agreed to.*

That the Parliament agrees that the provisions contained in the Higher Education Bill which have the effect of creating a UK Arts and Humanities Research Council and which confer powers and functions on Scottish Ministers, so far as those provisions relate to matters within the legislative competence of the Parliament, should be considered by the UK Parliament.

## Sewage Dumping

17:10

**The Deputy Presiding Officer (Trish Godman):** The final item of business is a members' business debate on motion S2M-770, in the name of Rosemary Byrne, on sewage dumping.

*Motion debated,*

That the Parliament accepts that the dumping of untreated or semi-treated sewage on land is a revolting concept to the public with potentially devastating health and environmental effects; notes with strong disapproval the current practice of the dumping of semi-treated waste in various sites in the south of Scotland by a subsidiary of Thames Water plc, and considers that the Scottish Executive should ban this practice completely by ensuring safe scientific methods of disposal under both the precautionary and proximity principles.

17:10

**Ms Rosemary Byrne (South of Scotland) (SSP):** First, I thank members for staying behind for this debate and for taking so much interest in it. I have not stopped receiving e-mails and phone calls today; indeed, it would be no exaggeration to say that I have not had a minute. The subject has generated a huge amount of interest within and outwith the Parliament. I hope that we can also reach some cross-party unity in the debate. I aim to present this as a broad-based, cross-party issue and to make it clear that we should try to support the communities involved.

The debate is extremely timely, given the proposal to dump biosolids at Coalburn near the village of Dalquhandy and the fact that the practice is already being carried out near the village of Newcastleton in the Borders. Since lunch time, I have been informed that the practice has also been carried out at Kely in Fife and that there are now rumours of proposals for a trial at the village of Glespin in south Lanarkshire.

Six years ago, the villagers of Blairingone and Saline faced a similar problem with sewage dumping. Their hard work led to a parliamentary investigation into the practice that involved certain colleagues and resulted in a report that concluded that such events should never happen again. However, here we are again, with who knows how many more Scottish communities being dumped on.

It is a fact of life that people produce sewage. However, we must treat and dispose of it safely and effectively.

**Phil Gallie (South of Scotland) (Con):** I just want to record that when I was a member of the previous Public Petitions Committee, Dorothy-

Grace Elder carried out quite a lot of work on Blairingone.

**Ms Byrne:** I am aware of that, and I am sure that we can learn lessons from those who were involved in that work.

It appears that sewage is being disposed of in communities without their prior knowledge or consent and with little regard to any potential environmental hazards.

I want to concentrate on three main points: democracy, transparency and the environment. As far as democracy is concerned, there is none. The law allows for trials such as the six-month trial that is happening at Dalquhandy to take place without a licence. Moreover, it is not necessary for the companies involved to have planning permissions to proceed if they can obtain an exemption certificate from the local council. That means that local residents have no rights of consultation or appeal during the trial period.

Today, I received a reply to a letter that I wrote to South Lanarkshire Council two weeks ago. The reply is interesting, particularly given the fact that, at a meeting in Coalburn that I attended a few weeks ago, the discussion about permissions became very complex. For example, it appeared that people were not aware of their rights. South Lanarkshire Council's reply says that on 28 January 2003 the planning committee granted approval for the restoration plan for the site in question

"subject to, amongst other requirements, there being no importation of material onto the site for the purposes of restoration without the prior written approval of the Council."

The reply then points out:

"Scottish Coal have therefore sought the approval of the Council for the importation of the biosolids for the purpose of this trial."

It is clear that we are still in a bit of a mess as far as planning is concerned, and I will return to that issue in a moment.

As the transportation of this material is not subject to any planning permission, lorries may trundle into and out of villages and cause noise and air pollution without any restraint. Indeed, that is happening at Newcastleton.

The Executive is introducing legislation on strategic environmental assessment and third-party rights of appeal in the planning process. We must ensure that those measures are implemented in such a way that residents have the right to have a say in what happens in their communities.

On transparency, there has been none. We do not know what is going on, and Ross Finnie does not know what is going on. In an answer to a

question of mine, he said that he did not know where in Scotland the practice went on and that it was a matter for the Scottish Environment Protection Agency. I have written to SEPA and am still waiting for a reply. I have also written to all councils in Scotland to ask whether the practice goes on in their areas. I urge others to do the same. We must find out what is being dumped in our communities.

The communities at the heart of the issue have also attempted to find out what is going on. They have asked what sort of waste is involved, how it will be transported and how it will be treated. They have received either no answer or evasive half-answers. In the case of Newcastleton, the community was not even given the chance to ask questions, as people did not know that dumping was taking place until the lorries started to drive past the village.

Why is the material being transported from England all the way up to Scotland to be dumped? We do not know. That brings me on to my third point, which is on environmental benefits. Because we do not know exactly what is going on, we cannot know what environmental benefits, or hazards, there may be in the proposals. Doubts remain as to the safety of dumping human sewage on land. The National Academy of Sciences carried out an extensive investigation into the issue of sewage spreading. Its main conclusion stated that it was "outdated science".

There is a danger of seepage of the material into local watercourses, especially in the spring when there can be flooding. The residents of Newcastleton have already voiced their concerns on that issue.

In the case of Dalquhandy, correspondence from Scottish Water has indicated that it had thought of using the sewage-to-land option for the disposal of sewage but could find no suitable land in the local area. It is therefore somewhat surprising that both Scottish Coal and Terra Eco Systems feel that the site at Dalquhandy is suitable for that practice. Further investigations must be undertaken into that.

Even if the proposals are environmentally friendly, they lose that benefit because of the lorries that have to transport waste around the country. Whatever happened to the proximity principle whereby a problem is treated where it arises? Communities throughout the country are suffering the noise and air pollution that is associated with lorries and the transportation of biosolids from one part of the country to another. That is ludicrous.

We must find a way of treating and disposing of our sewage that is environmentally friendly and poses no risk. However, that must be done in a

manner that is democratic and transparent. The communities of Scotland cannot and must not be used as a dumping ground in this way.

17:18

**Roseanna Cunningham (Perth) (SNP):** I congratulate Rosemary Byrne on securing this debate and on raising a very important issue in the chamber. I also congratulate the Upperward against pollution campaign group on its work in highlighting this issue. Members of the local community have been in to talk to SNP MSPs this week. We were—as I am sure everyone in the chamber will be—stunned to learn the details that lie behind this debate.

There is an understandable tendency towards bad puns when discussing this matter, but a number of very serious issues arise—not least the potential threat to the health and quality of life of the communities affected.

Before I go on, I want to say that I recollect that the former Transport and the Environment Committee did a great deal of work on this issue in the previous session of the Parliament. The members of that committee should be commended for their work. The present Presiding Officer of the Parliament, George Reid, worked very hard on behalf of the community at Blairingone when it was dealing with the same problem. The problem is not new.

I would be the first to argue for the extension of biomass projects in Scotland. They have an important contribution to make to the mix of renewable energies. However, I sincerely regret that a very sensible scheme to grow willow trees, ultimately for electricity generation, has become embroiled in this farce. In fact, I am really not sure why willow has to be fertilised to this extent; in my experience, all that is needed to get willow to grow is to stick a bit in the ground. I suspect that what has been important has been the public subsidy that is available to Scottish Coal to take waste off the hands of English authorities.

Another aspect that has to be addressed is the community right to be heard. It is simply unacceptable for thousands of tonnes of untreated or semi-treated sewage waste to be dumped in Scotland without any input from the planning authorities, leaving local communities with no say.

On a range of problems, communities' right to be heard is beginning to be a problem throughout Scotland. That is a serious issue that we must face up to, not only in the present context, but in connection with many other areas. The fact that communities feel that they are simply not being heard needs to be examined seriously.

It is worth considering that Thames Water would not be allowed to dump its sewage south of the

border in the way that it is doing in Scotland; the fact that it can cart it up here to be dumped surely cannot be right. I see that the minister is looking puzzled, but that is the information that we have been given as part of our preparation for the debate.

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** Does the member accept that that information might not be right? Thames Water deposits solid wastes in the Thames valley.

**Roseanna Cunningham:** A great deal of investigation has been carried out in the past 48 hours on the reasoning behind the situation. The advice that we have been given is that the regulations in England would not allow the form of waste in question to be dumped there. The minister may have information that we do not have, but our information is that the practice would not be allowed in England.

To add insult to injury, a very bizarre comment from a representative of Scottish Coal is quoted in this morning's *Daily Record*. They said that the sewage that the company got from Thames Water was of a

"higher quality than what was on offer in Scotland".

I am rather nervous about going too far down that road, but some explanation is surely required. The situation is entirely unacceptable and the Executive must act to stop Thames Water in its tracks. Frankly, I do not care how much perfume the operators of the sites spray in the air—the whole thing still stinks and the communities are right to complain.

17:22

**Karen Gillon (Clydesdale) (Lab):** I congratulate Rosemary Byrne on securing the debate. Although I do not agree with the entire content of her motion, it is important that we are able to debate the subject in the Parliament.

I say that for a number of reasons. Unlike Roseanna Cunningham, I have not spent the past 48 hours researching the issue; I have spent the past two and a half months meeting the organisations involved—SEPA, South Lanarkshire Council, Scottish Coal and Terra Eco.Systems—to try to obtain the information that I think my constituents deserve.

There are some common threads that we need to consider, one of which is community consultation on such issues. The failure of organisations to communicate effectively with local constituents allows misinformation and lies to become the truth; I found out about the proposal for Dalquhandy through newspapers and television. We need to deal with that important factor.

It is regrettable that a full planning application was not required for the Dalquhandy site. If no planning condition had been attached to that site on 23 January 2003 in relation to its restoration, no planning permission at all would be required, because the activity in question is exempt under the Waste Management Licensing Amendment (Scotland) Regulations 2003 (SSI 2003/171). The fact that South Lanarkshire Council had the foresight to attach planning conditions to the restoration of the site at Dalquhandy means that a full planning application will be required, should the trial go ahead and be successful.

I have discussed the trial with the council, because I believe that a planning application would have been preferable. I understand that the council will allow a trial involving 10,000 tonnes to go ahead—subject to further discussions with SEPA and the companies involved—for precisely the reasons that members have mentioned, which relate to the need to ascertain how the smell affects people and what the environmental impacts will be.

It is unfortunate that the issue has become one of constitutional shite—if you like—and where it comes from. It is clear that, if there is Scottish waste to be disposed of, it should be disposed of here in Scotland. The proximity issue is important and I have raised it in my meetings with the companies.

I hope that other members will take up the offer to go to meet people and discuss the issues with them, rather than come to the chamber perhaps not as fully informed as they could be. I do not want my constituents to be more concerned as a result of the debate than they were before it because members do not have the correct information.

**Ms Byrne:** Will Karen Gillon elaborate on what she means by saying that members are not fully informed?

**Karen Gillon:** I ask the member if she has met SEPA to discuss the issues that she has raised and, if so, what answers SEPA gave. I had a two-and-a-half hour meeting with SEPA to discuss the issues that people had raised with me about the environmental impact and problems with sewage getting into watercourses. SEPA took me through the issues and I made its answers available to the local community. Clearly, SEPA's view is that the activity is in line with existing regulation and will not pose a risk to the environment or the health of local communities.

**Ms Byrne:** Can I answer the member's question?

**Karen Gillon:** I am afraid not.

I must take SEPA at its word. The minister will have to ascertain whether there is a problem with

the regulatory regime in relation to SEPA. It is important that we reconsider how consultation prior to the commencement of such activities takes place, given that the problems in my constituency arose because of the consultation.

17:26

**David Mundell (South of Scotland) (Con):** I congratulate Rosemary Byrne on instigating the debate. She has done a great deal of work on the issue, such as lodging questions and raising issues in Parliament. I was surprised when I opened today's *Daily Record* to find Roseanna Cunningham grandstanding on the issue. While Rosemary Byrne was at the most recent public meeting to be held in the Coalburn miners welfare club along with my good self and Ms Gillon, the SNP was not represented by an MSP. It is unfortunate that a party-political approach should be taken simply to raise, as Karen Gillon said, the issue of nationalism. In my view, the issue is not about where the substance comes from; it is about the nature of the substance and the consultation or lack of it.

None of the organisations that has been involved to date deserves a great deal of credit because they all pressed ahead without involving the local community. The result was inevitable—those organisations have suffered a backlash, at enormous public cost, I am sure, given the resources that must have been deployed to deal with it. South Lanarkshire Council has not dealt with the matter particularly well. Certainly, the local councillor, Councillor Meikle, has an individual style when dealing with issues that has not always proved productive. Scottish Coal has not dealt with the issue helpfully either—I cannot believe that it did not anticipate the public concern about the issue.

SEPA's approach is disappointing. In my early months in the Parliament, I wrote to Andy Kerr, who was then the convener of the Transport and the Environment Committee, asking that committee to look into SEPA. I feel that SEPA faces the wrong way in carrying out its business. SEPA is reactive; while it assures us about the steps that it will take if something goes wrong, it does not reassure people that it has vetted the process and that nothing will go wrong. At this stage, people require proper information because a great deal of misinformation about the process exists. Information must be put into the public domain and, once it is there, the local communities should ultimately determine whether the scheme goes ahead.

It is clear that, at present, the community is not reassured about the process. There is conflicting information from all sorts of organisations. We must get information to the community and, at the

end of the day, if the community is not satisfied, full-scale use of the substance should not go ahead. We have to learn from the approach that has been taken and consider how the work of the various organisations involved can be co-ordinated, so that the matter will not be handled in the same way again.

We need to examine the planning system. At the last public meeting on the issue, we got into a very detailed discussion about statutory instruments relative to the planning process. We need to consider all the issues under the promised national review of the planning process, because people feel that it is possible to dump sewage sludge without such an extensive planning process as applies to people who want to add a dormer window to their house.

17:30

**Euan Robson (Roxburgh and Berwickshire) (LD):** I thank the Deputy Minister for Environment and Rural Development for his permission for me to say a few words on a constituency matter. The village of Newcastleton, which is in my constituency, has been mentioned several times this evening. The issue of the spreading of waste on forestry land first came to my attention last November, and I have been in correspondence and discussion with SEPA since. To put the record straight, SEPA has been on site on at least three occasions, if not more, and I think that two of its visits were completely unannounced. SEPA has reported to me that it is "satisfied" with the operation of the site at Hewisbridge which, although not very remote, is still remote, in particular from Newcastleton and from immediate human habitation. The nearest inhabited building is a holiday home.

SEPA has involved itself and Scottish Borders Council in the issue. SEPA stated in a letter to me in November:

"it has been confirmed to SEPA that the sludge is not 'raw',

as has been claimed in a number of places.

The letter goes on to say that the sludge

"has been treated to reduce the number of viable pathogens and is regularly sampled for metal content. It is worth noting that such material can also be legally spread on agricultural land in accordance with the pertinent legislation ... the risks to human and animal health are considered to be low and the overall benefits of re-using/recovering the sludge outweigh any localised and temporary detrimental effects."

Scottish Borders Council informed me that its advice from SEPA was similar. It stated that the smell of the sludge at the site in question

"cannot be deemed a nuisance in terms of Section 80 of the Environmental Protection Act 1990."

That said, there are some areas of legislation that need to be examined and I am grateful to the minister for his help in identifying those in recent correspondence. I appreciate his remarks and his assistance.

To echo what Karen Gillon said earlier, the matter has to be addressed in a measured manner. One does not wish to heighten alarm among one's constituents, but there are pertinent issues involved. The first is prior consultation. It would be enormously helpful to consider ways in which to involve communities in the relevant decisions, so that some of the fears that are spread about could be removed. That would help to address some issues that have been raised in Newcastleton. A large volume of forestry traffic already goes through the village and to add to that traffic would present a difficulty. Therefore, the routing of vehicles to any site is a particularly important consideration.

There are other issues in respect of the treatment of odour on vehicles, on which there appears to be a gap in the regulatory regime. When material is being transported—if it has to be transported—it should be treated. One of the interesting things that constituents have told me is that the odour tends to come from the empty wagons, presumably because treatment takes place only for full wagons. Those detailed points need very much to be investigated.

I return to the importance of prior consultation, which would make it possible to explain to people what is happening. One of the issues that was raised in Newcastleton was how long the consultation would take. From discussions with the company involved, I have found out that the first phase will be over later this month or early next month. I am now discussing with the company what might happen in the future.

The issue is difficult and can be emotive. It is important that small remote communities in particular are not left to deal with such issues by themselves. Prior consultation would be immensely helpful, particularly in relation to work on potential sites.

17:35

**Mr Adam Ingram (South of Scotland) (SNP):** I, too, congratulate Rosemary Byrne on securing the debate. I tick off David Mundell, who knows perfectly well that my colleague Alasdair Morgan has taken a close interest in the issues in Dalquhandy and that he has met people there. I have taken an interest from more of a distance, not least because there have been a number of developments in Ayrshire.

Given the limited time that I have, I will focus on what I think are the key issues. I hope that the

minister will respond to what I say when he sums up.

It is quite right that sewage sludge can no longer be dumped at sea, so we must find alternative and environmentally friendly methods of disposal. Landfill is not an option. As a result, mixing sludge with industrial slag on derelict brownfield sites to create a growing medium that will allow that land to be restored could be regarded as a viable option, provided that the justifiable concerns of communities about the safety of the process and the control of pollution—including smells—are properly addressed.

If sewage sludge is to be used in such a way, it must first be properly treated to ensure that biological hazards are not introduced into the environment. There is a strong case for the establishment of an inspection regime that checks outgoing loads from water companies to ensure that safety standards are guaranteed. I suggest to the minister that SEPA's role in that regard needs to be strengthened.

Secondly, the proximity principle should apply. As there is a panoply of area waste plans and a national waste plan, a duty should be introduced on sludge producers to the effect that they must dispose of waste within its area of origin; perhaps a code of practice could be drawn up. There should be no scope whatever for the dumping of English waste in Scotland, or of Scottish waste in England for that matter.

Thirdly, local authorities and—more to the point—communities must be fully involved and empowered in respect of local environmental control. I know about the circumstances in South Lanarkshire, but the fact that Scottish Coal did not require planning consent before going ahead with its trial at Dalquhandy exposes gaps in current planning laws and guidance that badly need to be filled. Those gaps have visited environmental injustice on communities such as those in Clydesdale, Cumnock and Doon Valley, with which I, as an MSP for the South of Scotland, am particularly concerned. Those areas have been scarred by derelict industrial sites, opencast mining sites and, of course, landfill sites. It is time for the Executive to live up to its rhetoric on environmental justice and to do something to redress the impact of such developments on the communities concerned.

17:39

**Chris Ballance (South of Scotland) (Green):** I congratulate Rosemary Byrne on the motion and on her work in raising the profile of the issue that we are discussing.

There are three problems. First, sewage sludge is not being treated properly and it is smelling. I

am told that the stench last summer at Auchengray was sometimes absolutely appalling. That is not acceptable—it is not acceptable that anyone should have to live with the stench of sewage right next to them.

Secondly, the sewage is being transported too far and the transport frequently smells, as we have heard from people throughout the south of Scotland. There is absolutely no argument for transporting sewage over large areas of the countryside. It is not a Scotland-England matter; it is a localised matter. Sewage sludge should be treated near where it is produced and disposed of near where it is produced. Thirdly, there has been no local consultation, which is a problem that has to be looked at.

Given that we cannot dump sewage sludge at sea but must dispose of it somewhere, we must find a solution. In connection with this debate, I have been sent a possible solution that we should consider. I hold in my hand a properly composted sewage sludge cake. It is mixed in the south of Scotland with straw, green waste or wood chips from waste wood from a forestry area next to Langholm and it is then turned into compost. It has been biotested by the Roslin Institute, the University of Edinburgh and the University of Strathclyde, and it has been found to be entirely pathogen-neutral, although it may well still contain heavy metals for which the leach rate has to be worked out. I am delighted to say that it is also entirely free of smell and it does not smell unpleasant under wet conditions or when heated. It looks rather like an exclusive Dutch rolling tobacco. That is the sort of direction in which we ought to be going. The cake is made by a gentleman called Billy Little, who is based in Langholm and who has received money from Scottish Enterprise Dumfries and Galloway to develop the process.

If a two-person operation in Dumfries and Galloway can compost the material properly, why cannot RWE Thames Water or the others who are dumping it process the material properly? Why do we have to live with material that smells? Chemical treatment is not the answer—adding extra chemicals to the material does not help. We suggest that composting is a possible way forward, and we hope that that suggestion is considered. We have a problem with sewage smell and we must find a real solution to it. I commend the sewage cake as a possible solution and a possible way to go.

**The Deputy Presiding Officer:** A short extension to the time allowed for the debate would enable me to call the few remaining members who wish to speak. I am minded to accept a motion under rule 8.14.3 of standing orders that the debate be extended by five minutes.

*Motion moved,*

That the Parliament agrees that, under Rule 8.14.3, the debate be extended by five minutes.—[*Alasdair Morgan.*]

*Motion agreed to.*

17:43

**Rob Gibson (Highlands and Islands) (SNP):**

As a member of the Environment and Rural Development Committee, I was made aware of the issue slightly later than the local members. Concerns have been raised by people who are worried about the fact that it has been difficult to get views from Scottish Coal, Thames Water, South Lanarkshire Council and SEPA.

**Karen Gillon:** Only three weeks ago, I brokered a meeting with Scottish Coal, Thames Water and Terra Eco. Systems to which representatives of the Upperward against pollution group were invited; however, they pulled out two hours before the meeting.

**Rob Gibson:** I am glad to hear that some attempt has been made. We are trying to find means of having these communications out in the open at an early stage, but the evidence does not suggest that the authorities have been very speedy in seeking to speak to the local community.

The issue of willow coppice being used as a rotational crop is of considerable interest to us. Because it is a rotational crop, the trials may be repeated regularly. It is possible, then, to ask whether more of the sewage sludge will be imported at every stage in the replanting or prior to new trials. Part of the problem seems to be that quite a large amount of sludge is required. We understand that between 5,000 and 7,000 tonnes would be laid per hectare, in comparison with 250 tonnes per hectare in Blairingone. That demonstrates the size of the issue and shows why people in Upperward were concerned. I would like the minister to say whether he expects trials of this kind to lead to the continual importation of sludge to enable the growing of willow coppice.

I ask the minister to reflect on the fact that there must have been conditions in the planning applications for opencast sites that meant that the restoration of topsoil should be done by the companies concerned. If that is so, would that not be quite adequate for growing willow coppice? The renewables activity that is supported by the Scottish Executive and the Scottish Parliament to grow willow coppice is a separate issue from the issue of sewage sludge. That being so, is this a trial for willow coppice, the biosolids that are being transported to the site or the soil itself? Some answers about that are necessary.

Because the issue relates to transport—and other members have questioned the means by

which that will take place—will the Scottish Executive tell us what ordinary people will experience if they come into contact with the lorries, given that the materials have to be loaded on to the lorries by people wearing what are, in effect, spacesuits? Further, what happens at the point at which the sewage sludge is produced in Dalquhandy?

17:45

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** Like others, I congratulate Rosemary Byrne on securing a debate on this controversial topic. The use of human waste as a fertiliser is controversial not only because of the environmental management regulation issues but because it involves cultural issues. In many societies, the use of what is termed night soil in farming is a tradition that goes back thousands of years. In our society, however, the use of human waste as a fertiliser is less of a cultural tradition and more of a taboo.

In principle, sewage sludge should be seen not as waste but as a resource to replace fertilisers used in, for example, forestry, land reclamation and agriculture. Dumping at sea was rightly banned in the 1990s and the incineration of sewage sludge is the worst environmental option. However, the use of sewage on land is only as good as the treatment and quality control mechanisms that are put in place to protect people, soil and watercourses. One of the problems with the regulation of sewage sludge products in general is that they are dependent on a Victorian sewerage system and are subject to the many varied forms of pollution that enter that system. For example, heavy metal contaminants, which are a concern, come not only from industry but from domestic sources. We need to point industry in the direction of creating innovative, high-quality products of the type that Chris Ballance keeps wafting under my nose and which are low in contaminants, are easy to apply, have good environmental performance and have no odour. The application of wet and relatively untreated sewage sludge should be avoided at all costs and processes such as composting need to be adopted further by the industry to ensure that quality products are in use in agriculture.

However, even with those developments, we are still going to be left with some sludge cake that needs to be put on to land and it is in that regard that there is a danger that environmental injustice will occur. People near Blairingone in my constituency and Auchengray in the south were not adequately consulted in relation to how, where and how much sludge was to be put on to the land. At Auchengray, local people were assured that there would be no smell but, of course, it

stank last summer. Local people were not consulted and were told that the scheme would be extended beyond its original timescale. That has led people to distrust such sewage schemes and the private operators who run them. The scheme at Dalquhandy has not started, but it has already attracted controversy, as we all know. From what we have heard of the proposal, we know of concerns about leachate, odour, transport impact and the breach of the proximity principle.

The Executive needs to show leadership, address the concerns and answer some of the serious questions that communities are posing. For example, what monitoring of the leachates is SEPA undertaking? How is that monitoring being enforced? Will the material that goes on to any site have independent testing? How are the technologies that the private companies use to treat sewage sludge being regulated? How are the emerging technologies, such as the technologies that produced the material on Chris Ballance's desk, being monitored and developed?

We should address those questions and ensure that we have a way of returning nutrients to the land that does not represent a form of antisocial behaviour by private companies.

17:51

**Alasdair Morgan (South of Scotland) (SNP):** Public consultation on the issue has been significantly lacking. At the well-attended meeting in Douglas to which I went, many people did not know what was going on. Much information was available to them, but whether that was all the information or was the correct information is another matter. The concern is genuine. I understand that some people did not attend the meeting that Ms Gillon organised, which may suggest that attitudes have become so entrenched that there is no way forward.

We can understand why communities that have been affected by opencast mining for many years, which is fairly unpleasant and does not necessarily bring much benefit to communities, feel that they have another disbenefit once that has ceased in tidying up the situation that they are in.

From dealing with all sorts of planning applications, we all know that smell is one of the most difficult matters to deal with. Councils impose many conditions, but it is the devil's own business to make anything happen if a smell appears after permission is granted. It is almost impossible to do anything about that.

I wrote to SEPA about the subject and it said:

"The issue of odour from such projects is clearly a relevant matter",

but,

“Obviously, assessment of smell nuisance is to some degree subjective and ... it would be highly inappropriate for SEPA to resist the proposed project at Dalquhandy purely on the perception that there was a potential for some degree of unpleasant odour to be created.”

That does not fill people with much confidence. Scottish Coal says that there will be no smell, but experience of planning applications means that one does not readily believe that 100 per cent.

I suspect that many members were, like me, surprised that no consent would have been necessary for the Dalquhandy project other than SEPA's registration of it as an exempt activity if South Lanarkshire Council had not fortuitously—I am sure that the council would say that it was by good design—put in planning consents. In other areas, such consents may not apply and no consents will be necessary. SEPA's interpretation of the regulations might be correct, but we must ask whether the regulations are correct.

As for transportation, the problem is that if no planning permission is required, we have no chance to examine lorry movements. We can understand why that is, because we do not license every lorry movement on our roads. That is reasonable, but long lorry movements are different. We have more confusion, because Scottish Coal told me that as sewage sludge is a low-value item, it would not be transported huge distances, and it referred to the central belt or Carlisle at the furthest. That seemed intrinsically acceptable. However, other people have informed me that a Department of Trade and Industry-subsidised trial is bringing sewage sludge from Manchester to the village of Forth. I do not know which statement is true; all I am saying is that different stories are going around.

As for risks, Euan Robson is right that the sludge is treated, but I understand that the most basic treatment has been applied to the sludge. We are dealing not with Mr Ballance's tobacco but with fairly nasty semi-solid or semi-liquid sludge. People have every right to ask why, if dumping such material at sea is forbidden, it is okay to dump it up the road from them. We must accept that people hold that concern genuinely.

In conclusion, if the small-scale trial that is proposed now goes ahead, it is essential that not only councillors and MSPs but the local people themselves are involved in seeing the monitoring arrangements that are put in place and in evaluating the results.

**The Deputy Presiding Officer:** I call the minister to wind up. He has seven minutes.

17:55

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** I will be as brief as I can, but these are serious issues.

I add my congratulations to Rosemary Byrne on securing tonight's debate, because the Executive acknowledges that the Parliament has taken a consistent interest in the disposal of sewage sludge and other organic waste. As has been mentioned, in the previous parliamentary session, the Transport and the Environment Committee and the Public Petitions Committee carried out inquiries into the issue. The first of those inquiries led to a debate in the chamber in October 2002, which I remember vividly.

That parliamentary interest has had important consequences. In March last year, in response to the concerns that were expressed in the Parliament and elsewhere, the Scottish Executive amended the Waste Management Licensing Regulations 1994. In the debate of October 2002, I promised that I would introduce those amendments, which have greatly strengthened controls on two uses of organic waste, including sewage sludge. Those uses are: the spreading of sludge on agricultural land; and the use of sludge for reclamation and improvement of land. The latter is particularly relevant to what is happening at Dalquhandy and elsewhere.

It would take me too long to correct all the inaccuracies that appeared in this morning's *Daily Record*—usually a very reliable journal—and I do not have time to do so. However, I will make a number of important points. As was repeated earlier, the paper claimed that the stuff would not be dumped in Shropshire. In fact, a great deal of Thames Water's sludge is used in land restoration in the Thames valley. An interesting point is that the regulatory regime in England is weaker than the one in Scotland. In Scotland, ecological improvement must be demonstrated in advance in accordance with the statutory procedures.

The *Daily Record* also claimed that Scottish sludge is of lesser quality than English sludge. That is rubbish and Thames Water has told me that it is absolute nonsense. In fact, Scottish Water was offered the contract, but it did not have enough sludge available. Nevertheless, good, old-fashioned Scottish sludge is being used in land restoration.

The amendments that we made to the Waste Management Licensing Regulations 1994 mean that sludge may be used only for the purposes of ecological improvement or agricultural benefit. The amended regulations set out a rigorous procedure for demonstrating to SEPA, which is the regulator, that the improvement is being delivered. The regulations also include general provisions to protect the environment. If the conditions cannot be met, SEPA will not register the activity and the activity may not be carried out.

If untreated sludge were to meet the requirements, that would be only because its use

was demonstrably safe. In any event, I understand that the sludge that will be used at Dalquhandy will be treated. It will need to be treated sufficiently to ensure that the requirements in the regulations can be met. In that context, it is simply unhelpful for Alasdair Morgan to suggest that there is some undefined category of semi-treated sewage. If sewage is treated such as to meet the regulatory requirements only partially, it may not be used.

As David Mundell mentioned, Roseanna Cunningham was quoted as saying:

“To pretend that spraying untreated human excrement on to open countryside is environmentally friendly is a sick joke”.

Frankly, that would be the case if we had said that.

**Mr Ingram:** I hear what the minister is saying, but does he recognise that there is inconsistency in the way that the water companies treat sludge at the point of production, as it were? SEPA has indicated to me that it has more problems at that point in the process than with material that is injected into the land. What can be done about that?

**Allan Wilson:** Unlike his colleague, Adam Ingram made a balanced contribution to the debate and I was about to come to some of the points that he made.

I repeat that, if sewage is treated such as to meet the regulatory requirements only partially, it may not be used. In Dalquhandy, the sludge is being spread, not sprayed. It is in pelletised rather than liquid form. The sludge is not untreated and it is being spread in a former opencast site, not in open countryside. Every part of what Roseanna Cunningham is quoted as having said is, quite simply, wrong.

**Ms Byrne:** Will the minister answer the point about the proximity protocol that almost every member in tonight's debate has made? Why has that protocol been broken? Will the minister also confirm whether any risk assessment has been carried out in relation to the transportation issues and whether there will be seepage in the places where the sewage will be used?

**Allan Wilson:** There have been many balanced contributions on the proximity principle. It is important, but there are more brownfield sites to be restored than there is available sludge. The Green contribution on how we should deal with the matter in future was very balanced.

There are some circumstances in which untreated sewage may be used. An exemption from the Waste Management Licensing Regulations 1994 allows it to be used on non-agricultural land, such as forestry. Those activities are not uncontrolled. The regulations allow exemptions only where the objectives of protecting

the environment and human health can be met. A range of environmental legislation also applies to the activity, such as that protecting the water environment, including groundwater.

Notwithstanding that, the Executive has consulted recently on subjecting the exemption for non-agricultural land to the same rigorous standards that apply to agricultural land and land restoration. We intend to introduce amending regulations to Parliament later this year.

I make it clear that the dumping of any kind of sewage sludge on any kind of land is a criminal offence, like the dumping of any other sort of waste, organic or inorganic. The Executive is taking strong measures, notably through the Antisocial Behaviour etc (Scotland) Bill, to penalise the dumping of waste. Sewage sludge may be used on land only in accordance with the applicable environmental regime. All applicable environmental regimes contain conditions to protect the environment and human health.

It is important to give members that categorical assurance. As Mark Ruskell said, we have had to consider issues in the round, in the light of public interest. We are critically aware that the spreading of organic wastes on land attracts strong public interest. Striking the right balance between necessary and useful activities and public amenity is an essential component of environmental justice, which we wish to see introduced.

Before I conclude, I focus members' attention on those wider issues. We have a national waste plan, which members supported as recently as 21 January. We cannot stop sewage sludge coming—waste minimisation does not apply in this instance. Therefore, we must devote our attention to recovery and recycling. I am sure that colleagues will agree that land restoration and application to agricultural and forestry land are legitimate forms of recycling, and Mark Ruskell said as much. Where those activities may be carried out without harming human health or the environment in accordance with the regulatory regime, they represent the best practicable environmental option.

If we do not recycle sewage sludge beneficially, the least attractive environmental option—disposal—is the only one left. I ask members to think about what that means. We can no longer dump at sea, and I know a lot about that because I used to organise the sludge boats that dumped off the island of Arran in my constituency. We all want to protect bathing water quality, and I do more than most. That leaves us with landfill or incineration. No doubt those options ought to be kept open to us in dealing with sludge but, as the previous debate showed, there are questions about both.

We cannot stop sludge coming. In keeping with the national waste plan and the views expressed by Parliament, the Executive is trying to encourage recycling of all wastes, including sewage sludge. However, we are clear that all recycling must be carried out in a safe and environmentally just way.

**Karen Gillon:** I ask the minister to address the important issue that Rob Gibson raised about protective clothing and the spacesuits that are worn by SEPA officials. Will he indicate his understanding of the type of protective clothing that will be worn at Dalquhandy?

**Allan Wilson:** Mr Gibson's contribution was balanced with one exception. I understand that SEPA officials are obliged by health and safety law to wear certain protective clothing on most field and work sites. In most situations, that rarely amounts to more than a hard hat, safety wellies and a high visibility jacket. That is likely to be the case at Dalquhandy, so the mention of spacesuits was a distraction.

**Rob Gibson:** Will the minister give way?

**The Deputy Presiding Officer:** The minister is just finishing.

**Allan Wilson:** That is why we have already tightened up the regulations for dealing with sewage sludge and other organic wastes and are about to tighten them still further. I assure members that no one should be in any doubt about the Executive's commitment to bring the way in which we deal with all wastes in Scotland into line with the best practices of the 21st century.

I end by giving members on all sides of the chamber, particularly Karen Gillon, an assurance. I will raise the issues of the planning process, to which most members referred, and the identified loopholes with my planning colleagues in the context of the current consultation on and review of the planning regime. We will make efforts to ensure that any loopholes are closed and that there is community consultation. I fundamentally agree with Mark Ruskell that that is the key to getting greater acceptance of the recycling effort that we must make if we are to dispose of our sewage sludge in an environmentally friendly manner. I give Karen Gillon and other members my commitment.

*Meeting closed at 18:06.*



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