

# **MEETING OF THE PARLIAMENT**

Thursday 16 December 1999

Volume 3 No 16

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2000.

Applications for reproduction should be made in writing to the Copyright Unit,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish  
Parliamentary Corporate Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body  
by The Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now  
trading as The Stationery Office Ltd, which is responsible for printing and publishing  
Scottish Parliamentary Corporate Body publications.

---

## CONTENTS

Thursday 16 December 1999

### Debates

	Col.
<b>MOTION WITHOUT NOTICE</b> .....	1623
<i>Motion moved—[Michael Russell]—and disagreed to.</i>	
Michael Russell (South of Scotland) (SNP).....	1623
Alex Fergusson (South of Scotland) (Con).....	1626
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	1626
Mr Tom McCabe (Hamilton South) (Lab) .....	1626
<b>ACT OF SETTLEMENT</b> .....	1633
<i>Motion moved—[Michael Russell].</i>	
<i>Amendment moved—[Mr McCabe].</i>	
Michael Russell (South of Scotland) (SNP).....	1633
The Minister for Parliament (Mr Tom McCabe).....	1637
Lord James Douglas-Hamilton (Lothians) (Con).....	1641
Donald Gorrie (Central Scotland) (LD) .....	1644
Mr Michael McMahon (Hamilton North and Bellshill) (Lab).....	1646
Colin Campbell (West of Scotland) (SNP).....	1648
Tommy Sheridan (Glasgow) (SSP).....	1650
Elaine Smith (Coatbridge and Chryston) (Lab) .....	1651
Michael Matheson (Central Scotland) (SNP) .....	1653
Mr Andy Kerr (East Kilbride) (Lab) .....	1654
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	1656
Dorothy-Grace Elder (Glasgow) (SNP) .....	1657
Mr John McAllion (Dundee East) (Lab) .....	1659
Mr Lloyd Quinan (West of Scotland) (SNP).....	1661
Mrs Mary Mulligan (Linlithgow) (Lab) .....	1662
Alex Neil (Central Scotland) (SNP) .....	1665
Mr David Davidson (North-East Scotland) (Con) .....	1666
Shona Robison (North-East Scotland) (SNP) .....	1668
Hugh Henry (Paisley South) (Lab) .....	1670
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD).....	1671
The Deputy Minister for Local Government (Mr Frank McAveety).....	1672
Miss Annabel Goldie (West of Scotland) (Con).....	1673
The Deputy Minister for Communities (Jackie Baillie).....	1674
Roseanna Cunningham (Perth) (SNP).....	1677
<b>HAMPDEN PARK</b> .....	1681
<i>Statement—[Mr Galbraith].</i>	
The Minister for Children and Education (Mr Sam Galbraith) .....	1681
<b>BUSINESS MOTION</b> .....	1693
<i>Motion moved—[Mr McCabe]—and agreed to.</i>	
<b>DEPUTY CONVENERS</b> .....	1693
<i>Motion moved—[Mr McCabe]—and agreed to.</i>	
<b>QUESTION TIME</b> .....	1695
<b>OPEN QUESTION TIME</b> .....	1708
<b>HEALTH SERVICE</b> .....	1715
<i>Motion moved—[Susan Deacon]—and agreed to.</i>	
<i>Amendment moved—[Kay Ullrich]—and disagreed to.</i>	
<i>Amendment moved—[Mary Scanlon]—and disagreed to.</i>	
The Minister for Health and Community Care (Susan Deacon).....	1715
Kay Ullrich (West of Scotland) (SNP).....	1722
Mary Scanlon (Highlands and Islands) (Con).....	1725
Robert Brown (Glasgow) (LD) .....	1729

---

---

Dr Richard Simpson (Ochil) (Lab) .....	1733
Dorothy-Grace Elder (Glasgow) (SNP) .....	1735
Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab).....	1737
Bill Aitken (Glasgow) (Con) .....	1739
Ms Margo MacDonald (Lothians) (SNP) .....	1740
Margaret Jamieson (Kilmarnock and Loudoun) (Lab).....	1742
Mrs Margaret Smith (Edinburgh West) (LD).....	1742
Ben Wallace (North-East Scotland) (Con).....	1744
Mr Duncan Hamilton (Highlands and Islands) (SNP) .....	1746
The Deputy Minister for Community Care (Iain Gray).....	1749
<b>DECISION TIME</b> .....	1754
<b>CORNTON VALE PRISON</b> .....	1762
<i>Motion debated—[Dr Jackson].</i>	
Dr Sylvia Jackson (Stirling) (Lab) .....	1762
Dr Richard Simpson (Ochil) (Lab) .....	1765
Mrs Lyndsay McIntosh (Central Scotland) (Con) .....	1766
Mrs Margaret Ewing (Moray) (SNP) .....	1766
Mr Keith Raffan (Mid Scotland and Fife) (LD) .....	1767
Shona Robison (North-East Scotland) (SNP) .....	1769
The Deputy Minister for Justice (Angus MacKay) .....	1770

---

## Scottish Parliament

*Thursday 16 December 1999*

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

**The Presiding Officer (Sir David Steel):** Before we begin the business of the morning, I want to inform members that I have agreed that there will be a ministerial statement on Hampden Park from Mr Sam Galbraith at 12.15 pm today. As usual, the statement will be followed by questions.

The first item of business is motion S1M-117, in the name of Michael Russell, on the Act of Settlement and an amendment to that motion.

### Motion without notice

**Michael Russell (South of Scotland) (SNP):** Presiding Officer, I have given you notice that I would like to move a motion without notice, in my name, about the agricultural business improvement scheme. I submitted the motion to you this morning and I want to address the issue of whether it should be taken.

**The Presiding Officer:** Under the standing orders, the decision whether to take such a motion is entirely mine. As the Rural Affairs Committee has reported this morning on ABIS, as the scheme ends on 31 December and as the application is supported by more than one party, I have decided that I should accept the motion. My decision allows the Parliament to decide whether to debate the issue. The motion that I am accepting is simply the motion without notice that an extra debate be added to this morning's business.

**The Minister for Parliament (Mr Tom McCabe):** On a point of order, Presiding Officer. I appreciate your explanation, but it would be useful to stress to the chamber again the interpretation and ruling that you have just given.

I understand that the motion that has been referred to is a motion without notice to debate an issue and that the debate that we will now have will be on whether we should discuss the issue, not on the substantive details of the issue.

**The Presiding Officer:** That is a clearer and longer version of what I just said.

09:31

**Michael Russell:** I am grateful to Mr McCabe for clarifying the matter. It is important that we know what we are voting on.

I apologise for croaking, but I am croaking rather less than I was yesterday. This will be a long

morning, so I will be brief.

Two issues are at stake—one is the issue of principle and the other is the issue of practice. The issue of principle is that this morning's time in the Parliament is Opposition time, which has been allocated to the Scottish National party. Yesterday, we chose to bring forward an urgent motion that was lodged on Monday, which seeks to redress an injustice that is being done to some 4,000 people and which involves £22 million. It is a matter of real hardship in many sectors of the agriculture community in Scotland.

With the report from the Rural Affairs Committee strongly recommending that action be taken on ABIS, it seemed only fair to give Parliament the opportunity to have its voice heard, particularly as the cut-off date for the scheme—

**The Deputy Minister for Parliament (Iain Smith):** On a point of order. I am a little confused. Mr Russell seems to be implying that he had knowledge of the report of the Rural Affairs Committee before it was published this morning at 7.30. My point of order is that yesterday, he said—

**The Presiding Officer:** It was well known yesterday that the report would be published first thing this morning. The committee convener supplied me with a draft of the report and I trust that the report is now in the hands of every member.

**Dr Richard Simpson (Ochil) (Lab):** At the risk of incurring your wrath, Presiding Officer, I want to inform you that that was not the point of order. The point of order was connected to the fact that Mr Russell referred to items in the report in laying the motion without notice before the Parliament. That is a relevant point of order.

**The Presiding Officer:** Please continue, Mr Russell.

**Michael Russell:** Thank you very much.

Obviously, Mr Smith's long train journeys from Fife, to which he referred yesterday, are preying on his mind. The report, which is in the hands of everyone in the chamber, clearly indicates that an injustice is being done. In those circumstances, it is right that we consider the motion. If members had listened to the evidence in the committee, it would be surprising if they did not know that an injustice was being done, even before the report came out. Perhaps Mr Smith should read the evidence more often.

There is a wrong to be righted and this is the last opportunity to do so. It would be a huge failure of the Parliament if it did not take that opportunity and I am glad that the SNP is offering that opportunity. A decision on the matter involves all of us, particularly Liberal Democrat members, who should recall that at Westminster—and I am not

fond of many Westminster conventions—there is a convention that the vote must follow the voice. We have heard many voices raised by the Liberal Democrats against the injustice of ABIS. I hope that they will bear that in mind when they decide whether to vote for the motion.

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** This is sheer opportunism.

**Michael Russell:** Obviously, the Deputy First Minister's vote will not follow his voice—that is a matter for his conscience.

The second point that I wish to raise this morning—[*Interruption.*]

**The Presiding Officer:** Order. There is too much noise in the chamber.

**Michael Russell:** The Deputy First Minister is unusually animated this morning.

The second matter of great importance for the chamber is that this morning is SNP Opposition time. If we choose to bring a motion for debate, it should not be subject to veto by the Executive. There is a basic principle about allocation of parliamentary time, which I have addressed repeatedly in the Procedures Committee. In the circumstances, it would be wrong for the Parliament and any member on those benches to vote not to allow the SNP to use its time in the way that it wishes. If the Parliament were to do that, it would be a great blow to democracy here.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** On a point of order.

**The Presiding Officer:** Is it a real point of order, Mr Jenkins?

**Michael Russell:** It is a killer point.

**Ian Jenkins:** Mr Russell makes a point about abuse of the parliamentary system. The motion in Mr Russell's name—which I signed—was e-mailed to me, and I was told that it would not be debated. If anybody is abusing the parliamentary system, it is Mr Russell—[*Interruption.*]

**The Presiding Officer:** Order. I will allow a short debate on this, until 9.45 am. If members wish to make points, they may do so, but there should be no points of order, please.

**Michael Russell:** We have heard another Liberal Democrat whose vote will not follow his voice. I regret that, because this is an issue of parliamentary privilege; it is an issue about how the Parliament operates—whether the Executive dominates it or parties have a shot at things. If members vote against the motion, they are not only condemning 4,000 people to considerable financial hardship—remember that—but voting against Scottish democracy. I ask members to

bear that in mind when they vote this morning.

I move,

That motion S1M-392 be taken at this meeting of the Parliament.

09:38

**Alex Fergusson (South of Scotland) (Con):** I would like to support Mr Russell's desire to have the issue heard in the Parliament. I was part of the Rural Affairs Committee, which heard evidence from all sides of the debate. The committee felt sympathy towards the Minister for Rural Affairs because it became obvious, through the process of gathering evidence, that he had been handed a poisoned chalice by his predecessor, Lord Sewel. One of the principles at stake is the extent to which the actions of the present Administration should be led by the promises of the previous one.

What is more important is that there was all-party agreement in the committee about the fact that many applicants have spent considerable sums of money applying for the scheme. They are, under the present circumstances, very unlikely to get that money back. It is essential, for the sake of democracy and principle, that the matter be debated in this chamber.

**The Presiding Officer:** Mr McCabe's name has come up on the screen. Would he prefer to wind up at the end?

**Mr McCabe:** Yes.

09:39

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I am a member of the Rural Affairs Committee, involved in the questioning of the minister on 3 December.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)** *rose*—

**Mr Rumbles:** I am shocked at the behaviour of the convener of the Rural Affairs Committee in rushing out this interim report in the early hours of the morning. I have not had the opportunity to read fully the interim report because of an earlier clash of committees. This is a disgraceful use of parliamentary time. This is using the financial problems of our farmers and crofters in the Highlands and Islands to make party political points. I suggest that we do not discuss the motion today.

09:40

**Mr McCabe:** Once again, we have seen the coalition between the Scottish National party and the Conservative party. I hope that the Conservative party will take the time—[*Interruption.*]

**The Presiding Officer:** Order.

**Mrs Margaret Ewing (Moray) (SNP):** On a point of order. Is not it the case that we were all elected to represent the interests of all the people of Scotland, irrespective of political party?

**The Presiding Officer:** That is a truism, but not a point of order.

**Mr McCabe:** That is true. I hope that the Conservative party—[*Interruption.*]

**Fergus Ewing:** On a point of order.

**The Presiding Officer:** Just a moment, Mr McCabe. Is this a real point of order?

**Fergus Ewing:** Mr Rumbles would not allow me to intervene. Could I continue?

**The Presiding Officer:** No, you cannot. That is not a point of order. Please sit down, Mr Ewing.

**Mr McCabe:** Thank you, Presiding Officer. I will finish the point that I was trying to make. I hope that when the Conservative party wraps itself in a union flag, it will remind the people who voted for it that it has spent so much time supporting the nationalists in the Parliament. On second thoughts, the Conservative members can save their time—we will do that for them.

**Phil Gallie (South of Scotland) (Con):** On a point of order.

**The Presiding Officer:** Is this a first—a real point of order?

**Phil Gallie:** As far as I am concerned, it is. I have heard Mr McCabe say that this is an issue for party co-ordination and co-operation. He is wrong. This is an issue—[*Interruption.*]

**The Presiding Officer:** Order. That is not a point of order, Mr Gallie.

**Mr McCabe:** Mr Gallie misunderstands my point. This is another issue on which the Conservatives and the SNP agree.

This is not an attempt by the Executive to veto the democratic rights of the Parliament—the people who are abusing parliamentary process are SNP members. We have a business motion that has been accepted by the Parliament and agreed by every party in the Parliamentary Bureau, yet, even though the SNP had the opportunity to amend the motion, it has used the guise of short notice to gain political advantage. I am glad to hear—

**Dorothy-Grace Elder (Glasgow) (SNP):** The minister is wasting our time.

**Mr McCabe:** I am glad that Mr Russell appreciates my clarification—we will try to enlighten the SNP at every possible opportunity. Perhaps we could enlighten SNP members

further—I refer to their behaviour this morning. I implore you, Presiding Officer, to pay more attention to the heckling and disgraceful behaviour that happens regularly.

The SNP had an opportunity to alter Parliament's business. The issue could have been dealt with and the scheme discussed today, if members had had sufficient notice to prepare for the debate. The fact that Mr Ewing had a motion in the business bulletin as early as Monday would have provided the SNP with sufficient time to make the necessary representations in the bureau and thus alter the business that was planned for today. It is a discourtesy to members to expect them to participate in a debate for which no prior notice was given.

To replace Mr Ewing's motion, lodged on Monday, with another lodged by Mr Russell, and to expect it to be debated today, is an abuse of parliamentary time and its procedures.

**Fiona McLeod (West of Scotland) (SNP):** As we are talking about abuse of parliamentary procedure, why does the 12.15 pm statement on Hampden not appear on the business bulletin, when the minister has been spinning since Sunday that he would make a statement today?

**Mr McCabe:** Is the Scottish National party suggesting that we should not have a statement on Hampden? It has been requesting such a statement for some time.

**Nicola Sturgeon (Glasgow) (SNP) rose—**

**Fiona McLeod rose—**

**Mr McCabe:** The kind of behaviour that we have seen from the SNP brings this chamber into disrepute. It is also of concern that such behaviour is coming from a member of the Procedures Committee. I hope that that committee will examine the tactics that have been used by the SNP to disrupt today's business plan, for which members have been preparing for some time.

**Fiona McLeod:** On a point of order.

**Mr McCabe:** It is not the Parliament's fault that the SNP is unable to organise its own business plans to avoid the need for disruption to this Parliament.

**Fiona McLeod:** On a point of order.

**The Presiding Officer:** I hope that this is a real point of order, because I am getting tired of false ones.

**Fiona McLeod:** On a point of order. If the Procedures Committee is going to follow Mr McCabe's recommendation, I hope that it will also look at—

**The Presiding Officer:** That is not a point of

order.

**Fiona McLeod:** It is a point of order—

**The Presiding Officer:** It is not a point of order; it is a point of argument. Carry on, Mr McCabe.

**Mr McCabe:** This is not a new issue. It has been widely known that ABIS would end on 31 December. The Rural Affairs Committee has considered the matter over a number of weeks and if there had been a need for debate before the end of the year it would, no doubt, have brought something forward before yesterday.

**Fergus Ewing:** I thank Mr McCabe for giving way. Is he aware that a member of the Labour party supports the motion? Rhoda Grant, during a meeting of the Rural Affairs Committee, said to Ross Finnie:

"I am suggesting that you could ask the Treasury to underwrite this scheme."—[*Official Report, Rural Affairs Committee*, 3 December 1999; c 278.]

I sincerely hope that Ms Grant will support this motion today as she did on 3 December.

**Mr McCabe:** That is just another distortion from the SNP. No one is saying that there is no support for the principle of ABIS.

**Mrs Margaret Ewing (Moray) (SNP):** So debate it.

**Roseanna Cunningham (Perth) (SNP):** Debate it.

**Mr McCabe:** We are saying that the way in which the motion has been brought before this Parliament is wrong and shows discourtesy to the Parliament.

The report from the Rural Affairs Committee has been published only today. It has taken the committee nearly two weeks to compile it; equally, the Executive needs time to consider it and make a response.

**Richard Lochhead (North-East Scotland) (SNP):** Will the member give way?

**Mr McCabe:** I am more than happy to give way—it is the member's time.

**Richard Lochhead:** Does the member agree that Mike Rumbles should withdraw his attack on the Rural Affairs Committee, given that he was not at the meeting at which it was decided to publish the report?

**Mr McCabe:** I am sure that the SNP would like Mr Rumbles to withdraw his relevant comments, but I am sure he will not oblige.

**Mr Rumbles:** I was not at the Rural Affairs Committee meeting because I was convening the Standards Committee at the same time. The Standards Committee cannot meet without the

convener.

**Mr McCabe:** As I understand it, the report that we are discussing this morning is an interim report. The Rural Affairs Committee requires to make further investigations before it reaches a final view. Surely that will not happen before 31 December. Matters of concern have already been discussed in the Rural Affairs Committee, and the minister has already spoken to the committee. No new issues have been raised since then. ABIS has also been addressed in written and oral parliamentary questions. The scheme will result in some £16 million of Executive grants going to Highlands and Islands farmers. In an ideal world, of course, there would be more money, but it is equally true that £16 million is not an inconsiderable sum.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Will the minister give way?

**Mr McCabe:** It would be wrong to debate the issue so soon after the production of an interim report. I oppose Mike Russell's motion.

**The Presiding Officer:** We must come to an immediate decision.

The question is, that the motion in the name of Mike Russell, that motion S1M-392 be taken at this meeting of the Parliament, be agreed to. Are we all agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Hyslop, Fiona (Lothians) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)



McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)

Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Ms Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 52, Against 61, Abstentions 0.

*Motion disagreed to.*

## Act of Settlement

**The Presiding Officer (Sir David Steel):** We proceed to this morning's business, which is a debate on motion S1M-117, in the name of Michael Russell, on the Act of Settlement. I call Mike Russell to open the debate.

09:50

**Michael Russell (South of Scotland) (SNP):** Perhaps we should pause for a moment to allow the smoke of battle to clear, because this morning we are considering an issue that is not only significant, but historic. It is important that we apply our minds to that rather than to the difficulties of the past 15 minutes.

First, I thank the 77 MSPs who signed the motion that I lodged on 1 September. Given the convention that ministers, Presiding Officers and Deputy Presiding Officers do not sign motions, 77—70 per cent of MSPs who were able to sign the motion—is a substantial number.

If Ian Jenkins's criticism is the worst that can be made of me this morning—that I have brought to debate in this chamber a motion that was not for debate—that is fair enough. I plead guilty. The reality is that I lodged the motion on 1 September with the support of five other MSPs because I felt that, if the Parliament's expression and will could be given on the business bulletin, over a period of time there might be some change south of the border that might move the issue on. That has not happened, which is why we are debating the issue today. We have had rumour and counter-rumour, spin and counter-spin. We have heard allegations that the First Minister was in favour of change pre-Rafferty, but against change post-Rafferty. We have heard a variety of rumours. However, what we have not had is any commitment to action.

I hope that we will debate the issue constructively and respectfully to say that this is a blot on Scotland which requires to be changed and that, by letting its voice be heard, the Parliament can be instrumental in such change.

Let us consider what the Act of Settlement 1701 and the following Act of Union 1707 actually are. They are extremely offensive pieces of legislation that stipulate that those who "profess the popish religion" can neither be monarchs nor marry into the royal family. Although the issue of who is or is not the monarch is not something that keeps me awake at night, I am concerned when any individual is told that the profession of his or her religion disbars him or her from anything. Most of us thought that such times were over in Scotland; many people are surprised to find that such times are still here.

As the Church of Scotland said yesterday, the Act of Settlement is a product of its times, as is the Act of Union. When those acts were passed—somewhat narrowly in the case of the Act of Union—the killing times were still within living memory. Profession of the Protestant religion had been injurious to health and even to life. Within living memory, a monarch had been removed from the throne for the profession of a very aggressive form of Catholicism which was felt to threaten the nation's unity. In such circumstances, it is scarcely surprising that such provisions were made. However, that was then, not now. We should not carry the prejudices of the past down to this and future generations; if we are to carry them down, we need a good reason for doing so.

What has surprised me in the debate over the past three and a half months—and indeed in the debate over the past 20 to 30 years—is that there are no good reasons for failing to change these offensive provisions. I had hoped that the reasons would at last be given when I read this morning's *The Scotsman*, which outlines the formidable constitutional obstacles that Lord Hogg of Cumbernauld came up against when he attempted to introduce a 10-minute rule bill on the matter in 1981.

The obstacles included the Coronation Oath Act 1688, the Union with Scotland Act 1706, which is indeed a formidable obstacle, but not in this context, and Princess Sophia's Precedence Act 1711—I suspect that even the First Minister could not tell us what that is about. They included the Royal Marriage Act 1772, article 2 of the Union with Ireland Act 1800—Lord Hogg is obviously unaware that that is not particularly relevant any longer—section 4 and the schedule to the Regency Act 1937 and the Statute of Westminster 1931.

None of us here could tell anyone what those laws are about, but what they should not be about is institutionalising discrimination. If any of them are, they should also be changed. Far from those laws being a reason for inaction, they are a spur to further action. That is what we should try to achieve in the chamber today.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** Can Mr Russell tell us why he wants to raise this issue now, when all the time there have been Scottish National party members in the Palace of Westminster, none of them has tried to raise it?

**Michael Russell:** I am sorry that Mr McMahon is not better informed. There is a motion and our members have raised the issue. Mr Salmond has raised the issue and spoken to it on a number of occasions.

Even if Michael McMahon were right, his

intervention would not be in the spirit of today's debate, in which we are trying to change something that needs to be changed. With respect to Michael McMahon—I know that he supports the change—the best way to get change is for people in this chamber to agree that it is needed, rather than for them to make political points, which will get us no further. The act will remain unchanged if the matter is seen as party political.

I am sorry that Mr McMahon is waving his hands in a rather odd fashion. There is not a shred of political advantage in this issue for any party in the chamber. There is an advantage for the people of Scotland, however, if, today of all days, the Parliament comes together to say that the act is wrong. There need be no wild words or statements, but together we should add our voice to the voices of the Church of Scotland, the Catholic Church, the Baptist union, the Hindu community, the Muslim community, distinguished historian Tom Devine and James MacMillan, who from the reporters' gallery conducted a fanfare for the opening of this Parliament on 1 July. If the Parliament adds its voice to those voices, we will do the Parliament credit. If, however, we comb through the minutiae of history to find a reason not to change things, they will not change.

I want to hear one simple thing from Mr McCabe: that there is an intention to move forward. The amendment says simply that this is a terribly difficult matter and that it is somebody else's problem. We should remember Burke's words:

"It is necessary only for the good man to do nothing for evil to triumph."

I am sorry that the First Minister laughs at that, that he does not regard institutionalised discrimination of any description as unacceptable and that he does not want to join us in moving forward.

**Hugh Henry (Paisley South) (Lab):** Will the member give way?

**Michael Russell:** In a moment.

Yesterday, Mr McAveety raised the issue with me in the tea room. He made a joke about me standing up for the poor Catholics of Glasgow, as if in some way it was a patronising action. I do not particularly want Mr McAveety to marry a monarch—the idea is pretty frightening—but I do want a society in which we can all say that there is no law that prevents anybody from doing anything because of religious discrimination.

**Hugh Henry:** Mr Russell said that he hopes the amendment is not simply an attempt to put responsibility on to somebody else, yet in the e-mail he sent on 16 August, he said:

"The Parliament itself cannot change the Act of

Settlement . . . This is not a challenge to Westminster".

**The Presiding Officer:** Before you respond to that, Mr Russell, I should say, in view of what you said a moment ago, that it is not good practice to quote private conversations in the Parliament.

**Michael Russell:** I apologise. Mr McAveety and I have a number of private conversations. I will not—

**The Presiding Officer:** I have no doubt, but we do not all want to hear about them.

**Michael Russell:** I will not quote any of them again, Presiding Officer.

I should say to Mr Henry that the motion is not a challenge to anybody. The argument that I put out arose because of representations made to me from the Labour benches—that this would be a challenge to Westminster. This is a challenge to decency in Scotland, not to Westminster.

I acknowledge that Mr McCabe's amendment states the facts as they presently are and not as I would like to see them. I hope that, in those circumstances, the chamber would like to hear some positive intention from Mr McCabe. I hope that members can then move forward together.

I do not support the constitutional settlement as it is at present. I hope that we will move on to a written constitution and a bill of rights. They would make this debate completely irrelevant. In such circumstances, it would be impossible to have discriminatory legislation.

I regret that one of the excuses that has been given for inaction is that there would require to be change in 15 Commonwealth countries. Members will know from the material that we have been releasing over the past few days that that is not true. Any country with a written constitution and a bill of rights will automatically override the Act of Settlement. With a written constitution and a bill of rights, we could transfer the matter to the history books. We can do that today if the Parliament unites to say that we are in a process of change and of making Scotland a better country to live in. In those circumstances, we are in the process of removing any offence towards our fellow citizens.

I hope that the tone of this debate will be one in which we can make those points. If we do not have a debate of that tone, the matter will not go away. We can take the matter away today. United, we can say that discrimination is wrong. Let us end it. That would be a suitable Christmas and millennium gift from this Parliament to the people of Scotland.

I move,

That the Parliament believes that the discrimination contained in the Act of Settlement has no place in our modern society, expresses its wish that those

discriminatory aspects of the Act be repealed, and affirms its view that Scottish society must not disbar participation in any aspect of our national life on the grounds of religion.

10:02

**The Minister for Parliament (Mr Tom McCabe):** I, too, think that this is a very important debate. The tone in which it is conducted is critical to the standing of the Parliament. It is disappointing that Mike Russell has set the tone by quoting a private conversation. Furthermore, he is condemned by his own words.

Hugh Henry was right to point out that when people were encouraged to sign the motion, it was against the background of some important statements made by Mike Russell. He acknowledged that this Parliament cannot change the act. He said that the motion was not a challenge to Westminster. Yet as soon as he rises to his feet, he asks for a statement about when this Parliament will move forward—although it has no power to change the act. That is unfortunate in relation to setting the proper tone for a debate as serious as this.

**Mr Alex Salmond (Banff and Buchan) (SNP):** I think that Mr McCabe misunderstands—I am sure unwittingly—what Mike Russell is saying. We are not asking for a repetition of the fact that we do not have the power to change the act. We accept that. It is not something that we like, but we accept it as a fact. What we are asking for is an indication of intent from Mr McCabe in his position as a Labour party minister and an indication that the Labour party in government in Westminster intends to progress on this issue.

**Mr McCabe:** I greatly appreciate the elevation, but I point out to Mr Salmond that I am a minister in the Parliament of Scotland, not of Westminster.

There is no doubt that we are dealing with a sensitive and important subject, but it is also beyond question that it is outwith the legislative competence of this Parliament. That does not mean that we cannot discuss it, within the rules of order and competence. The coalition Administration will defend this Parliament's right to choose its own subjects for discussion.

With all rights come responsibilities. In this chamber, matters that are within Westminster's powers should be approached with caution. Expressing an opinion is of course a valid exercise, but it can often raise expectations that we are not in a position to satisfy.

The motion discusses discrimination. I am in no doubt that this Parliament will want to combat discrimination wherever it is found. Indeed, we want to replace it with a Scotland characterised by fairness and justice for all its citizens, whatever their background, faith or race.

The amendment recognises the complex constitutional difficulties that change or repeal of the act raises. It also acknowledges the fact that it is the responsibility of the United Kingdom Parliament. When we express the wish to repeal the discriminatory aspects of the act, we have to examine the constitutional and parliamentary time implications that that would have for the Westminster Parliament. Any Administration has to take tough decisions on its competing priorities when considering how best it can address discrimination.

The harsh reality is that we live in an unequal society. In this Parliament, we have embarked on a crusade against poverty. Thousands of Scots battle against the odds every day. They need to know that this Parliament is on their side. It is a fight we will not give up. We will dedicate ourselves to winning it, no matter how long it takes. It has been said that Roman Catholics and indeed Scots of other faiths are insulted by the Act of Settlement. Of course they are, but by allowing people to meet their full potential, by removing the insult of poverty, exclusion and deprivation we also allow them to repudiate that insult.

The fact that the act is a message from the past does not excuse or justify the situation. Nor does the fact that it has been an issue for many years in any way make it acceptable. People support politicians who know the value and priority of giving every child the best possible start in life. Scots know the value and priority of concentrating on quality education, decent housing and a safe environment. Those must be basic expectations for all Scots, not just the privileged few or a particular race, sex, religion or class.

**Mrs Margaret Ewing (Moray) (SNP):** Everyone in the Parliament is opposed to discrimination in any form. I want to ask Mr McCabe about the role of the joint committees that have been much trumpeted by Gordon Brown. Would it be helpful to joint committee members from this Parliament to have the vote of the Parliament on ending this aspect of discrimination to back them up? At least it would mark a staging point on the route to eliminating this discriminatory legislation.

**Mr McCabe:** The Westminster Parliament will know of this debate and be well aware of the opinions expressed in it and the vote on it. The Administration at Westminster, like the coalition Administration here, has a proud record in opposing discrimination. We hope that, in the years to come, the Opposition parties in this chamber will share that record of opposing discrimination.

We are focusing the work of this Parliament on the scourge of domestic violence. We are focusing our work on ending child poverty. We want this Parliament to commit money to the areas of

greatest need. We hope that the whole Parliament is determined to continue that work through the unprecedented powers that we now have. We should pursue an end to discrimination with vigour but we should do it in a way that will not deny social progress across the country. In moving the amendment we condemn discrimination and acknowledge it has no place in a multifaith, multicultural society.

Being concerned about the Act of Settlement should not preclude a desire to tackle distortions of modern society that destroy life chances and deprive so many of our citizens of the right to develop their full potential. The two are not mutually exclusive. However, I am a little surprised by the decision to use Opposition time to debate a 300-year-old law. This afternoon, we will debate the challenges that face the health service in Scotland. Already this week there has been an expression of concern about the French ban on British beef. There are many other issues that the Scottish people might think more pressing for an opposition party debate.

**Miss Annabel Goldie (West of Scotland) (Con):** Does the minister recall that the Conservative party had occasion to make that very point to the Executive, when it happened that approximately 38 minutes were devoted to a debate on homelessness, followed the next day by a debate of three hours on the millennium bug? I am pleased that the Executive acknowledged that problem and accorded more time for the subsequent debate on social justice.

**Mr McCabe:** I am happy to acknowledge that. I hope that the member acknowledges that the Parliamentary Bureau, on which her party is represented, agreed to that business timetable.

**Richard Lochhead (North-East Scotland) (SNP):** Does the minister accept that, only yesterday, the chamber debated, on an Executive motion, laws that are several hundred years old?

**Mr McCabe:** The subject of yesterday's debate was within our competence; the subject of today's debate is not.

We accept that politicians have the right to set their own priorities. I note in passing that, during the past 18 years, the only attempts—to our knowledge—to amend the Act of Settlement in the UK Parliament were made under the 10-minute rule. As far as we can determine, those attempts were promoted by Norman Hogg, the former Labour MP for Cumbernauld and John Home-Robertson, who is now a Labour MSP. I was therefore a little surprised that no explanation was offered, even on a point of intervention, by Mike Russell on behalf of the leader of his party, Mr Salmond, who has had 13 years in Westminster to raise this issue, including many opportunities

presented by the Scottish Grand Committee. If it is any consolation, someone with a questioning mind might wonder why Lord Forsyth has to raise the issue now in the House of Lords.

**David McLetchie (Lothians) (Con):** Will the minister give way?

**Mr McCabe:** No, not at the moment.

At no time did Lord Forsyth attempt to raise this issue, either as Secretary of State for Scotland or, previously, as Minister of State at the Home Office, which is the UK department with responsibility for constitutional affairs. I hope that Lord James Douglas-Hamilton, who has a proud record of endurance at the Scottish Office, will be able to throw some light on the matter.

There is clearly consensus in this Parliament on the discriminatory aspects of the Act of Settlement, a change to which would have to be ratified by 15 Commonwealth Parliaments and would require amendments to at least eight separate acts. Mr Russell referred to another view, but I note that the letter he received from the Canadian Parliament ended with the words, "it would appear"—a useful phrase that is often used by lawyers. I have no doubt that in Canada the result would be protracted argument and that Canadian law officers may take a different view on the opinion expressed in that letter.

I repeat that amending the Act of Settlement would require amendments to at least eight acts of Parliament. It is worth remembering that that is the same number of acts that the Executive proposes to pass through this Parliament in a full year.

**Alex Neil (Central Scotland) (SNP):** Is it not the case that, to pass the Scotland Bill, the number of acts of Parliament that required amendment far exceeded eight? Does the minister agree that amending that multitude of acts to establish this Parliament was a worthwhile exercise?

**Mr McCabe:** That leads to an interesting question. Would Mr Neil have preferred that Westminster had spent a year on the Act of Settlement rather than establishing this Parliament?

I am in the privileged position of representing the town and streets in which I was raised. It is a good place with good people—proud people who try hard and work harder. Those good people are still there, but they know that the place has changed. Even though Scotland has the lowest unemployment count for 23 years, there remain many jobless households, problems of social deprivation and the devastation of drugs. Our first, and probably overwhelming, priority should be to give people the opportunity of work that is worth while, freedom to move safely through their

communities and the chance to see their children growing up to maturity, facing the future with confidence.

I believe that all members recognise those as the overwhelming priorities for every community in Scotland and for every person whatever his or her religious or economic background. I hope that we can avoid the politics of gesture in this debate. We are drawing attention to a problem that offends many; I do not want to belittle that fact in any way or write it down. There are aspects of the Act of Settlement that echo from the distant past and stand uneasily with our modern and more enlightened values.

I move the amendment to underline the determination of this coalition Administration to tackle discrimination in all its forms, priority by priority. All members will agree on the importance of today's debate. We should also recognise the grinding realities of discrimination—economic and social—that are still to be banished from many communities throughout Scotland.

I move amendment S1M-117.1, to insert at end:

"recognises that amendment or repeal raises complex constitutional issues, and that this is a matter reserved to UK Parliament."

**The Presiding Officer:** I propose that speeches in the open debate be limited to five minutes. That does not mean that all members must take five minutes; that is the maximum that is allowed.

10:16

**Lord James Douglas-Hamilton (Lothians) (Con):** Mr Mike Russell is to be warmly congratulated for lodging this motion, which has given the Scottish Parliament the opportunity to consider this matter and the principles that are involved. Perhaps I should begin by answering Mr Tom McCabe's question about why this issue has not arisen before.

I do not recollect the issue coming up before this year, and I believe that it has been placed on the agenda for two reasons. First, wholesale constitutional reform has meant that the entire constitution has come under the microscope. Secondly, the legislation is clearly inconsistent with the social inclusion that will be associated with the millennium. Those two factors, taken together, in my view caused this issue to be raised.

**Hugh Henry:** Was there anything that precluded the Conservative party from making progress on any of those issues, or on this specific issue, during its term in office?

**Lord James Douglas-Hamilton:** Over the past 300 years, nothing has precluded any party—including the Labour party, when it was in

government—from addressing this issue. I do not recollect its coming before me during the 10 years I was in the Government. It has arisen this year as a result of wholesale constitutional reform and the approaching millennium.

The important issue is whether there should be legislation that blatantly discriminates against a Christian religion. The subject is particularly relevant as we live in a multifaith community. In the context of the millennium, it is intended to recognise and appreciate the contribution of all faiths and communities in our country. The heir to the throne can accede if he marries a Muslim, a Buddhist, a scientologist, a Moonie, an atheist or a sun-worshipper, but not if he marries a Roman Catholic. Leaving such a stigma in place when no other religion or faith is singled out is grossly unfair.

When Mr Mike Russell lodged his motion, I wrote to the Prime Minister, whose response offered no defence or justification for the present legislation. He had "no plans" to do anything about the situation and said—as the amendment says—that reforming the law would be complex. That is absolutely right. Similarly, it was complex to reform the House of Lords, but that did not prove an insurmountable problem. The complexity can be exaggerated. I recommend the acceptance of Mr Tom McCabe's amendment in view of the positive remarks that he associated with it.

It occurred to me that it would be helpful to have a consultation exercise that involved all the faiths and Churches in Scotland. The responses, which are in the parliamentary information centre and the chamber office, indicate widespread consensus against this kind of religious discrimination. Out of nine responses, eight were clearly opposed to discrimination and the ninth was conscious of the complexity of the matter. Cardinal Winning made the valid point that

"Royal Commissions are normally established to tackle some thorny issue on which there is no wide consensus. The campaign to end the Act of Settlement commands broad public and political support. Indeed, I can think of no major public figure prepared to defend the language of intolerance contained in the offensive clauses. What is now needed is a clear signal that this issue will be tackled, and tackled soon."

I cannot but feel the force of that argument.

My own Church, the Church of Scotland, stated in a letter:

"It is the view of the Legal Questions Committee that the discriminatory provisions of the Act of Settlement have no place in our contemporary society. The Act was a product of its times and those times are not our times. Thankfully, we live in a climate of ecumenical friendship and cooperation unknown at the beginning of the 18<sup>th</sup> century."

In his letter, the cardinal put the case even more strongly. He wrote:

"It has been said that the Act of Settlement does not impinge on the daily lives of Catholics, and that is true."

That view has been echoed by Tom McCabe. However, the cardinal continued:

"Nevertheless its continued presence on the statute books is an offensive reminder to the whole Catholic community of a mentality which has no place in modern Britain."

His message to the Parliament can be summed up in one sentence:

"I wish all of you success in rooting out an offensive, embarrassing and anachronistic blot on our escutcheon."

I must report that the Church of Scotland and the Roman Catholic Church have the support of the Hindu and Muslim faiths in that view. A letter from the Hindu Mandir states:

"Kindly note our view is that we as Hindus do not discriminate against anyone."

Mr Bashir Mann of the Muslim community wrote:

"The Muslim Religion is against all kinds of discrimination on account of race colour or creed. We would therefore support an amendment to the Act, that would remove this flagrant statutory discrimination against the Roman Catholic faith."

As it happens, Mr Bashir Mann is a Labour councillor. I mention that because this should not be a party political matter. When the subject came up in the House of Lords recently, Lord St John of Fawsley, who opposed Michael Forsyth's address, said that

"such a major matter is best set in train—and should be set in train—by the Government and Opposition parties officially acting together".—[*Official Report, House of Lords*, 2 December 1999; Vol 607, c 918.]

I hope that that will happen.

This debate is a continuation of the debate in 1829 on the subject of Roman Catholic emancipation—enabling Roman Catholics to become members of Parliament. The Prime Minister at the time was the Duke of Wellington, who defeated Napoleon at Waterloo. He was on the side of emancipation. Lord Winchilsea attacked Wellington in language that was so offensive that it would not be tolerated today. He implied that Wellington was being disloyal to his country. The Prime Minister immediately challenged Winchilsea to a duel—the only time, as far as I can recall, that a Prime Minister has had to defend his honour in that way. On 21 March 1829, not long after first light, the Prime Minister and Winchilsea met on Battersea fields with their seconds. When the moment to shoot arrived, the Prime Minister took careful aim and fired wide. Winchilsea, not wishing to kill his Prime Minister, fired in the air. He then wrote a grovelling letter of apology.

A few days later, on 2 April, Wellington—in the

face of the stiffest opposition in the House of Lords—spoke for Roman Catholic emancipation and made the best speech of his life. He said:

"I am one of those who have probably passed a longer period of my life engaged in war than most men, and principally in civil war; and I must say this, that if I could avoid by any sacrifice whatever even one month of civil war in the country to which I was attached, I would sacrifice my life in order to do it."

When the vote came, he obtained a majority of 105—almost two thirds in favour.

I hope that today our majority will be even more convincing. I hope that it will persuade the Prime Minister to put reform of the Act of Settlement firmly on the agenda. If the Duke of Wellington—who was, if I may say, even more right-wing than Mr Tony Blair, which is saying quite a lot—was prepared to take a stand on principle and bring in progressive reform, surely it is not too much to hope that our Prime Minister can show the same kind of moral courage.

The basic truth that was applicable in 1829 and remains so today is that a substantial proportion of our countrymen and countrywomen are of Roman Catholic origin. There are some 800,000 Scots of Roman Catholic origin, and they deserve better than to have outdated legislation, some 300 years old, in force discriminating against them. Only a few years ago, in 1974, there had to be legislation to confirm that a Roman Catholic could be Lord Chancellor.

The Act of Settlement and its corresponding Scottish provisions are, as the First Minister has described them, a "legacy from the past". However, as well as being a very unwelcome legacy from the past, it constitutes what Michael Forsyth called the British constitution's "grubby little secret". The Equal Opportunities Committee of this Parliament calls it an "anachronistic anomaly", and the cardinal has described it as an "insult to all Catholics". It is neither in keeping with the spirit of the times nor consistent with the social inclusion that we wish to celebrate in the year of the millennium.

Our vote today should serve as a signal that blatant and hurtful legislation discriminating against a Christian religion is not acceptable, just as discrimination against a race or ethnic community is not acceptable. Today we have the opportunity to give an example to Britain, by recommending that such discrimination is an offensive anachronism that should be swept away. I commend the motion to the Parliament.

10:26

**Donald Gorrie (Central Scotland) (LD):** I am very happy to follow Lord James Douglas-Hamilton's excellent speech. He did not tell us

about another famous duel of the same period, between Canning and Castlereagh, who were two leading members of the same Government. Nowadays we are not courageous enough to shoot at each other, so leading politicians use spin-doctors to stab each other in the back. I think that we should stop that practice.

This is not a party issue. I am not speaking on behalf of the Liberal Democrats and have no idea what the views of individual Liberal Democrats are. We need to evolve better ways of tackling subjects such as this. Although there is a strong all-party view on this, the fact that it has been pushed by a leading member of the SNP has made it a sort of party issue. I am sure that that was not intended, but that is how the matter has been interpreted. The previous debate today showed that we have got things seriously wrong. Whatever the rights and wrongs of the matter, we must conduct our affairs better. Parliament has to take control. There should be opportunities for parliamentary, rather than party, motions.

However, I am very happy to support this motion. If we can get away from pots and kettles calling each other black, we will get on better. Also, we should not rehearse history, as it is very dangerous to do so. For example, at different times the Labour party and the SNP have been virulently against the European Union. Although they have changed, it would be a waste of time to cast that in their teeth. People change. The most effective apostle was St Paul—he changed. It is pathetic to argue on the basis that somebody had the chance to do something and did not take it. For God's sake, let us get away from that kind of argument.

I support the Executive amendment. I do not think that there is any necessity for the Executive to put forward an amendment, and I strongly contest the idea that the Executive has to have a view on everything—that is rubbish. However, this amendment is sensible and is not hostile to the motion. It had been rumoured that there was to be an amendment that was hostile to the motion.

The Executive deserves due credit for the fact that its amendment is constructive, as this is a complicated issue. It is much more complicated for the English. There are many very decent English people who take the matter of the head of the Church of England very seriously and for whom it is a big deal. I find it stupid that when the Queen's aeroplane crosses the Solway as she comes up to Balmoral or Holyrood, she has to remember that she is no longer the head of the Church of England, but is now a member of the Church of Scotland. She carries that off remarkably well, but it is a ludicrous position. One must always recognise other people's serious problems, and the English have a serious problem on this, which

we have to address.

We have advanced in other respects. Personally, I find prayers at Westminster extremely abhorrent, as they are all about exclusiveness. They are always conducted by the same worthy Church of England gentleman, who prays in exactly the same terms. They hark back to the period when officers in the army had to be members of the Church of England and one could not get a university education in England unless one was a member of the Church of England. We have advanced a bit, but one still cannot be king or queen unless one is a member of the Church of England, and that is ridiculous. It may be only symbolic, and it may be fair to say that this Parliament cannot do anything about it. However, we can send a signal to people in our country that we are not discriminatory.

On the subject of symbols—because I know that people often read more into things than is really the case—I did not attend the Labour party's party because I was totally exhausted and was trying to fight off a bug. My absence bore no political content at all. I am happy to vote for sensible motions from any quarter and to eat and drink with people of any political party.

**The Deputy Presiding Officer (Patricia Ferguson):** I am sure that the invitations will be coming in thick and fast now, Mr Gorrie.

I call Michael McMahon.

10:31

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** Let me make it clear from the outset that the Act of Settlement is an anachronistic anomaly that runs contrary to the principles of inclusion and equality. As a member of a party founded on the principles of social justice, I am pleased to say that I know of no member of this Parliament—from the Labour party or from any other party—who would argue against the view that the act has no place in a modern Scotland. However, the real question before us today is not whether members believe that to be the case, but whether a debate on the repeal of that age-old legislation should take precedence over the priorities of the Executive.

Wrong as it is, the act has little relevance to the lives of ordinary Catholics. I believe that to be the case because I have spoken to fellow Catholics—those whom I meet every day in my constituency, the parents whom I meet at my children's schools, my friends and fellow parishioners where I attend mass every Sunday.

We were elected to this Parliament in May to deliver on education, health, creating jobs, combating poverty and tackling crime. Labour is



busy in both Parliaments—here in Edinburgh in coalition with the Liberal Democrats—pushing through bills that will have a positive impact on the lives of all our people, including the Catholic community. Labour has radically updated the British constitution, devolving power to this Parliament as promised, so let us dismiss the argument that Labour is slow on constitutional reform. That is a weak contention that holds no water.

It is true that Labour did not include proposals for a debate on the repeal of the Act of Settlement in its election manifestos for Westminster or for Scotland. Neither, however, did the nationalists, the Tories or our Liberal partners. The view was that the act had little relevance to the lives of ordinary Catholics, and I believe that that is still the case. I wonder, therefore, why there is now such urgency to debate that irrelevancy. Where did it come from and how genuine is it? I can only conclude that the nationalists, in deciding to hold this debate, believe that repeal of the Act of Settlement should come before the people's priorities.

**Mr Salmond:** During my tenure of the SNP leadership, I have spoken about the Act of Settlement many times, and it has caused controversy many times. The matter was indeed included in the SNP's election document, "Citizens not Subjects", which I was proud to introduce during the election campaign.

**Mr McMahon:** I accept that point and apologise for being wrong.

As we saw during the previous debate on equality, the SNP members seem intent on spending their time complaining about what this Parliament cannot do, rather than showing what it can do. They believe that we should concentrate on outdated legislation affecting one privileged family, rather than delivering for all our families. They want the matter debated in the Scottish Parliament, not for the right reasons, but rather to divide our Parliament. Rather than debating the real issues that affect Scotland's people, they seek to use valuable time in the Scottish Parliament to debate an issue that is the preserve of another place.

**Andrew Wilson (Central Scotland) (SNP):** Will Mr McMahon give way?

**Mr McMahon:** I will not give way. I would like to make progress with my speech.

We must ask why we are debating this matter, when the Parliament had previously made its position clear. A majority of members, including myself, have already signed a motion condemning the Act of Settlement. The view of Parliament has been stated clearly. When I originally approached Mike Russell on this issue to seek out his motive

in raising the subject, he promised that, if a simple majority of MSPs signed the motion, it would act as a statement of this Parliament. No debate, he said, would be required. In spite of Mr Russell's assurances that it was not his aim, his party's apparent desire to exploit any populist issue appears to supersede the need to preserve Mr Russell's integrity.

If members doubt that this matter comes down to politics, I refer them to an article in the *Scottish Catholic Observer* of Friday 3 December. The writer, clearly puzzled at the emergence of this subject as a political issue, turned to Dr Peter Lynch of the University of Stirling for an answer. He argued:

"This is a great wedge issue for the SNP . . . Either they lever the Scottish Catholic vote away from Labour or they push a wedge between Labour in England and Scotland."

Dr Lynch hit the nail on the head. I support the journalist's conclusion that it is because of politics that this

"Parliament is debating a matter over which it cannot legislate, while Catholics are being courted over an issue on which they mostly couldn't care less".

As the reporter on the Equal Opportunities Committee looking at this issue, I spoke to the Catholic Church. I agree with it when it said:

"we think this Act is silly and it should be changed, but we recognise that the Government has other legislative priorities at the moment."

As a Catholic, I concur when it states:

"we are not going to be manipulated by any one political party on this issue."

The Equal Opportunities Committee agreed that it was for our representatives at Westminster to decide what is more important. It is for them to decide whether the priority should be health, education, jobs and poverty, or amending some outdated piece of legislation to benefit a select few who are, or aspire to be, members of the royal family.

In putting forward its amendment, I am confident that the Executive seeks no party advantage. We are a coalition, and no single party in the partnership gains from the amendment, nor do any of the Opposition parties lose. All we seek is an honest debate on the real issues facing Scotland's Catholics. I have spoken to representatives of the Catholic Church, and believe that that is also its view.

I urge members to support the Executive's amendment.

10:37

**Colin Campbell (West of Scotland) (SNP):** I have been described as headmasterly, so I may

as well behave like one and give my historian's address.

I am sure that when the Act of Union 1707 and the Act of Settlement came along, my family in Argyllshire embraced both with vigour, but my family was wrong. Times have changed. I do not embrace the Act of Union or the Act of Settlement. The latter was a child of its time, when the religion of the monarch almost invariably dictated the faith of the entire population. It was inextricably bound up with the theory of divine right, which created a direct line between God and the monarch, and the association of the monarch with a religious infrastructure that supported that divine right. In progressive nations, that theory waned with the onset of constitutional democracy or with the arrival of vigorously anti-clerical republics, where monarchs who did not adapt, such as the Romanovs, went down cataclysmically.

In their time, the Act of Settlement and similar expressions of exclusivity were the norm as the dominant faith in a nation attempted to maintain its position against the supposed menace of its religious minorities. It was perhaps justifiable to the people then, in times of institutionalised intolerance. At the end of the 20<sup>th</sup> century, when institutionalised and organised religion is less popular than it was, when an individual's right to choose their own faith or none is universally accepted in these islands, and when there are acts of Parliament that rightly demand equal opportunities and legislate against racism and sexism, the continued existence of the Act of Settlement can be seen as a last gasp from the past, or an eccentric blip. Eccentric blips can be harmless, but this one is not, because its terms disqualify one religious denomination from the throne of the United Kingdom and disqualify anyone with a claim to the throne who marries a Roman Catholic. Repeal of the act will not cause a rush of people marrying into the royal family, but this is a matter of principle.

I would like to quote Cardinal Winning, not because I always agree with him—apart from anything else, I am a Presbyterian—but because in *Scotland on Sunday* on 5 September he said of the Act of Settlement:

"it is, in short, something of an embarrassing anachronism for both the Royal Family and the British Parliament."

I do not think that anyone here would disagree with that, but it is not merely an embarrassing anachronism; it delivers a selective and negative message to one section of the population of Scotland and the United Kingdom—a message that is outmoded, biased and a relic of a bygone age.

This is the last debating day of the 20<sup>th</sup> century and of the millennium for our new Scottish

Parliament. The Parliament is in Edinburgh. In the age of enlightenment in the 18<sup>th</sup> century, Edinburgh was the Athens of the north, to which people looked for intellectual stimulus and forward thinking. What we do here today will send a signal of our mutual enlightenment to the Roman Catholics of Scotland and will confirm our determination to eradicate institutionalised inequality.

Over 70 members have signed this motion. If every member votes for the motion, we will have joined in a consensual, modest but essential initiative, which will send the word from Scotland that institutionalised bigotry has no place in a modern nation. That is a good message to deliver on the eve of the millennium. I know, Tom McCabe, that there will be some administrative difficulties as this grinds its way inexorably through the system; however, I think that we would capture the mood of the Parliament, the mood of the people that we represent, and that we would give a lead to the UK Parliament and encourage it to follow our example.

10:41

**Tommy Sheridan (Glasgow) (SSP):** Much of what has been said today is agreeable. Most members will have difficulty in finding issues on which there are fundamental differences. That is one of the reasons why some of the points are a wee bit contradictory.

It has rightly been stated that discussing and passing this motion is a gesture. However, I recall Glasgow City Council, and other city councils across England and Wales, proudly conferring the freedom of the city on Nelson Mandela while he was incarcerated in Robben Island. That was an important gesture because it sent the message of our abhorrence and hatred of apartheid to the rest of the world. This discussion today is a gesture, but an important one. It sends out the message that this type of institutionalised discrimination is unacceptable as we move into the 21<sup>st</sup> century.

I have no love for the royal family. Unfortunately, my amendment was not accepted. It would have given the democratic republicans among us the chance to vote for that today. I have no love for organised religion either. I am an irreconcilable atheist, but I respect the rights of those who wish to practise their own religion not to be discriminated against for taking that right to heart.

From that point of view, it is important that the Parliament deals with this issue today, I hope unanimously. I hope that Mike Russell will accept the amendment because it is an addition rather than a deletion. The crux of what was said by Mike Russell, and which got most members to sign the motion, is still there. That is important.

It is a bit disingenuous of some members to say that the reason that they signed the original e-mail communication, in relation to the motion that Mike Russell spoke about, was because it said that this would not be debated in Parliament and was not a challenge to Westminster. I hope that that is not sending out the message that "We signed it because we hoped that it would not be debated. We signed it because we hoped that it would not mean anything." I hope that members signed it because they supported its principle.

I hope that today we will finish this matter. I hope that we send a unanimous message from this Parliament to Westminster that it should change the Act of Settlement and that that will be a full stop. If this issue had not been brought before the Parliament today, it would have festered. It would have been raised in the Equal Opportunities Committee again, and would have led to the question of whether the Equal Opportunities Committee should have brought it to the Parliament. This debate means that the issue is finished with.

I agree that this matter is way down the scale of priority of what we have to deal with in Scotland—I do not think that any member would disagree with that—but that does not mean that it is not important to deal with it. I hope that we make a unanimous decision today to send this to Westminster and send a clear, unequivocal message that the Act of Settlement should be changed.

I hope that, in future, the precedent will be recognised that the Parliament must be allowed to discuss matters beyond, and will not be restricted to matters within, its legislative competence. I remember the Tories, in the dark days of the 1980s, trying to impose that particular restriction on local authorities throughout the country. I am glad to say that that did not work, nor will it work as far as the Parliament is concerned.

I look forward to us discussing the idea of abolishing the monarchy itself, and to us moving towards a socialist republic, which is democratic to its core and enshrines equality in a written constitution and bill of rights, and which is made up of genuine citizens, not of subjects.

10:46

**Elaine Smith (Coatbridge and Chryston) (Lab):** I, too, am a wee bit surprised to be taking part in a full debate on this subject, although I signed the motion on the principle, about which there is no doubt. In signing the motion, I thought that Mike Russell's intention was to show the Parliament's feeling on this discriminatory act. The number of members, with differing religious beliefs, from all parties who signed the motion

showed that any fair-minded person would like this anomaly to be removed from our law.

Nevertheless, we are debating an issue over which we have no power to legislate. I will not repeat Michael McMahon, who quoted from last week's *Scottish Catholic Observer*, in which that point was made. However, if the SNP chooses to use its parliamentary time for this purpose, it is clearly its right to do so. We can, of course, express an opinion; I am happy to express mine.

The Parliament was founded on the understanding that the principle of equality was at its heart. We have a powerful Equal Opportunities Committee and a responsibility for the promotion and encouragement of equal opportunities, within the Parliament and the Executive and across public authorities and bodies. The principle of equality should apply to all Scotland's people, in all areas of life. There can be no doubt that the Act of Settlement is discriminatory to Catholics—not only in Scotland, but throughout the UK and the Commonwealth—and is offensive to any reasonable person.

I well remember, as a young girl, being told that the monarch was not allowed to marry a Catholic. I grew up with that knowledge and wondered why I should have any fewer rights than other Christians, people of other religions, or any other citizen, because I am a Catholic. However, to be perfectly honest, I do not think that the Act of Settlement impinged greatly on my life or on my ability to make the most of my opportunities.

Nor do I believe that the act has great significance to the daily lives of my constituents in Coatbridge and Chryston. What affect their lives are issues such as poverty, drug use and abuse, anti-social neighbours, homelessness, lack of educational opportunities—the whole huge area of injustice that is social exclusion. They want the Parliament to deliver what it has the power to deliver: social justice for all.

As outlined in the Equal Opportunities Committee's statement, Monsignor Tom Connolly, the spokesperson for the Roman Catholic Church in Scotland, recognised that the Government has other legislative priorities. There is no doubt that the sentiments expressed in Mike Russell's motion are right, but I hope that they are being expressed for the right reasons—raising awareness of, and tackling in due course, this unacceptable, discriminatory piece of legislation—and not out of political expediency. If the former is the case, I trust that members will be able to support the Executive's amendment, as I intend to do.

The Act of Settlement has been around for 300 years. The views of many members in the chamber have been clearly expressed and I am sure that the majority of people in our society will

welcome that. The act should be repealed. None the less, that is clearly a matter for Westminster to progress within its legislative framework; it is not for us to dictate a timetable for that. I support the amendment.

10:49

**Michael Matheson (Central Scotland) (SNP):**

It would be easy for the debate to become bogged down in the issue of whether the Parliament has the power to change the Act of Settlement, or whether the act is a burning issue among Catholics in Scotland. However, by seeking to have the debate, we seek to address the fundamental issue of discrimination.

I cannot agree with Michael McMahon that this is an irrelevancy to many Catholics. Many Catholics may be ambivalent about it, but that does not mean that they think that things should not change. We can always be selective in our use of quotations. Both he and Elaine Smith quoted Monsignor Tom Connelly, but the monsignor also stated, in the *Daily Mail* of 15 November, that he was very pleased that Scotland was taking the lead in this matter. The monsignor is not here to defend himself or to settle our differences, but we should bear in mind the fact that we can be selective in trying to give a set impression.

This debate allows us to deal with a fundamental issue of discrimination; it enables us to state clearly that discrimination is unacceptable and will not be tolerated in a modern Scotland.

**Elaine Smith:** Does Michael Matheson think that the Act of Settlement impinges greatly on the daily lives of the people in Scotland?

**Michael Matheson:** This is not about whether the act impinges on people directly or indirectly; it is about a fundamental principle of standing up against discrimination. I was brought up with the same views as Elaine Smith has described. I understood that, because of my religion, I could not be king or queen of this country—[*Laughter.*]—not that I wanted to be.

It is important to recognise that this debate is not about defending the Catholic Church; it is about standing up against discrimination on the ground of religion. I am conscious that, given my religion and my enthusiasm for the act to be repealed, some could say that I had a registrable interest. I may be a Catholic, but at this stage I have no plans to marry a member of the royal family, although one never knows what is waiting round the corner. There is no reason why I or other Catholics should accept the Act of Settlement, regardless of whether it affects us indirectly or directly.

Many have said that this Parliament does not

have the competence to amend the act. However, the Parliament was established to protect the principles of fairness and equality in a modern Scottish society. That process was set in motion by the consultative steering group. We acted on its recommendations by establishing a mandatory committee on equal opportunities. The Equal Opportunities Committee is responsible not just for highlighting unfairness in our society, but for tackling the fundamental problems that lie behind that unfairness. By having this debate, we are standing up for those principles and confronting the discrimination that lies at the heart of the Act of Settlement.

No community or individual should be treated as a second-class citizen by virtue of religion, race or other standing in society. The Act of Settlement serves as nothing other than a form of institutional bigotry. I sincerely hope that Westminster will take the views of this Parliament seriously and will see this debate as a catalyst for a change that should take place. Westminster must set that process in motion.

Cardinal Winning called the Act of Settlement a blot on our justice and integrity. Justice and integrity are two of the founding principles of this Parliament—the words are engraved in the head of the mace. By having this debate, and by collectively showing that every member of this Parliament is united against the provisions in the Act of Settlement against Catholics, we are standing up for the principles of integrity and justice. That is exactly what we were elected to this Parliament to do.

10:54

**Mr Andy Kerr (East Kilbride) (Lab):** I feel some ownership of the debate. In the summer, *Scotland on Sunday* contacted Mike Russell and me about the prospect of the subject being raised in the Parliament. I said that that would be all right as long as it did not become a party political issue. I tell Tommy Sheridan that I am not being disingenuous in saying that I strongly object to the way in which Mike Russell has conducted himself in the debate. He did not come back to anyone—certainly not me—to say that he was thinking about lodging the motion. I am extremely upset at his performance, which demonstrates that we should be careful about such motions.

Lord James Douglas-Hamilton warmly congratulated Mike Russell and suggested that now was the time to have the debate, as the millennium was coming. Did he not see the millennium coming when he was in office?

We have had a constructive and warm debate on the matter and have talked about the need to send a message. However, the message was sent

by the signing of the motion.

In every debate, the Scottish National party talks about the devolution settlement. However, the people of Scotland have spoken loud and clear on the subject of devolution. The Act of Settlement is not a matter for this Parliament and is something of a distraction from the other things that the Parliament has to achieve.

**Michael Russell:** How would Mr Kerr feel about a local authority discussing the matter? In particular, how does he feel about Glasgow City Council having done so, as it did two weeks ago? It passed unanimously a Labour motion that was in stronger terms than the one before Parliament today. Was that discussion a waste of time?

**Mr Kerr:** Michael Russell fails to understand what we are trying to determine. We need to determine what the Parliament can and will do for the people of Scotland, not what it wishes to do.

Mike Russell's e-mail to all MSPs clearly stated that the purpose of signing the motion was to send a message about the act, not to bring the motion to the chamber. That was dishonest and disingenuous of him.

I want us to deal with the new Scotland that we want to achieve. The issue of the Act of Settlement has never been raised with me on the doorstep in years of campaigning; there has been a rarefied debate only. Nobody is saying that it is incorrect to deal with the issue, but it is not a priority and it is not practical. People want to deal with the issues of drugs, homelessness, the economy and unemployment.

The Labour Government is committed to dealing with constitutional matters. No other Government has delivered in two years the amount of constitutional change that we have. The National Assembly for Wales, the Scottish Parliament, the social chapter of the European convention on human rights, the reform of the House of Lords—those are all major constitutional changes.

**Andrew Wilson:** I think that we all know what the Labour line is, which has been distributed for this debate. I appeal to Mr Kerr to enter into the spirit of the debate and to recall the fact that Elaine Murray brought forward a motion on the war executed. That is a reserved matter, but it is also one of principle. I ask Mr Kerr to have some grace.

**Mr Kerr:** That motion was dealt with after 5 pm, and there was no vote on it.

No Labour line exists. What I have before me are my own notes, written in the light of what Mike Russell said this morning.

We are not proud of the Act of Settlement and we would like it to be changed, but we are aware

that it is not a priority for the people of Scotland. Let us stick to the priorities.

10:59

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** As several members have said, the Scottish Parliament is founded on the principle of equality, which should be applied to everyone.

I was impressed with the speech by Lord James Douglas-Hamilton, which was the finest that I have heard in the chamber.

I signed the motion in the name of Michael Russell because, although I recognise that the Act of Settlement is a reserved matter, I felt that we are duty bound to recognise and do something about the illiberal and in-built discrimination at the heart of our constitution. I say illiberal—and I speak for myself, as this is not a party line—as, to quote from the preamble to the constitution of the Scottish Liberal Democrats:

“Upholding these values of individual and social justice, we reject all prejudice and discrimination based upon race, colour, religion, age, disability, sex or sexual orientation and oppose all forms of entrenched privilege and inequality.”

That is why I have no hesitation in supporting today's motion by the Scottish National party, which calls for the Parliament to express a view that the Act of Settlement

“has no place in our modern society”

and to affirm that

“Scottish society must not disbar participation in any aspect of our national life on the grounds of religion.”

The excuse that we have more important things to do holds no sway with me. The Executive has asked Parliament to amend the motion by inserting at the end:

“recognises that . . . repeal raises complex constitutional issues, and that this is a matter reserved to UK Parliament”.

I cannot see anything that I disagree with in the terms of the amendment, as it simply identifies the facts. I agree that it is a matter reserved for Westminster and that there are complex constitutional issues. I will support the amendment, as it does not take anything away from the motion—that is the important thing.

I agree with Donald Gorrie's sentiments: why, oh why, does the Executive feel that it has to take a view on every single issue? However, what I do not accept about the amendment is the interpretation—if any interpretation is put on it—that no action should be taken to repeal the Act of Settlement because it is too complex. The fact that something is complex is no excuse for inaction. I should be grateful if the Executive clarified that important point in the summing up at the end of

the debate.

One of the complex issues identified in the debate is the coronation oath. I see that as something of a red herring. We live in a constitutional monarchy where the will of the people, as expressed through democratic parliamentary institutions such as this one, is supreme. In my view, there are no complex issues that cannot be reasonably overcome with a bit of political will. I am sure that this reform will not pose a problem for the royal family itself. I say that as the MSP with the privilege of representing an area that has many royal connections, Royal Deeside. In fact, I was on Balmoral estate last Friday.

I would like to widen the debate by adding one more scenario to this examination of the Act of Settlement. We have, quite rightly, focused on the religious bias inherent in the act. When, at some time in future, the whole issue of the succession to the throne is examined by Westminster, we should take that opportunity to ensure that the succession is free of gender bias as well as of religious bias. Why should male children inherit the throne before female children? In the modern world, such bias should be completely unacceptable, and we should say so.

In conclusion, I whole-heartedly support the motion, and I will support the Executive amendment. However, I would like the minister, in summing up, to assure Parliament that that amendment is not simply an excuse for others to do nothing.

11:03

**Dorothy-Grace Elder (Glasgow) (SNP):** I find it rather sad that some people believe the worst of us, in our motives; it is simply not so. I have felt strongly about the Act of Settlement since I was at school. I am not a Catholic; it was a mixed school. When I first heard about this abysmal piece of legislation, rather like Richard Wilson, I could not believe it. Therefore, in those childhood days, I added tackling the Act of Settlement to my long list of things to do to save the world. Today, things have come full circle: I have the privilege of being in the Parliament and being able to chip in a bit to plead with people in Scotland to take a strong stance against the act.

We have heard that issues of the day should be tackled first, but we are doing that all the time. However, issues of the day—emergencies and so forth—are always there. The suffragettes, when they went to Downing Street in 1914, were told that women's emancipation could not be dealt with because the first world war was breaking out.

I remember that in the 1970s, when we were trying to tackle racial discrimination, we were told that many more important things were

happening—they patted our heads and told us to go away. Fortunately, many of us continued to pursue the matter.

It has been said that the Act of Settlement does not impinge on the daily lives of Catholics. However, we should listen to the words of Cardinal Winning—who knows an awful lot more about the matter than I do—when he says that the continued presence of the act on the statute book

“is an offensive reminder to the whole Catholic community of a mentality which has no place in modern Britain.”

He says to the members of the Parliament:

“I wish all of you success in rooting out an offensive, embarrassing and anachronistic blot on our escutcheon.”

Is the act of importance on the doorsteps? To my surprise, in the 1999 election, in the east end of Glasgow, in Baillieston, I was stopped on the street by people who asked me not about the euro—which I had mugged up on—but about the Act of Settlement. At one stage, I was up a ladder painting the front of my wee campaign rooms in an old butcher's shop in Baillieston main street, when a chap said, “Can you come down a minute? I want to talk to you about the Act of Settlement. What are you going to do about it?” That is absolutely true.

**The Deputy Minister for Local Government (Mr Frank McAveety):** No way.

**Dorothy-Grace Elder:** If Frank McAveety was in the east end and on the streets a bit more, he would know that.

We must take into consideration the fact that the people who approached me were deeply hurt—their families were hurt. They were Catholics who felt that they were being treated as second rate by this icon of discrimination remaining on the statute book. In this day and age, that is simply not on.

The act has cast a long shadow, from the early 18<sup>th</sup> century onwards—from a dark age, it has slithered into this one. Incredibly, that darkness will be cast upon the dawn of the 21<sup>st</sup> century unless the Scottish Parliament has the guts to move and shake opinion. It is an act of indecency—a degrading and shameful thing. From old, cruel Britannia, this is hardly cool Britannia.

I am sure that all sides of the Parliament want to get rid of the act and to move into the 21<sup>st</sup> century, sloughing off the awfulness of the past. We must move forward together, away from the sheer wickedness that was allowed to thrive. In a spirit of decency, meeting the needs of a new millennium, I ask members to join us in moving against this blot on our land.

11:08

**Mr John McAllion (Dundee East) (Lab):** Religious discrimination—or sectarianism, to give it its real name—is one of the most difficult and deserving subjects that the Scottish Parliament can take on. I was born and grew up in Glasgow, a member of an Irish Catholic family. I grew up on the front line of the sectarian divide in Scotland. I remember my puzzlement, at the age of five, to discover that the boys with whom I played would go to a different school and that I would have to think of them as being different from me.

I remember the Orange marches along our road, when half the families came out to wave, cheer and applaud, and the other half withdrew into their houses, pulled down the blinds and sat in the dark until the march had passed. I remember the insidious questions: “What school do you go to? What team do you support?” I remember the upwardly mobile Catholics who suddenly discovered a passion for Queen’s Park Football Club, because they were frightened to say which team they really supported.

Helping to rid Scotland of that sectarian stain could be one of the Parliament’s greatest achievements. That is why I signed the motion and why I support the principles behind it. I would like to think that that is what today’s debate is about. However, I am not sure. Why the Act of Settlement? Does the Act of Settlement lie at the root of sectarianism in Scotland? I do not think so. The Act of Settlement is an act of the English Parliament, passed at a time when the Scottish Parliament still existed. It did not apply in Scotland in 1701; it still does not apply in Scotland, because it has never been passed here as the Act of Settlement.

**Mr Salmond** rose—

**Mr Lloyd Quinan (West of Scotland) (SNP)** rose—

**Mr McAllion:** I will deal with members’ points later on—I will come to the Act of Union 1707.

But why do we not choose any one of a number of acts that were passed by the English Parliament at that time, which were probably even more offensive to Catholics than the Act of Settlement? For example, in 1700, one of the acts against popery actually rewarded with £100 people who apprehended and prosecuted popish bishops, priests or Jesuits. Before anyone gets too excited, it did not mention cardinals.

**Mr Quinan:** Does Mr McAllion agree that the act to which he refers was repealed at the time of the Roman Catholic Relief Act 1829?

**Mr McAllion:** I am grateful for that, because if it had not been, Cardinal Winning might be in trouble. I hope that the 1689 act that expelled

Catholics from London was also repealed at the time of the Roman Catholic Relief Act. It required the mayor of London to arrest any Catholics found within 10 miles of the City of London. I do not want to make the race to become mayor of London any more complicated, but if Ken Livingston wins it, a family that lives in 10 Downing Street could be in very serious trouble if that act has not been repealed. *[Laughter.]*

It is, of course, the Act of Union that enshrines the Act of Settlement in the law of Scotland. Article II says that

“all papists and persons marrying papists should be excluded from . . . the imperial crown of Great Britain.”

I know that the Scottish National party has quite legitimately campaigned all through its existence for the repeal of the Act of Union, and I hear what Alex Salmond said about its most recent manifesto. However, in a quarter century of fighting the SNP, I have never once heard it argue for the repeal of the Act of Union on the ground that it discriminated against Catholics. Not once have I been in a debate during which any SNP member has put that particular argument.

I am opposed to discrimination, whatever form it takes. I believe that the true test of any democracy is not how it provides for rule by the majority, but how it protects and nurtures the minorities within it. I support the motion, but I do not think that the amendment changes the motion in any way. The amendment does not say that change should not happen; if it did, I would not support it. But the amendment does not preclude change—however complicated that change may be—and I think that that change should take place.

However, I do not think that repealing the Act of Settlement as it exists in the Act of Union will take on the challenge of removing the stain of sectarianism from our society. If we are to do that, we will have to do it in very different ways.

Like Tommy Sheridan, I am a republican. Not only do I not lie awake worrying about who will succeed to the British throne, but when I do think about it, I am determined that there should be no discrimination. Catholics, Protestants, atheists, Muslims, Hindus—nobody should succeed to the British throne. I do not want a British or a Scottish throne. I do not want anybody to succeed to it.

Also like Tommy, I hope that the debate might set a precedent, and that we may at some time be able to take on that other great anachronism in this country—the constitutional monarchy. The constitutional monarchy puts all political sovereignty in the hands of a small political elite; it denies the people the popular sovereignty that exists in every democracy elsewhere in the world; and it makes us subjects rather than citizens. Let us have a debate about that. I think that the

Catholics of Scotland would applaud that more than they would this morning's debate.

11:13

**Mr Lloyd Quinan (West of Scotland) (SNP):** I thank Michael Russell for bringing forward the debate, and for giving up some of the Scottish National party's own debating time.

It is commendable that we began this Scottish Parliament with our legislation being subject to the European convention on human rights. To all of those whom the Parliament represents—and, indeed, to all those whom we do not represent but with whom we deal—the ECHR provides and guarantees freedom of thought, conscience and religion under article 9; the prohibition of discrimination under article 14; and a prohibition of the abuse of rights under article 17.

I would that Westminster had been founded on those principles. The provision of a written constitution and a bill of rights might well have guaranteed that our history did not burden our present and future with a relic of an institutional discrimination that was the product of a bygone age.

However, it seems that of greater concern at that time was the maintenance of the ruling establishment, rather than the good governance of these islands, which were then termed the British Isles. The Act of Settlement incorporated the acts of union with Scotland and Ireland and was a guarantor of the hegemony that was begun under Henry VIII and was consolidated by the so-called glorious revolution of Mary and William. It passed into statute under Queen Anne in 1701. However, it is fundamentally wrong to allow shameful anachronisms of history to sully the future.

This archaic and discriminatory act is entirely at odds with the fundamental political changes that are taking place within this group of islands. For example, the Northern Ireland Assembly agreement is specific; it guarantees such rights, safeguards and equality of opportunity under its human rights commission and legislation as

“the right to freedom and expression of religion”

and

“the right to equal opportunity in all social and economic activity regardless of class, creed, disability, gender or ethnicity”.

Surely equal opportunity in social activity includes the right to marry without prejudice of employment opportunity, regardless of how gainful we might find that employment. The newly created equality commission has developed a clear formulation of the right not to be discriminated against and of the right to equality of opportunity in the public and private sectors. As the monarchy is both public

and private sector, the Act of Settlement is clearly at odds with legislation in the present United Kingdom of Great Britain and Northern Ireland.

Some people will argue that the repeal of this outdated and discriminatory act will be complicated. There is no question about that. Any legislation that is at odds with the ECHR is a breach of the UK Government's own legislation. When Westminster commits itself to the ECHR in the autumn of next year, it will make the repeal a little more complex. However, the key question is not complexity of any repeal, but the political will to consign a discriminatory, divisive and illogical legal relic to the dustbin of history.

If we genuinely want an inclusive society, we have to include everyone from the highest level to the lowest, without exception. No one in the chamber today would challenge the ECHR. Article 9 states:

“Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others”.

Do we really believe that the Act of Settlement is necessary to protect public safety, public order or public health? Furthermore, I am sure that Labour members would not suggest that the act was necessary to protect our morals.

The Act of Settlement is simply incompatible with the basic agreement on human rights in Europe, and the ECHR is perfectly clear on that point. It states:

“Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.”

My message to those who argue about the complexity of abandoning the legislation is that they cannot hide behind that excuse. If they accept that abandoning this prejudicial and discriminatory act might not be a priority, is somehow too complex or impacts on too many other legislatures, they endorse this sorry piece of bigotry.

Let us make a statement of equality. Let there be no second-class citizens. Let us go into the 21<sup>st</sup> century untarnished by this tawdry little remnant of three centuries ago and state that the discriminatory practices of the darker times in our history will no longer be tolerated. Please support the motion.

11:19

**Mrs Mary Mulligan (Linlithgow) (Lab):** Unlike



Lloyd Quinan, I am unable to congratulate Mike Russell on bringing forward this morning's debate. Mike Russell's motion was fine as a members' business motion, although, as a Catholic, I did not see the issue as being at the top of my—or my constituents'—agenda. In fact, like many other members in the chamber, I wondered more about the relationship between the monarchy and the new Scottish Parliament. I wondered whether there even needed to be a relationship. However, the Scottish National party could not leave it at that. It had to waste the Parliament's time again, discussing issues in relation to which the Parliament has no power.

**Mr Quinan:** Does the member agree that she had the opportunity this morning to vote to discuss something that is within the competence of the Parliament, but that she voted against it?

**Mrs Mulligan:** I will come to that. Do not worry.

I understand that the SNP is trying to make a point by using its debates to highlight issues for which power is retained at Westminster, but I believe that that is an unnecessary use of parliamentary time. More important, I believe that the people of Scotland will question why we are using our time to debate issues that are the responsibility of Westminster when there are plenty of other issues that we could debate, which would affect and improve the lives of many people in Scotland.

I must make one point clear, however. I, my party, our partners in the coalition and—I believe—the majority of members in the Parliament are totally committed to equal opportunities. I totally reject discrimination on any grounds—gender, race, religion or sexual orientation. I believe that the Act of Settlement is wrong, but I have every confidence that our colleagues at Westminster will amend the act when time permits.

That brings me to our colleagues who have had that opportunity, but who have not used it, of whom Lord James Douglas-Hamilton is one and Michael Forsyth is another. When Michael Forsyth was Secretary of State for Scotland, he never considered discussing the matter. Talk about conversion on the road to Damascus.

**Miss Goldie:** Does the member agree that the devolution settlement for Scotland and the increasing topicality of the monarchy during the past decade are perhaps, as Lord James indicated, one reason why attention has been focused on the constitutional aspects of the monarchy, the royal family and the particular significance of the Act of Settlement in relation to the royal family?

**Mrs Mulligan:** No. That is a total cop-out.

It might be difficult to believe, but I do not find Catholics queueing up at my surgery asking me to change the Act of Settlement so that they can become in-laws of the Duke of Edinburgh. One of the things that Catholics value highly is the sanctity of marriage, on which even the Queen has had to admit that her family does not have a distinguished track record.

**Dorothy-Grace Elder:** Will the member give way, please?

**Mrs Mulligan:** I want to move on.

**Dorothy-Grace Elder:** I just want to point out that—

**The Deputy Presiding Officer (Mr George Reid):** Is the member giving way?

**Mrs Mulligan:** No.

Why do Mike Russell and the SNP think that anyone in their right mind would want to be part of the royal family?

I was born and brought up in Liverpool. I have lived and worked in a number of places, including Glasgow and Edinburgh, but it was not until this year that I saw religious bigotry at its worst, not in my election campaign, but during a colleague's campaign in the council elections. My colleague was outed as a Catholic, as if it was something to be ashamed of. I would have had more respect for the supporters of the motion, particularly Alex Salmond, the SNP leader who lives in West Lothian, if he had condemned such action and defended the democratic process instead of backing this cynical move, which will help only a few people and supports an unelected elite.

In my experience, Catholics are just like other members of the community. They are concerned about the health service, education and jobs. Last week, we had an excellent debate on the Adults with Incapacity (Scotland) Bill. One thing that was not discussed was how we enable people with terminal illnesses to live out their last days with dignity. Living wills are a sensitive issue, but the Parliament has a duty to tackle, not avoid such issues. Many of my constituents—Catholics and non-Catholics—would feel that the Parliament was working for them if we faced up to such issues. The willingness to tackle controversial issues would be a sign that the new politics really had arrived in Scotland.

Today's debate is nonsense if we expect the people of Scotland to take the Parliament seriously. The amendment accepts that the Act of Settlement is wrong, but recognises the reality of what the Parliament can do. I know, and I am sure the people of Scotland will understand, that the SNP does not want this Parliament to work. The motion is an insult to the intelligence of the people of Scotland, particularly Catholics. If SNP

members think that they can curry favour with any community in such an exploitative way, the people of Scotland will send them home to think again.

11:25

**Alex Neil (Central Scotland) (SNP):** On behalf of my party, I take exception to some of the remarks that have just been made.

I was brought up in the United Free Church of Scotland in a small mining village in south Ayrshire. My grandmother was a Catholic. Since I can remember, I have abhorred discrimination for or against Catholics throughout society, in Scotland or anywhere else. The first job that I had was as a 14-year-old schoolboy—a summer job as a cleaner in Butlin's holiday camp. The first question that I was asked was, "Whit fit dae ye kick wi?" I did not even know what the question meant. When I found out, I was disgusted.

I say to Mary Mulligan that today's debate is not a party political question for the Tories, the SNP, the Labour party or the Lib Dems. Surely the Parliament can rise to the occasion. Surely we can lift our sights above petty party politics.

This debate is about a fundamental principle. I agree with Tom McCabe that the Act of Settlement is not the talk of the steamie—if there are any steamies left in Scotland. I agree with what Tommy Sheridan said and with what Lord James Douglas-Hamilton said, and I agree with Mike Rumbles that Lord James's speech was probably the best that we have heard in this chamber.

The debate is about the message that we want to send out as a new Parliament for a new Scotland in a new millennium. It is about the symbolism of the Act of Settlement and the symbolism of the continued existence of legislation on the statute book that embodies an element of sectarianism and of discrimination against Catholics.

**Hugh Henry (Paisley South) (Lab):** Having listened to Alex Neil's fine words and strong statement against sectarianism and discrimination, I ask him whether he will, on behalf of the SNP, assure Mary Mulligan that the people whom she identified as being responsible for sectarian politics in her area will be dealt with very firmly by the SNP.

**Alex Neil:** The SNP's approach to dealing with such people is in its constitution.

**Hugh Henry:** Will it deal with them?

**Alex Neil:** It is in our every vessel and vein to deal with anyone, whether they are members of the SNP or the Labour party or anyone else, who is practising or preaching sectarianism, anti-Catholic or otherwise, or discrimination, anti-

English or otherwise. We want a modern Scotland, a modern Britain, a modern Europe and a modern world in which the human rights of every individual are safeguarded. I speak as someone with republican sympathies, like my friend Roseanna Cunningham.

The fact that someone is a member or prospective member of the royal family does not mean that they should have their human rights undermined. This is about the human rights not just of a potential Catholic spouse of a monarch, but of the monarch himself or herself. If the monarch is a Protestant and is not allowed to marry a Catholic, that is a denial of his or her human rights as well.

**Mr McMahon:** Just as I was corrected earlier, I hope that Alex Neil will accept this correction. The monarch is not denied the right to marry a Catholic; they are just not allowed to succeed to the throne if they do.

**Alex Neil:** My substantive point stands—the act is a denial of human rights on both sides.

People have made a big issue of the fact that this Parliament does not have the legislative power to change the Act of Settlement. Of course it does not. We know that. This Parliament operates at three levels. We operate at the legislative level, although we do not have legislative power on this matter. We also operate on a political level and a moral level.

Mary Mulligan used the word responsibility. The Parliament does not have legislative responsibility on this matter, but I argue that we have the moral and political responsibility to send a loud and clear message—not just to Westminster and not just to people south of the border, but to our own people here in Scotland—that the Parliament will not tolerate any form of discrimination or anti-Catholic behaviour.

I agree with John McAllion that discrimination in Scotland will not end if the motion is carried or even if the act is repealed. However, this debate is about sending a loud and clear message that the Parliament is determined to end discrimination. The Act of Settlement is one part of that; it is only the beginning. We will take whatever measures necessary to convey to the people of Scotland, and of further afield, that this new Parliament and the new Scotland will not tolerate discrimination of any kind at any time, irrespective of political party.

11:31

**Mr David Davidson (North-East Scotland) (Con):** I did not intend to do anything other than listen to the debate. I wanted to sense the mood of how the Parliament would end the last year of the century.

My mother was a staunch Wee Free and met my father, who was a Catholic of Irish background, in Aberdeen. After they had been married for a while, she changed faith. We came to Edinburgh and I had to go to school. She was a lady of forthright manner; she knew what she did and did not like. She went to the local priest—she was not very used to the system of lads with frocks on who had some kind of dynamic power, as she described it. She went to Holycross Academy, as it then was, but decided that she did not like the headmaster—he was not the man for her boy. She went down the road and saw the sign for Trinity Academy, which, because of her background, she thought was another Catholic school. I was duly enrolled.

Someone mentioned institutional bigotry. I was the only Catholic boy in a Protestant school and on the other side of the park was a Catholic school where they knew that there was a Catholic in the Protestant school. So what happened during snowball fights? My non-Catholic school friends protected me against my fellow parishioners with whom I went to mass. On the sports field I played fullback; I used to get thumped and my non-Catholic friends would thump the guys who thumped me. I understood through that that the children who went to those schools wore a blazer and that they fought the badge fight—like football and rugby clubs do every week—but did so for a strange reason, supposedly to do with faith.

I came back to Scotland to find that the world had moved on. I have been back a few years now. I came to the chamber today thinking that we would see a difference. Our subject is not political; a party has chosen in its time, as is its right, to raise a subject for debate. Mr McCabe and others have commented on the use of parliamentary time, but if a party brings forward a subject—as the Executive does regularly—the rest of us must play our part and ensure that it is discussed correctly and in a forward-looking manner.

The Scotland Act 1998 permits us to discuss anything that has an effect on the lives of people in Scotland and on Scotland's future. This debate was not supposed to give members an opportunity to go through the marvellous history lessons, although I thoroughly appreciated Lord James's version of the historical story, which he delivered in a very reasoned manner. Others have spoken well, such as John McAllion and Mike Russell. I even agreed with something that Mike Rumbles said—what a unique occasion.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Resign.

**Mr Davidson:** I appreciate that Mr Rumbles is here not as a party political clone but in his capacity as a human being.

I am disappointed by those members who

sought to bring party politics into the debate, which is not about whether the Scots want to talk about this issue or whether it is the biggest thing since sliced bread. A member has used his democratic right to bring a subject to this Parliament and we must use our democratic responsibility to deal with the motion in a level-headed way.

We look to the future. On a party political point, Conservatives are not particularly keen on over-legislation and over-regulation.

I do not want to get into the history of the issue because we are looking to make things better for next year and the next millennium. When we consider legislation, the people of Scotland expect us to ask, "Is it any good? Is it any longer relevant? Should we just dispense with it? Does it interfere with people's rights?" That is what this debate is about. I am not going to argue about the rights and wrongs of the legislation, but this Parliament has a responsibility to lead on issues, to pick up social concerns that matter to people in different ways and to air those concerns in this chamber on behalf of the people. If that sends a message down south to Westminster that Scots in general and those who have been sent to this chamber to speak on their behalf in particular should be listened to, perhaps we can open up the next stage of the debate. No one is asking for more than that.

To echo Mike Rumbles, I believe that we need reassurance from the minister. I am happy with Mr McCabe's amendment, which sets the issue in its legislative context. However, I would like to think that the amendment amounts to a refinement of the principle in the SNP's motion. That principle should be progressed; the amendment should not be used as an attempt to halt the matter, allowing things, as has been said, to continue to fester.

I want the Parliament to look forward and to open up Scottish society to opportunities for everyone to be themselves, to get jobs and to practise their beliefs in a way that does not impinge on other people. We cannot tolerate any situation in which a person is treated as a second-class citizen because of their race, colour, religion or gender.

For those reasons, I support the SNP motion as an individual member—that should be our approach today. I thank Mike Russell for lodging the motion.

**The Deputy Presiding Officer:** Speeches should be limited to four minutes.

11:38

**Shona Robison (North-East Scotland) (SNP):** Overall, the tone of today's debate has been good, although it was unfortunate that some Labour

members decided to take the line of political cynicism or to argue that there were other priorities. I hope that they will reflect on that. In particular, the comments of Mary Mulligan and Hugh Henry were a disgrace to the Labour benches. People in glass houses should never throw stones. We all have our past embarrassments to deal with. I remind Mary and Hugh about the atrocious anti-Catholic comments made by Sam Campbell, the former Labour provost of Midlothian, who remains a serving Labour councillor.

**Mrs Mulligan:** I assure Shona Robison that I would reject anyone's discrimination or bigotry. It is quite wrong for her to suggest that I would not.

**Shona Robison:** If Mrs Mulligan's feelings were so strong, I am sure that she would be working to remove Mr Campbell from the Labour party.

This motion is important because we do not want Sam Campbell's comments—or those of anyone else—to be acceptable in modern-day Scotland. We want Scotland to be united in condemning discrimination against any section of the population. That is why this debate is not a waste of time. It is very important that this Parliament sends that message out to the people of Scotland and sets a lead in tackling discrimination wherever it arises.

It is also important to examine the role of the Parliament. Several people have said that we should not discuss reserved matters and have suggested that the SNP is somehow trying to destroy the Parliament by doing so. As a member of the Equal Opportunities Committee, on which I am proud to serve, I remind members that equal opportunities are a reserved matter. Nevertheless, this Parliament took the right decision in setting up an Equal Opportunities Committee.

**Mr McMahon:** We all welcome the fact that the Equal Opportunities Committee has been set up. The complaint that has been made of it is that the SNP spends too much time addressing what that committee cannot talk about rather than what it can talk about. We need a positive agenda in this Parliament, which we are not getting.

**Shona Robison:** I say to Mr McMahon that some self-reflection is needed. The members of the Equal Opportunities Committee are hard working and I resent his comments.

The Government cannot have it both ways. This Parliament has the right to discuss all matters, including the very important matter of equal opportunities, which I wish was not reserved. The fact that we have an Equal Opportunities Committee sends out a message to the people of Scotland that equal opportunities are at the core of this Parliament's philosophy. I hope that, by the end of the day, we can reach a unanimous

decision to support this motion.

11:42

**Hugh Henry (Paisley South) (Lab):** I regret the comment that was made about me by Shona Robison. The question that I asked Alex Neil was whether the SNP would take action on the incidents that were mentioned by Mary Mulligan in the way that the Labour party took action on the specific incident to which she referred. I hope that there would be consistency in the SNP's approach.

Colin Campbell said that, at one point, Edinburgh was the Athens of the north. Lloyd Quinan later talked in general terms about the darker times in our history. It is apposite that we are having this debate in this chamber, as it is less than 80 years since my Irish Catholic grandparents were told by people in this chamber that they should be deported from this country. It is to the credit of this Parliament that we have moved on.

**Mr Kenneth Gibson (Glasgow) (SNP):** Has Mr Henry, or Mary Mulligan, made any official complaint to the SNP about the alleged incidents in Edinburgh?

Sam Campbell, who only 13 years ago was a Labour councillor, said that all Catholics should be deported from Scotland. For some reason, he specifically mentioned Eamonn Andrews. He was suspended from the Labour party for six months, after which he became a provost—the leader of the council—and he is still a serving Labour councillor. Rather than talk about what happened 80 years ago, what will the Labour party do about such reprehensible individuals in this day and age?

**Hugh Henry:** I hope that allowance will be made in my speaking time for the time that has been taken up by Kenny Gibson's speech.

**The Deputy Presiding Officer:** We are very tight for time, Mr Henry.

**Hugh Henry:** The Labour party has acted on that issue, and I leave it at that.

We are now able to conduct a mature and responsible debate. However, I say to the SNP that many of my friends and family are quizzical about why we are spending three hours talking about the Act of Settlement—about whether or not Catholics are able to marry into what is increasingly becoming an irrelevant institution in this country—instead of talking about some of the fundamental issues that affect Catholics in this country.

**Shona Robison** *rose*—

**Hugh Henry:** I am sorry, but I have already

taken an intervention.

Recent reports indicate that people from an Irish Catholic background are more likely to die early, end up in prison or live in poverty. Behind all this is a history of discrimination and sectarianism, as John McAllion indicated. However, the legacy of that, as Scottish society begins to move on, is that such people are unable to play a full part in many areas of life because of their class and their position in society.

Why do people from working-class backgrounds, as well as Catholics, not get into veterinary schools? Why are Catholics still under-represented in certain professions in this country? Equally, however, working-class Protestants are under-represented in many of those professions. Why are the top civil servants in this country mainly products of private schools reflecting a certain class background? We need to have a mature debate about how our society should move forward. It would be far more relevant to Catholics and many other sections of our society if, in these three hours, we were to address some of the fundamental problems that affect people living in poverty throughout Scotland, whether they be Catholic, Jewish, Protestant or Muslim.

**Michael Russell** rose—

**Hugh Henry:** Sorry. I am about to finish.

It is a credit to the Labour and trade union movement that we have put discrimination at the forefront of our agenda. Many of the gains that we have made are the result of the struggles of men and women over many years. One of the things that I am most proud of is that women—who, like Catholics, still cannot get into many golf or bowling clubs—are now better represented in this chamber because of the efforts of the Labour party in tackling discrimination.

**The Deputy Presiding Officer:** To round off and balance this debate, I will take two final quick speeches, one from Jamie Stone and the other from Frank McAveety.

11:46

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Lloyd Quinan was extremely wise to mention the Irish situation. That is very pertinent to what we are discussing today.

I endorse the comments of John McAllion. The more I think about this issue, the more complicated I realise it to be. In Belgium, King Baudouin had to abdicate for a day so that a bill on abortion could be signed. That problem might come our way, should a future monarch become a Catholic. To take a slightly ludicrous example, let us imagine that Dorothy-Grace Elder, who was in the press gallery a minute ago, wrote something

offensive to Muslims and a jihad was declared against her. Would a monarch who had become a Muslim feel obliged to have a go at her? We all remember the sad situation of Lord Mackay and what happened in the Free Presbyterian Church.

John put his finger on it when he said that this was about more than just changing a few acts of Parliament. For a kick-off, it would involve the disestablishment of the Church of England. Religious authority—how a member of a particular Church does or does not take commands—would be an issue, and the decision-making apparatus of the Crown, the royal assent, would need to be examined.

Today's debate is a worthy one, but let us be honest and acknowledge that this issue is much more complicated than a few acts of Parliament. I hope that Westminster gets on with this, but let us not kid ourselves about the difficulties ahead.

11:48

**The Deputy Minister for Local Government (Mr Frank McAveety):** I rise today only partially to respond to a disappointing contribution from Mike Russell, who had the courtesy to apologise to me in the fabled tea room.

Only in Scotland would the secretary of state have to go on national television and admit in the course of a debate that he was a Roman Catholic. Only in this country would more than 10 members have to preface their comments by indicating their religious affiliation.

What unites us is a recognition that the Act of Settlement is inappropriate in a contemporary setting. I believe that the amendment addresses that and that we can look forward to change. I do not think that we need to revisit the past. I accept what Lord James Douglas-Hamilton said in his speech. I am less interested in Lord Forsyth's contribution. If he had left it to civil servants, I am sure that they would never have brought forward the poll tax, which was a key objective of his. The Conservatives did not take the opportunity to change this legislation, but I appreciate what Lord James has said. Members of the House of Commons have had the chance to table amendments, but nobody has made an effort to do so.

Today we have an opportunity to use this debate to facilitate an open discussion about tackling issues that other members have identified. Economic disadvantage and discrimination have been endemic in Scottish life. One of the key events that changed the life experience of people from my background was, curiously enough, the Education Act (Scotland) 1918, which facilitated educational opportunities for people of my background. I know that people have views on

that, and that may be a debate in the future. We share views on that privately, and openly in this chamber and in places where it is appropriate to mention such matters.

**The Deputy Presiding Officer:** We have run over a little. I ask closing speakers to trim their speeches by one minute each.

11:50

**Miss Annabel Goldie (West of Scotland) (Con):** I welcome this debate. I have been uneasy, perhaps, about the tone of one or two parts of it. Some fundamental elements have been obscured by more personal and, at times, parochial issues.

I welcome the fact that Mr Russell lodged this motion. I entirely support the amendment. Quite simply, this issue is as simple or as complex as one chooses to make it. There are two inescapable elements: the monarchy and discrimination. I will make clear my standpoint. I am a deputy lieutenant and, as such, I both support and believe in the monarchy. I am also a member and elder of the Church of Scotland and, as such, I am wholly opposed to discrimination in any form, wherever it is found.

On the question of why this issue has arisen now, Lord James Douglas-Hamilton rightly referred to devolution putting our whole constitutional process under the microscope. I do not agree with Mary Mulligan, as I think that the royal family has become more topical in the past 10 years. The constitutional settlement for Scotland has enabled an eye to be cast over the more intricate relationships that exist between Scotland and other elements of our constitution.

It was curious that Mr McCabe just about managed to omit any reference to the monarchy in his speech. I wondered whether that reflected a 50 per cent appetite for all this. At least Mr Henry was more forthright: he dismissed the monarchy as an irrelevant institution.

On the Executive's amendment, I wonder whether the difficulties are not being slightly exaggerated. It is indeed the case that seven or eight statutes would require repeal or amendment, and that, perhaps, the Church of England would have a more significant dilemma over this matter than any other religious institution. However, it is also the case that our devolution settlement involved us in a very considerable number of statutory repeals and amendments, so I cannot believe that this constitutional challenge would be insuperable. As Lord James said, reforming the House of Lords has proved to be within the management of the Government. I do not think that, in technical constitutional terms, this would be more challenging.

It pleases me to say that I have no doubt that this Parliament has a role in this matter, and I do so genuinely. In the past six months, I have been taken by surprise by how important many significant institutions in Scotland regard this Parliament to be in relation to reserved matters. It has become clear that those institutions see this Parliament as a repository for opinion, and an increasingly influential player in that role. Therefore, I entirely support what Lord James said: it is important that this chamber sends out a message that is sensible, constructive and, above all else, contemporary with the feelings and mood of the Scottish people.

If there is one thing that we can infer from this debate, it is that we are all opposed to religious discrimination, wherever it is to be found. If we can be unanimous in that message, it will do this chamber a lot of credit and will be a good advertisement for Scotland. I am conscious that the Act of Settlement as currently framed is, at best, divisive and, at worst, profoundly offensive. That is an unacceptable anachronism. I support Mr Russell's motion, and endorse the Government's amendment.

11:55

**The Deputy Minister for Communities (Jackie Baillie):** This issue is clearly one on which many members of this Parliament and many people in Scotland have strongly held views. However, I am disappointed that, having predicated his comments on the clear desire for the need for reconciliation and unity of purpose, Mike Russell turned on both Michael McMahon and Frank McAveety. That set the tone for the rest of the debate.

Having said that, I agree with Alex Neil. He is right to say that we must raise the sights of this Parliament. I am grateful to Lord James for what was probably the most interesting history lesson that I have ever received. However, I rush to reject any notion that duelling is an appropriate way to settle issues in the 21<sup>st</sup> century. Duelling is a male preserve and, despite my commitment to equal opportunities, I am therefore excused from participation.

There can be no doubt that, historically, there has been religious discrimination in this country. Sectarianism is a scar on the soul of Scotland, and it certainly has no place in the Scotland of tomorrow. Our aim and ambition is to end all forms of discrimination: religious discrimination, racial discrimination, sexual discrimination and discrimination on the grounds of disability or sexual orientation. Achieving that is not simply about changing one act that is almost 300 years old.

Michael Matheson said earlier that he never dreamed about being the king, or indeed the queen. I certainly never dreamed about being the king. I am sure that royal marriage proposals are winging their way to Michael as we speak, but how will he feel about the horses and corgis that come with them?

The discrimination inherent in the Act of Settlement is truly offensive to many people in Scotland. The fact that it has little practical significance does not negate its symbolic significance. Tommy Sheridan is right to say that the passing of the amended motion will have symbolic significance. However, it is not just a matter of priorities; it is also about competence.

Let us get beyond symbolism and talk about areas in which the Scottish Parliament has the influence, the opportunity and the responsibility to get it right. Shona Robison was right to say that we do not have legislative responsibility for any aspect of equality. However, we have a clear role in promoting equality, and key to that is our responsibility to tackle discrimination—through education, health, employment and dealing with poverty. Those are areas for which we have responsibility.

Our programme for government set out our pledge to the people of Scotland: our pledge to work together to build a modern, prosperous and socially just Scotland. To make a real difference in people's lives, we must tackle the discrimination caused by poverty. I do not need to remind people that deprivation affects life chances. The fact that child poverty increased dramatically between 1979 and 1996 is a damning indictment of the previous Government. Two in five children in this country are born poor, one in six families are pushed into poverty at childbirth. We have a responsibility to improve the life chances of our children, to end child poverty within a generation, and to build a socially just and equal Scotland that is free of discrimination.

In working together for a Scotland without discrimination, we must search for agreement on the most effective way forward. We should not seek confrontation, which will merely make worse the problems that we are trying to solve.

**Mr Salmond:** There is a huge desire across all parties for the Parliament to speak with one voice on this issue. That is of great symbolic importance. The minister has heard the concerns of the SNP, the Liberals and the Tories that the Executive amendment, phrased in complexity, might be a euphemism for inaction. In the spirit of working together, will she confirm that she does not favour inaction on an issue that she has just said is of great symbolic importance?

**Jackie Baillie:** I want to make it absolutely clear

to Alex Salmond, and indeed to Mike Rumbles, that the Executive amendment is not, and I repeat not, an excuse for inaction. I am sure, as members will be aware, that this debate and motion will be considered carefully by Westminster. However, John McAllion is right: the repeal of the Act of Settlement will not in itself end sectarianism, so let us focus on what we can do at our own hand. I am sure that members will agree that discrimination has no place in a modern society. We all believe that. Annabel Goldie was correct in her analysis of the debate. It follows that we would like to see any act of Parliament that contains religious discrimination repealed.

In closing, I will focus on the Executive's amendment and the two key points that it contains.

First—and this debate has illustrated the point well—amendment or repeal of the Act of Settlement raises complex constitutional issues. At least eight other pieces of legislation would require amendment or repeal. Similar legislation would need to be passed in at least 15 realms within the Commonwealth. There is no doubt that any process of amendment or repeal would be complex, controversial and demanding on parliamentary time—not our time, but the time of other Parliaments.

On that point, Mike Russell is wrong. It is interesting to note that he is now an expert not only on constitutional law, but on international constitutional law. Is there no end to his many talents? Perhaps it signals the expansionist plans of the SNP that it speaks for the Parliaments of Canada, Australia, New Zealand and other Commonwealth countries. I am sure that those Parliaments affirm our commitment to equality, but it is a matter for them, and for the whole Commonwealth, not for Mr Russell.

Secondly, the Act of Settlement is a matter reserved to the United Kingdom Parliament. That is a matter of act and law, and is laid out in the Scotland Act 1998. No one can dispute that.

I say again that the Executive amendment is not an excuse for inaction. The Executive is intent on ridding Scotland of discrimination in all its forms. We believe that the way forward is by a broadly based programme of social justice that tackles poverty and ends social exclusion and discrimination in effective ways. It is a radical programme but, above all, it is a practical programme that we can deliver, one that will provide real change for the people of Scotland.

I urge Parliament to support the motion as amended by the Executive.

12:02

**Roseanna Cunningham (Perth) (SNP):** The minister appears to be accusing the SNP of internationalism—a novel criticism from the Labour party, which usually accuses us of the opposite.

I had hoped that today's debate would not be one in which everyone felt the need to preface their remarks by outlining their religious background. Michael McMahon started that ball rolling, and once it started rolling, the debate followed that course, so I will declare my interest; my name is Roseanna and my confirmation name is Bernadette. Members will be relieved to hear that I have no intention of marrying into the royal family—I dare say that the royal family will be relieved to hear it as well.

Yesterday, Parliament spent almost three hours debating the Abolition of Feudal Tenure etc (Scotland) Bill, which affects a law that is more than 300 years old; it is something like 800 years old. In effect, we have set about abolishing what is widely recognised to be an anachronism. However, it is only one of the anachronisms that remain enshrined in Scots law. This morning, we are debating another and some of the same arguments should, in principle, apply.

We are, of course, empowered to sweep away one anachronism, but not the one that we are debating. I will say more about that later, but our lack of power to enact any repeal is not a reason why we cannot have an indicative vote on our wish to do to this legislation what we intend to do to feudal tenure. Let us be clear; we are talking about an anachronism that is couched in terms that are, in the words of Cardinal Winning,

"nasty, outdated and embarrassing language which should have no place in modern Britain."

This Parliament has a link with the past, but it is not about the past; its purpose is to take Scotland into the future. It would be a great pity if we had to trail this baggage into the future.

Comments have been made about the SNP taking up parliamentary time in debating a reserved matter—both Tom McCabe and Michael McMahon referred to that in their speeches. That line of argument will not wash. There is nothing to prevent the Scottish Parliament from debating and voting on a motion in which it petitions Westminster to change UK law. It was always envisaged that that would happen from time to time. From the earliest days of the Parliament it has been clear that it can discuss anything it likes, regardless of whether it can legislate on the subject.

Today's debate does not waste any of the Executive's parliamentary time—as was suggested by Michael McMahon—nor does it disrupt its legislative programme. The SNP is

using its time for the SNP's choice of debate. Previous SNP debates have been on the private finance initiative, education, pensioner poverty and agriculture; this is the first on a reserved matter. The fact that we are today seeking the widest possible consensus should be seen as a sign of generosity, not niggardliness.

Both Mary Mulligan and Hugh Henry made remarks that were, perhaps, misplaced in the context of the debate. Michael McMahon's tone was also a little unfortunate. There was slight confusion in a number of speeches because members could not decide whether to attack the SNP for jumping on a populist bandwagon or for picking up on an irrelevant issue. They cannot have it both ways, but some members have tried to do so.

The debate will draw attention to some of the many areas in which the Scottish Parliament is constrained by Westminster. Some of those issues, which are germane to this morning's debate, were touched on in the debate on equalities that was initiated by the Executive some weeks ago. As I said then, the SNP has always believed that a Scottish Parliament would present us with an opportunity to take radical steps forward in Scottish society; that it would take us into the 21<sup>st</sup> century with laws that ensure that there is no discrimination on the basis of sex, age, religion, race or sexual orientation. In that debate I highlighted religious discrimination. I also highlighted some of the points that were raised in the debate today, because of their specifically Scottish dimension. Because of that dimension and Scotland's particular history and experience, today's debate is of considerably greater importance than might otherwise have been the case.

For us, in Scotland, the issue is of more than passing academic interest. All members will have received the interesting letter from the Orange Lodge, which tells us that:

"We have been following with interest the motion before the Scottish Parliament calling for a change in the 'Act of Settlement', supported by some members who perceive it to be discriminatory."

I bet that it has been following the debate with interest.

The Orange Lodge's intervention reminds us forcefully of how important debates such as this can be in Scotland. John McAllion spoke eloquently of the experiences that he had while growing up. Those of us in the Parliament who were raised in the same faith will have shared many of those experiences. I look forward to motions in John McAllion's name, in the terms that he suggested, coming before this Parliament.

On this issue we can, in truth, either defend or



not defend the discrimination—we cannot pretend that it is not discrimination. That would be to fly in the face of reality. The Parliament's Equal Opportunities Committee has recognised that and, as I understand it, it considers that the act has a negative impact on the equality of Scotland's people and has commended the matter to Westminster for its attention. The Parliament as a whole is entitled to do the same.

I tabled a parliamentary question in the House of Commons, asking the Prime Minister whether he would

"make it his policy to seek to amend the law to (a) allow members of the Royal family to marry a Catholic without losing their right to inherit the throne and (b) allow Roman Catholics to inherit the throne".

I will read his answer in full:

"The Government have always stood firmly against discrimination in all its forms, including against Roman Catholics, and it will continue to do so.

The Government have a heavy legislative programme aimed at delivering key manifesto commitments in areas such as health, education, crime and reform of the welfare system. To bring about change to the law on succession would be a complex undertaking involving amendment or repeal of a number of items of related legislation, as well as requiring the consent of the legislatures of member nations of the Commonwealth. It would raise other major constitutional issues. The Government have no plans to legislate in this area".—[*Official Report, House of Commons*, 13 December 1999; Vol 341, c 57W.]

That is a great pity. A number of speakers have commented on aspects of that approach, such as dealing with the likely attitudes of other Commonwealth countries and the extent to which a repeal here would impact on other legislation. My colleague, Mike Russell, mentioned information that we have received from Canada. Has anyone bothered to contact other Commonwealth countries to ask what their view of such a repeal would be? I suspect that many of those countries are simply unaware of the existence of this discriminatory legislation. It would be of some use if formal approaches could be made at this stage, to ascertain just how much of an obstacle those countries would be to repeal of the legislation.

When there is political will and cross-party support, much supposed difficulty can be swept away. The idea of a royal commission has been floated in the ether, but I am not sure that I understand why such a commission would be necessary. We do not need guidance on the principle; we know that it is wrong. We need someone to examine the practicalities of making the change.

At Westminster I took part in the introduction of a bill that was presented by Henry McLeish, who was then a Scottish Office minister with responsibility for justice. That bill took all of 30

minutes to go through all its stages in the House of Commons. I suggest to the Minister for Parliament—and to all other members who are concerned about the delay and difficulty involved—that he, and they, should accept that what I have just said is the case.

With cross-party support, such legislation need not take the lengthy time to go through all its stages that has been talked about today. It can be dealt with quickly. All that SNP members ask is, "Why is that not being done?" All members, I believe, think that that omission is sad, and we can, at least, say so. The Parliament is the voice of Scotland. If the voice of Scotland wishes to make its position plain, it should not consider itself silenced merely by virtue of the fact that our vote cannot change the law. The debate might turn out to be simply the first step in the long grind referred to by my colleague, Colin Campbell. It sends out a clear message to the rest of the world: when we are confronted with the reality of discrimination, it is Parliament's duty to say, "We do not agree."

I listened to the minister's closing speech. The SNP will accept the amendment and I ask all members to support the motion and send a clear message to the world that there is no place for discrimination in our Scotland.

**The Presiding Officer (Sir David Steel):** Thank you. The vote will be at decision time at 5 o'clock.

## Hampden Park

**The Presiding Officer (Sir David Steel):** We come now to the statement on Hampden Park. As this statement is rather longer than is usual, I will time the 20 minutes' question time from when the minister sits down.

12:14

**The Minister for Children and Education (Mr Sam Galbraith):** With permission, Presiding Officer, I would like to make a statement.

As members will be aware, Queen's Park Football Club and its subsidiary, the National Stadium plc, have run into serious financial problems carrying out major redevelopment works at the stadium. I am pleased to announce to Parliament that we are very close to reaching final agreement on a detailed rescue package that will secure not only the continuation of the project with all its aims and objectives intact, but the survival of Queen's Park, Scotland's oldest football club.

Although the problems are in no way attributable to the Scottish Executive, because of the importance of Hampden to the nation, the Scottish Executive has taken on a key role in finding the solution. The redevelopment of Hampden is a flagship millennium project—one of the largest to be funded by the Millennium Commission in Scotland. The Scottish Office was a minor funder of the project; its decision to contribute £2 million was taken in 1996 when the Conservative Administration was in power.

I announced on 14 October that broad agreement had been reached on a rescue deal but I emphasised that further detailed work and complex negotiations were required before the problems could be fully resolved. That has proved to be the case. The rescue deal is still subject to finalisation of some detailed points and completion and execution of legal documentation. I urge all the parties to permit no further delay in bringing matters to a full and final conclusion. I am very pleased, however, that a stage has been reached at which I can make a substantive statement to Parliament before the recess.

In my statement, I will give as full and frank an explanation of the background and outcome as I can. I shall do so within the constraints placed on me by contractual obligations to maintain confidentiality and by a proper regard for the legitimate commercial interests of the private companies involved.

Although the Scottish Executive and the other co-funders have played a key role in securing the deal, the co-operation of other parties, including

Queen's Park's principal creditors, has been essential. I wish to place on record the Scottish Executive's thanks for their contributions to the rescue deal and to achieving an outcome that the great majority of people in Scotland will welcome. I particularly wish to thank Sir William McAlpine for his understanding and forbearance as the negotiations over the rescue package have dragged on.

Hampden stadium and adjacent land is owned by Queen's Park FC. Through agreements with the Scottish Football Association, it has been Scotland's national football stadium for nearly a century. It was a condition of Millennium Commission funding that a subsidiary company, the National Stadium plc, was set up to manage the redevelopment project and operate the stadium.

On completion of the redevelopment, the facilities will comprise a stadium suitable for football and other purposes, office accommodation, a football museum, a lecture theatre, conference and catering facilities and an all-sports injury clinic.

The original estimated cost of the project was £51 million. The Millennium Commission was the major funder, with a grant of £23 million. The Scottish Office contributed £2 million over three years channelled through sportscotland's grant in aid. Other public funders were the Scottish Sports Council, which contributed £3.75 million of lottery money, the Glasgow Development Agency, which contributed £1.6 million for derelict land clearance, the Football Trust and the then Strathclyde Regional Council and Glasgow District Council.

A management contract between Queen's Park and the principal contractor, McAlpine, was entered into and the construction works began in February 1997. Work completed to date has cost some £60.6 million. The estimated final cost is £65.7 million if all the planned works are carried out. However, the work to be completed includes works that are not essential to enable the stadium to operate fully and works relating to the Scottish football museum for which responsibility lies with the SFA Museum Trust, not the project.

The debenture scheme was launched several months behind schedule in November 1998. That did not generate the income expected for the project, being only one third taken up before it was relaunched in advance of the recent Scotland versus England game.

The project managers were successful in attracting commercial sponsorship well in excess of their original target, but that was still not enough to cover the additional costs incurred.

The cost overruns on the project have three main causes: extra costs on agreed project items

as a result of increased specifications; additional works that were not part of the original project and were not agreed with co-funders; and acceleration costs to stage the Scottish cup final in May 1999.

When the Millennium Commission alerted the Scottish Executive to the present problems in late July, Queen's Park FC already owed to the principal contractor money that it was unable to pay. Having considered financial information supplied by the club and National Stadium plc, the co-funders concluded that they required an independent financial and technical assessment of the project before they could properly consider whether further financial involvement in the project was justified. The consultancy team comprised firms of quantity surveyors, accountants, management consultants and solicitors.

The purpose of the assessment was to enable the co-funders to understand how the problems had arisen, to establish or verify their full nature and extent and to identify possible solutions. In essence, we found that the project management had become product-driven rather than cost-driven. Insufficient attention had been devoted to securing the resources required to complete all the works.

On the basis of the consultants' interim findings, the co-funders agreed to move towards a work-out solution to the problems, within which they would contribute to a rescue package, subject to certain terms and conditions. The five main co-funders—the Millennium Commission, the Scottish Executive, Glasgow Development Agency, sportscotland and Glasgow City Council—were willing to contribute up to £4.4 million to the rescue package, subject to due diligence and the necessary approvals. The Scottish Executive is committed to contributing £2 million to the package.

The £4.4 million fell some way short of bridging Queen's Park FC's deficit on the capital component of the project. After proposals were put to Queen's Park FC and National Stadium plc, it was necessary for a complex process of negotiation to be undertaken with other parties that had a financial interest in the project, who might be able to contribute to the achievement of a rescue package. They included the two companies' creditors, in particular the main contractor, McAlpine, and the Royal Bank of Scotland.

Two main conditions were attached to the co-funders' further financial contribution: a new management structure for stadium operation and a viable long-term business plan for the stadium. The co-funders considered that major changes in the arrangements for governance and management of the stadium were necessary to secure viability in the longer term. They were

conscious that the Scottish Football Association would be a major user of the stadium, since it would not only stage matches there but planned to rent office accommodation, space for the football museum and associated activities and make use of the lecture theatre and conference facilities and the sports injury clinic. The SFA's rental payment would have represented most of the guaranteed income for the stadium operation.

The fact of the matter is that Hampden is not the national football stadium without the involvement and co-operation of the SFA. It seemed to the co-funders to be both logical and appropriate that the SFA be asked to take on a direct role in the management of the stadium.

I will detail the key elements of the rescue package. McAlpine has accepted a settlement that involves a cash payment of £3.4 million and debentures which would cost £1.4 million to buy. The co-funders will meet the cash component and Queen's Park FC is giving the debentures from a stock that had not been offered for sale to the general public. We are in the final stages of concluding agreements with other parties to ensure that the funding gap on the construction phase of the project is bridged. I am sure members understand that these are very sensitive negotiations, but they represent the last part of the process.

The remaining £1 million of the co-funders' money will be paid to the Royal Bank of Scotland. That will reduce Queen's Park's indebtedness to the bank to a level that can be accommodated within the new management arrangements. The bank has agreed to convert its underwriting of the debenture scheme, which was due to expire in March 2000, to a term loan to Queen's Park. The bank is also co-operating in other ways that are essential to ensuring an orderly transition from the present arrangements to the new management set-up.

The SFA has agreed to take on responsibility for the future management of the stadium under a lease granted by Queen's Park. The lease will run for 20 years, with an option on the SFA's part to extend it for a further 20 years. The level of rent payments will enable Queen's Park to pay off outstanding debts and derive an income to help meet its running cost requirements. Queen's Park will continue to own the stadium and adjacent land.

There will be a reciprocal rights agreement between the SFA and Queen's Park, which will enable Queen's Park to continue to use the main stadium for matches and other purposes and the SFA to make use of Lesser Hampden for squad training and car parking when major matches are being staged in the main stadium.

The co-funders' consultants examined carefully the viability of the stadium operation in the longer term. The co-funders were satisfied, as a result of that work, that there was a viable business there, so long as it did not have to service an unduly high level of debt incurred on the construction phase of the project. The work persuaded the SFA, which carried out its own due diligence, to accept, in principle, responsibility for managing the stadium.

In taking on a full repairing lease, the SFA is, of course, accepting the operational risks and liabilities as well as the potential rewards. Responsibility for drawing up and implementing a business plan for the stadium now rests with the SFA. Despite the mistakes and misjudgments that have been made by the project—which are not attributable to any one person—we now have a magnificent national football stadium with excellent facilities on the south side of Glasgow.

Hampden is there: it is virtually complete and it is operational. It has just received the accolade of being allocated the final of the Champions League, in 2002. I am hopeful that the rescue deal will be concluded this week. If that is the case, it will maintain the historic relationship between the oldest club and Scottish football's national governing body. It will be a different relationship, but once things settle down, I hope it will be a better relationship. It will allow Queen's Park to continue to uphold the amateur principle within senior level football.

We now need to move forward. As we enter a new millennium, we want to see confidence in the project restored. We want everyone in Scotland to see that we have a national football stadium of which we can be rightly proud. I commend this statement to the Parliament.

**Nicola Sturgeon (Glasgow) (SNP):** Does the minister think that it has been acceptable for the Executive to proceed in this matter by way of continual briefings to the press, while refusing—as his deputy minister did on 9 November—to give even the most basic details to the relevant parliamentary committee?

Secondly, I turn the minister's attention to his responsibility for public money and put on record the Scottish National party's support for the national stadium. For that reason, we welcome this belated statement. Can he say why public money was committed at the outset to a project that did not have a fixed price—unlike the Millennium Stadium project in Cardiff—and did not even cover basic items such as inflation and the relaying of the pitch? Can he say why he is now prepared to commit even more public money which, whether it comes out of the education budget or end-year flexibilities, is still money that can now not be committed to education? Why is that money being committed without any real

guarantees that it will not follow the last lot into the same black hole?

Is the minister seriously suggesting that by handing over the management of the national stadium to the Scottish Football Association, the public will be confident that the financial chaos of the past will not recur in the future?

**Mr Galbraith:** Even for the SNP, that was a super-girn. Ms Sturgeon must stop making wild accusations that are completely and utterly untrue. She has made a great fool of herself over this, on several occasions, and she is doing it again. She asked why we gave a press briefing. I am renowned for never giving off-the-record briefings to the press. On the issue of Hampden, I am renowned for saying nothing to the press—or anyone else—on my behalf or on behalf of the Scottish Executive.

**Nicola Sturgeon:** Rubbish.

**Mr Galbraith:** Ms Sturgeon obviously thinks that I am lying and she must be able to justify that. That is a serious accusation, Presiding Officer. I hope that she will see fit to withdraw it. I have been very circumspect and have not released any information. These have been extremely difficult and detailed negotiations, involving many people. It is not appropriate to give a running commentary on them. This is not about achieving headlines, it is a serious matter that must be dealt with carefully.

Ms Sturgeon also asked why money was originally put into the project. As I pointed out in my statement, that was not done by the Executive, but by a previous Administration, in 1996. She may wish to pursue the question in that respect. We picked up the situation—a stadium was being built and there was a deficit—and we had to deal with it. She has again made a great fool of herself over the question of where the money is coming from. Again she has made the wild accusation that the money is coming from education funding. Let me reassure the chamber that the money did not come from my education budget. I can state that categorically. The money was added to my budget in September from savings that were made across the Scottish Executive budget. I hope that I will receive an apology for yet another wild accusation in due course, but I will not hold my breath.

Ms Sturgeon's final question related to the SFA's management of the project. We put in money to save the project; if we had not done so, Queen's Park Football Club and the stadium would have folded. If the SNP wants to save the project, it must accept the consequences of that—we had to put in money. We were prepared to put in further money only if there was a viable business plan—there is—and the management was sound.

More than 50 per cent of the business plan is dependent on moneys from the SFA, so it is correct and appropriate that the SFA should manage the national stadium. It has expertise in the finance and marketing department. Chris Robinson is taking a particular interest. The SFA is setting up a wholly owned subsidiary and is seeking out someone from the commercial sector to run it.

I am confident that the arrangements we have put in place are correct. We have saved the national stadium—the Scottish National party seeks to destroy it.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** Does the minister agree that the directors of Queen's Park Football Club have displayed only too well their adherence to the amateur principle in their approach to the development? When he says that extra costs for the project have been agreed as a result of increased specifications, can he tell me who agreed and why? Who agreed to the additional works that were not part of the original project and which were not agreed with the co-funders, and why? Can he tell me who agreed to meet the accelerating costs of the Scottish cup final in May—not part of the original development time scale—and why?

In answering those three questions, will the minister tell us to what extent there was any monitoring that might have picked up on those costly decisions?

Given the amount of public money that has been put into this redevelopment project right from the beginning, and taking into account this rescue package, what does the minister think about the public taking an equity share in the stadium, which might allow a future flotation to recover some of the public funds and give the public a true stake in the national football stadium of Scotland?

**Mr Galbraith:** I like Mr Monteith's last point on wanting the public to start taking up shares in private companies—that is an interesting departure for a Tory politician.

**Mr Monteith:** For a flotation.

**Mr Galbraith:** It is quite interesting how members of his party have shifted over time; and good on them—they have learned their lesson.

**Mr Monteith:** I am not the ideologue *The Herald* says I am.

**Mr Galbraith:** Not the ideologue, he says.

Mr Monteith raises a number of issues. I do not think that it is helpful to look at the past to find who was responsible for what went wrong. Mistakes were made and all may not have been as well as it should have been, but no one individual can be blamed—boards were involved.

Strict monitoring procedures were in place for our contribution. I cannot answer for the Millennium Commission—which is not our responsibility—or for others. Our money was all channelled through sportscotland, which received monthly updates of financial returns, and which visited the site regularly and received various certificates. We had very strict and tight controls over all those matters. There was no suggestion whatsoever of anything going wrong until the Millennium Commission pointed it out in July.

We now have a national stadium—it is up and it is operational. It is best if we now look to the future.

**Mike Watson (Glasgow Cathcart) (Lab):** I should declare an interest: I am a tenant of Queen's Park Football Club, as my constituency office is there. I welcome the statement and the fact that the national stadium can now go ahead with some certainty. The minister mentioned the wholly new body that has been set up to manage the stadium under the auspices of the SFA. How will the Executive oversee the money that has been put in? Will there be a representative from sportscotland on that board, or whatever executive body is formed? Will other organisations—including Queen's Park Football Club and, of course, the SFA itself—be directly represented so that they can look after their own interests? What will be the form of the new body?

**Mr Galbraith:** As I pointed out, the agreement with Queen's Park is that it is leasing the stadium to the SFA, which will pay the club an agreed amount under the lease arrangements. It will then be entirely up to the SFA to manage that. Who it will have on the board is still a matter for discussion between the SFA, ourselves and others.

**Fiona McLeod (West of Scotland) (SNP):** The minister has just stated that he was first aware of the problems when the Millennium Commission drew them to his attention in July, but that he was happy with the monitoring that was going on. Can he explain why the December 1998 accounts for Queen's Park Football Club did not alert him to any problems? How many times have he, his deputy, Rhona Brankin, and other ministers, been guests of the SFA at football matches? Were they guests during the period of negotiations for this rescue package that has put the SFA in the management position?

**Mr Galbraith:** I am not quite sure of the basis for that question, but I think that it is a nasty one. Have I been a guest? I can give a definite answer, because the records are all kept. I was certainly a guest at the Lithuania game, when I briefly discussed with the SFA the issues surrounding the national stadium, which I thought it was right and appropriate for me to do as I had responsibility for

the stadium. I am sure that my friend Rhona Brankin has also been a guest. I can provide Fiona McLeod with exact details. I can see absolutely nothing wrong with being guests; if we had not been discussing the matter with the SFA, that would have been a disgrace and a basis for some comment.

**Mrs Mary Mulligan (Linlithgow) (Lab):** Will the minister explain why he was not able to give a briefing to the Education, Culture and Sport Committee on this matter prior to his statement? Given that he has said that agreements have yet to be finalised, will he assure the committee that he will attend the committee after the recess and answer any questions, if that is necessary?

**Mr Galbraith:** I will be delighted—as always—to come along to the Education, Culture and Sport Committee and be questioned on these matters. That is an important part of the democratic process.

Negotiations are still continuing on the final details of the rescue package. I want to give the committee the fullest and most up-to-date information, which is why I have not been able to attend before this.

The consultants will provide us with a contract round-up letter, which will be a very detailed account of the situation and take into account the issue of commercial confidentiality. I will ensure that the committee receives a copy of that letter.

**Donald Gorrie (Central Scotland) (LD):** The minister explained that the Government's monitoring has been adequate and correct, but the net result has not been adequate and correct. Does he plan to review how this affair has been conducted, both by the previous Conservative Government, which started it, and the Labour Government at Westminster, which continued it? We need to learn from this situation, as other projects not far from this chamber are in development. Consistently overspending on such projects is not good news for anyone.

**Mr Galbraith:** We will certainly want to review our monitoring arrangements to find out whether we could have detected signs of trouble. Our monitoring arrangements were very strict, with scrutiny of monthly financial returns and regular visits to the area to see what was happening. No signs of trouble were detected. The financial controls were good and the budget was still being kept to. We are always open to reviewing and monitoring our procedures to find out whether we can improve them.

**Dennis Canavan (Falkirk West):** Bearing in mind that many millions of pounds of public money, including lottery money, has gone into the Hampden project, will the minister ensure that the Royal Bank of Scotland is not allowed to hold the

Scottish Executive or the SFA to ransom over the rental agreement or anything else? Furthermore, as Hampden is a national stadium, will he ensure that the national interest takes precedence over the interests of the incompetent bunglers who handed out 1,200 tickets for an international match at Hampden to a millionaire such as Sir Robert McAlpine when they could and should have gone to genuine Scottish football fans?

**Mr Galbraith:** The basis of legal agreements is that no one holds anyone to ransom.

One of the reasons for the financial problems at Hampden is that two thirds of the debentures have not been sold. I hope that Mr Canavan is not suggesting that we pick up private companies' debts. That would be ridiculous.

**Mr Kenneth Macintosh (Eastwood) (Lab):** I thank the minister for his statement. Although it is unfortunate that the stadium ran over budget, I welcome the fact that the Executive has recognised its role to find money to save the project. All parties should agree that that was the right thing for the Executive to do.

Will the minister clarify the Executive's role in monitoring the project both up to the moment it became aware of the crisis and in future?

**Mr Galbraith:** As the Executive was not established until July this year, when people became aware of the deficit, it had almost no part in monitoring the project; sportscotland and previous Administrations have laid out their various monitoring mechanisms, which we will certainly want to review to find out whether anything could have been detected sooner.

**Ms Sandra White (Glasgow) (SNP):** I hope Mr Galbraith will not use the word "nasty" about me. SNP members have not had much luck up to now; every time we have asked a question, he has given a negative answer.

I want to reassure Mr Galbraith that the SNP has always been and will always be in favour of Hampden and I look forward to the retraction of his lie that the SNP did not support the project. [MEMBERS: "Ask a question."] I will ask a question in two seconds. As members of a democratic party, we have the right to ask questions about this project.

**The Presiding Officer:** Please exercise that right.

**Ms White:** I will. How will the deal satisfy the strict rules imposed on local authorities by the Accounts Commission, which demands a distinct landlord and tenant? At Hampden, the SFA has been allowed to act as both landlord and tenant. Does the Labour Executive choose to ignore the rules that it imposes on other bodies? I hope that Mr Galbraith will not give me a nasty answer.

**Mr Galbraith:** I am a delightful chap who always likes to give nice answers even when people rant at me. The lady keeps saying how much the SNP is in favour of the national stadium, but every time one of its members speaks they give the distinct impression that they are against it. The SNP complains about everything and does everything in its power to break it with questions about why we are putting money into the stadium, why we are doing this and why we are doing that. My goodness; if SNP members are in favour of the stadium, they might show it a little bit better.

The arrangement that has been agreed is legal and above board. No one has anything to be ashamed about.

**Ian Welsh (Ayr) (Lab):** The minister will be well aware of my view that public money could have been used more productively to finance and promote football in ways other than building a new national stadium. However, the stadium having been built, is the minister completely satisfied that the rescue package, which I know to have been the product of tortuous negotiations, is robust enough to be sustainable in the longer term?

**Mr Galbraith:** My friend raises the rights and wrongs of the national stadium. That argument raged for years. All of us have different views, but we need not consider them now. The deed is done. The stadium is there and it needed money. We had to pick it up at that stage.

Tortuous is a euphemism for what we had to go through in the negotiations to arrive at this rescue package. The stadium is robust, the business plan is sound and the management arrangements are in place. I look forward to the national stadium having a good future.

**Tommy Sheridan (Glasgow) (SSP):** I am glad to agree with Ian Welsh. Although the matter is not up for debate, it is worth putting on record that the money would have been better used improving facilities throughout the country, instead of building another national stadium in Glasgow. Is the minister convinced that the business plan is viable and that it will ensure a commercial return within a reasonable time scale? I see that the minister is nodding, which helps me to ask my second question. If he is convinced that the agreed business plan is commercially viable, does he agree that it would be a better use of public money if the Executive agreed to a long-term interest-free loan, on the basis that the money could be returned once the business plan is able to achieve a return?

**Mr Galbraith:** The member must realise that there are two distinct issues: the £6 million owed to Sir Robert McAlpine, which must be found now, and the fact that we were not willing to put in additional public money if the business plan was

not suitable. We could not just pour money in only for the same issue to come back a number of years later. We had to pay off the deficit, which we have done, but it was necessary to have a solid business plan and the correct management arrangements to convince us to provide the package.

Whether we need a stadium is water under the bridge. We picked up the stadium with a deficit. We had to deal with the issue, which we did as best we could.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** I congratulate the minister. I am happy that Queen's Park FC, which has a long tradition, will continue. I am happy that the stadium has been completed and I hope that it is a stadium of which we can be proud. I am also glad that everybody is now co-operating in trying to get a solution. However, given that the Executive and sportscotland have invested public money, does the minister recognise that questions will be asked about other aspects of football in Scotland? Does he agree that, as well as funding a national stadium, he must consider the plight of football clubs such as Dumbarton, at the grass roots, which should also be supported?

**Mr Galbraith:** Many problems face football. Most of the solutions rest with the governing bodies and the football authorities. One thing on which I can assure Ian Jenkins is that the funding package in no way affects either our commitment to the proposed youth academies or the money that we have already contributed.

I have always considered that two things have to be done—not just in football, but for all sport. First, we must ensure, by funding excellence in sport, that everyone realises their potential. Secondly, we should build up a large base of youth sport from which future champions can be generated. That raises awareness and more folk are in turn drawn into the base—it is a virtuous circle, which is good both for sport and for the health of individuals. It is also good for the nation.

## Business Motion

**The Presiding Officer (Sir David Steel):** We must move on to the next item of business, motion S1M-381, in the name of Tom McCabe, on the business programme.

*Motion moved,*

That the Parliament agrees  
the following programme of business—

Wednesday 12 January 2000

2.30 pm Time for Reflection

*followed by* Executive Debate on Children and  
Young People Looked after by Local  
Authorities

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 13 January 2000

9.30 am Executive Debate on Housing

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Continuation of Executive Debate on  
Housing

5.00 pm Decision Time

*followed by* Members' Business

**The Presiding Officer:** There are no objections,  
but I have to put the question.

The question is, that business motion S1M-381  
be agreed to.

*Motion agreed to.*

## Deputy Conveners

**The Presiding Officer (Sir David Steel):** We  
now come to motion S1M-388, on deputy  
committee conveners.

*Motion moved,*

That the Parliament agrees that the party from which the  
deputy convener should be appointed for its committees be  
as set out as follows:

Committee	Deputy Convener
Audit	Con
Equal Opportunities	SNP
European	Lab
Finance	Lab
Procedures	Lab

Public Petitions

Lab

Subordinate Legislation

Lib Dem

Standards

SNP

Education, Culture and Sport

Lab

Social Inclusion, Housing and Voluntary Sector

SNP

Local Government

Lab

Enterprise and Lifelong Learning

Con

Health and Community Care

Lab

Transport and the Environment

Lib Dem

Justice and Home Affairs

Lab

Rural Affairs

SNP

**The Presiding Officer:** The question on the  
motion will be put at decision time.

*Question,* That the meeting be now adjourned  
until 2.30 pm today, *put and agreed to.*—[Mr  
McCabe.]

*Meeting adjourned at 12:51.*



14:30

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

**The Presiding Officer (Sir David Steel):** We begin this afternoon with question time. I remind members of the requirement of the standing order that supplementary questions should be brief and relate to the same matter as the original question.

#### Prime Minister (Meetings)

**1. Dennis Canavan (Falkirk West):** To ask the Scottish Executive whether it will detail what specific matters of mutual interest were discussed at the last meeting between the First Minister and the Prime Minister and what specific matters will be discussed at the next meeting. (S1O-845)

**The First Minister (Donald Dewar):** That question is a very minor variation on a theme. Dennis Canavan will realise that the specific details of those discussions are private. However, I can tell him that I will meet the Prime Minister tomorrow at the first British-Irish Council meeting. That might give him something of a clue about at least one of the things that we might discuss.

**Dennis Canavan:** Will the First Minister comment on reports that Tony Blair did not even consult him before rejecting Monsieur Jospin's offer to allow some Scottish beef into the French market? Is it not about time that the First Minister stood up for the rights of the people of Scotland, instead of allowing a Downing Street spin-doctor to state that there was no need for Tony to consult Donald, because he knew that Donald would agree with him without being asked?

**The Presiding Officer:** Order. We have had the question.

**Dennis Canavan:** Is the First Minister a man or a puppet?

**The First Minister:** I will take the question seriously, although the way in which it was wrapped up does not encourage me to do so. There was never any formal or specific offer to exempt Scotland and Scottish beef from the import ban that was imposed by the French. There were long discussions, during which the Prime Minister's commitment to getting the beef ban raised was enormously impressive.

As I understand it, Premier Jospin was arguing the case for the certified herd scheme, and was encouraging us to abandon the date-based export scheme. That would have been a disaster not just

for Scottish beef producers, but for beef producers in other parts of the United Kingdom. If Dennis Canavan does not want to take my word for that, I hope that he will accept the view of the National Farmers Union in Scotland, which has rightly said that the suggestion was a disgraceful nonsense and a total irrelevance to the real needs of the industry.

#### Housing Partnership Initiative

**2. Mr Lloyd Quinan (West of Scotland) (SNP):** To ask the Scottish Executive what statutory requirements it will put in place to ensure that new landlords responsible for ex-council housing stock following its transfer under the new housing partnership initiative will be obliged to make provision for homeless people when local authority stock is transferred. (S1O-857)

**The Minister for Communities (Ms Wendy Alexander):** The homelessness task force is currently considering what steps are required to ensure that the homeless are housed by successor landlords to local authorities. I expect to receive those recommendations in the new year, in time for the inclusion of any legislative proposals in the forthcoming legislation.

**Mr Quinan:** In light of Shelter Scotland's report this morning that 4,000 children will be homeless over Christmas, what plans does the Executive have to ensure that the new housing partnership process will not only maintain homeless people's rights, but will improve and increase provision?

**Ms Alexander:** As I said, I expect proposals for legislation to be forthcoming from the homelessness task force on which both Shelter and the Scottish Council for Single Homeless are represented. One of the most interesting statistics is that the number of void and hard-to-let houses in Scotland exceeds the number of people who are assessed as being in priority need in Scotland. That shows that the key issue is to get new investment into housing.

#### Criminal Injuries Compensation Authority

**3. Tricia Marwick (Mid Scotland and Fife) (SNP):** To ask the Scottish Executive, further to the answer by Lord Hardie to question S1O-619 on 18 November 1999, whether it will now make representations to the Criminal Injuries Compensation Authority about delays in handling claims on behalf of victims of crime in Scotland. (S1O-852)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** I understand that extra members are now being recruited to the criminal injuries compensation appeal panel in order to deal with cases more quickly.

**Tricia Marwick:** I thank the minister for that

reply, which contrasts with the complacent and arrogant response from his colleague the Lord Advocate, on 18 November. Will he comment on the fact that some victims have been waiting nine years for a hearing? In the year to March 1999, only 6 per cent of cases were dealt with within a year. In contrast, during the final year of the previous Conservative Government, 63 per cent of cases were dealt with within a year. Does the minister therefore agree that new Labour's slogan should be "Tough on crime—it's tough for the victims of crime"?

**Mr Wallace:** As Tricia Marwick will recognise, appeals to the Criminal Injuries Compensation Authority—formerly the Criminal Injuries Compensation Board—are demand led. There is indeed a backlog, but the authority is undoubtedly committed to reducing waiting times. I certainly do not condone people having to wait for up to nine years. Scottish ministers have recently agreed that the appeal panel can appoint approximately 40 new members, around five of whom will be recruited from Scotland.

### Prisons

**4. Dr Elaine Murray (Dumfries) (Lab):** To ask the Scottish Executive whether a speculative bid may be made by a private company for the purchase of Penninghame and Dungavel prisons and Dumfries young offenders institution, and whether it will rule out considering a positive response to an approach of that nature. (S10-887)

**The Deputy Minister for Justice (Angus MacKay):** Plans are in hand for HMP Penninghame and HMP Dungavel to be offered for sale on the open market. It is open to any organisation or individual whether or not they make a bid to purchase. There are no plans to sell HMYOI Dumfries.

**Dr Murray:** I am partially reassured by the minister's response, as I was by the reply to my written question on the subject, which indicated that there were no plans for the use or creation of any privately owned and operated prisons in Scotland other than Kilmarnock. Is the minister aware that that is one of a number of rumours currently circulating in the Scottish Prison Service and that many prison officers believe that the current cuts and the loss of 374 jobs are only the first stage of a far more radical reorganisation of the service? Does he agree that there is a need for members of the Prison Service, through their trade unions, to be more closely involved in discussions on and plans for the future of their service?

**Angus MacKay:** There are no cuts in the Prison Service. The Prison Service budget is scheduled to increase year on year. No formal or informal discussions or approaches are taking place with

regard to private organisations taking over those prisons to run them as prison facilities.

### Rural Schools

**5. Nora Radcliffe (Gordon) (LD):** To ask the Scottish Executive what steps it is taking to safeguard the future of rural schools in Scotland. (S10-881)

**The Deputy Minister for Children and Education (Peter Peacock):** The range of initiatives supported by the excellence fund for schools will benefit all communities, rural and urban, and the grant distribution mechanism for local authority funding takes account of factors that affect council services in rural areas.

**Nora Radcliffe:** The minister may be aware that Moray Council yesterday approved the closure of Boharm Primary School in my constituency, despite a well-argued campaign to keep the school open. Will he assure the community of Mulben that the Scottish Executive will listen to its arguments and that the school will not be closed on purely financial grounds?

**Peter Peacock:** Under some circumstances, final decisions on school closures can be referred to the Executive. Until we have seen all the paperwork supporting Moray Council's decision, it would not be appropriate to comment on a particular case. As a matter of general policy, there may be circumstances in which it is appropriate to close a rural school, but those circumstances are best judged in the first instance at local level.

### Prostate Cancer

**6. Mr Nick Johnston (Mid Scotland and Fife) (Con):** To ask the Scottish Executive how many deaths there have been in the last five years from prostate cancer. (S10-855)

**The Minister for Health and Community Care (Susan Deacon):** Between 1994 and 1998 there were 3,644 deaths in Scotland from prostate cancer.

**Nick Johnston:** Is the minister aware that five-year survival rates in Scotland are only 48 per cent, compared with 86 per cent in the USA? Is she aware that the cases of prostate cancer have risen by 49 per cent since 1986, compared with a rise in breast cancer of 27 per cent in the same period? Is she further aware that the Scottish Office did not fund any research into prostate cancer in the past five years, while breast cancer received £1 million and colon cancer received £400,000 in the same period?

**Susan Deacon:** I am aware of the figures that Nick Johnston quoted. I stress that the Scottish death rate for prostate cancer compares

favourably with that of much of Europe. We are not complacent. In terms of research, we are investing significantly in work that will improve the diagnosis and treatment of all cancers.

### Poverty

**7. Fiona Hyslop (Lothians) (SNP):** To ask the Scottish Executive whether poverty is increasing. (S1O-865)

**The Minister for Communities (Ms Wendy Alexander):** Over the last 20 years, poverty in Scotland has increased, as described in our report "Social Justice ... a Scotland where everyone matters". We have made it clear that our success as an Executive will be judged on how effectively we tackle poverty, and we have set out the measures by which we can be judged, through our annual social justice report.

**Fiona Hyslop:** That is interesting. Not only do we get 20-year promises, we get 20-year answers.

I want to ask about the past two years. There have been five major surveys in recent weeks showing a north-south divide and an east-west divide. Will the minister address the situation in Glasgow, where the take-up of free school meals has increased in the past two years from 37 per cent to 43 per cent, and where the real level of unemployment as measured by labour force statistics has gone up from 27 per cent to 31 per cent? Does the minister agree that poverty among plenty is being perpetuated by the Labour Government and its Lib-Lab coalition? Does she agree that 20-year promises mean nothing when you have no job, no home and, for a record number of people, no hope?

**The Presiding Officer:** I think that we have got the point.

**Ms Alexander:** I will try to address those points.

The figure that is quoted about the uptake of free school meals reflects the skill of Glasgow City Council in ensuring that every child in that city who is eligible for free school meals gets them.

On the point about unemployment, Fiona knows that this Government has delivered a 60 per cent cut in long-term youth unemployment in this country over the past two years.

On the issue of the five learned reports that we have had about Glasgow, the first report on Glasgow and Edinburgh stated that it nowhere compared pre-1997 and post-1997. The report from the University of Bristol on health covers 1991 to 1995. The Joseph Rowntree Foundation report said explicitly that it was too early to judge the Government's initiative. The Cabinet Office report used the most recent information, with little information on trends post-1997.

The important point is that we are about one fifth of the way through the extra money that the Government has committed to tackle poverty. I look forward to Fiona, or any other SNP members, telling us how they will fill the black hole and how many people they will take out of poverty.

### Child Welfare

**8. Scott Barrie (Dunfermline West) (Lab):** To ask the Scottish Executive, further to the answer to question S1W-2202 by Mr Jim Wallace on 11 November 1999, what the time scale is of the UK interdepartmental working group examining the issue of parental chastisement of children and whether it proposes to conduct a separate consultation process in Scotland in order to take account of the different way in which Scotland's legal system deals with child welfare. (S1O-850)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** Since my answer to the member's question on 11 November, the Scottish Executive has decided to issue a consultation paper covering the law in Scotland on this subject. We hope to issue it by February 2000.

**Scott Barrie:** Given that the United Kingdom is currently in breach of a judgment of the European Court of Human Rights, does the Deputy First Minister agree with me on the need for a speedy resolution to this issue, at least with regard to using an implement on a child?

**Mr Wallace:** Mr Barrie's question refers to the interdepartmental working group that has been trying to take this issue forward following the judgment in the case of A against the United Kingdom. Scottish officials have been involved in that interdepartmental working group, but because of differences in the law and in procedure in Scotland, it is thought better to proceed with separate Scottish consultation.

I take the point that Mr Barrie makes about the need to make progress on this matter. I should add that it is our intention to seek the views of children as part of the consultation exercise.

### Prisoners (Drug Misuse)

**9. Dr Richard Simpson (Ochil) (Lab):** To ask the Scottish Executive what external consultation has taken place or will take place before the conclusion and publication of "Partnership and Co-ordination—the Scottish Prison Service Action on Drugs", the revised guidance on the management of drug misuse by Scotland's prisoners. (S1O-838)

**The Deputy Minister for Justice (Angus MacKay):** The Scottish Prison Service has engaged with a number of external bodies in producing its revised drug strategy. These have included the Medical Research Council, the

Scottish Advisory Committee on Drug Misuse, directors of social work, the chief medical officer, chief constables, and over 50 community agencies.

**Dr Simpson:** Does the minister accept the view that while there has been an overall reduction in positive drug test results in the Prison Service associated with the mandatory drug testing programme, this has been due for the most part to a switch in use from cannabis to heroin? Will he undertake to conduct an independent review of the mandatory drug testing programme in Scottish prisons and examine the restrictive effect that the use of funds on this mandatory expenditure has had on the development of testing in relation to voluntary drug-free zones in prisons?

**Angus MacKay:** The research currently available indicates that drug testing in prisons has not lead to a switch from cannabis to heroin. Testing on admission shows that hard drug use is common among those committed to custody. Nevertheless, I have asked the Prison Service to produce detailed proposals in relation to the possible expansion in the range and volume of rehabilitation services within Scottish prisons.

### Pig Farming

**10. Mr Andrew Welsh (Angus) (SNP):** To ask the Scottish Executive what measures it is taking to offset any financial disadvantages which may be imposed on pig farmers due to new pig welfare legislation banning the stall and tether systems used in pig breeding which has yet to be imposed elsewhere in the European Union. (S10-873)

**The Minister for Rural Affairs (Ross Finnie):** As Mr Welsh may be aware, strict state aid rules and the common agricultural policy pigmeat regime prevent direct payments being made to producers.

The Scottish Executive is trying as hard as it can to encourage retailers, caterers and consumers to recognise in their purchasing decisions the very high welfare and quality standards achieved by the Scottish pig industry.

**Mr Welsh:** Why is the minister not acting on clear European Commission advice that compensation for the pig industry on welfare measures and the BSE tax would be allowed under European rules? Will he stop dithering and introduce that compensation? An industry facing its greatest ever crisis needs action, not dithering.

**Ross Finnie:** I do not know where Mr Welsh gets his clear advice from Europe. That is certainly not the advice that I have received. I had a meeting with the pig sector prior to question time. At that meeting, we have undertaken—because I understand that the industry has received conflicting views—to clarify that matter for them.

**Mr Welsh:** Perhaps the minister does not talk to Europe. Would the statement of Commissioner Franz Fischler be of any help to him? He said that

“aid to cover the costs of BSE which had been accepted as an exceptional occurrence would be allowable”.

The minister might also consider the statement from the pig and poultry division that

“any national aid to balance the effect of national measures would not be seen as market distortions and would be allowed under EU rules”.

Stop dithering and take action for the industry.

**Ross Finnie:** I can only repeat what I said earlier. The advice that we received from the Commission was that the specific purposes in relation to meat and bone meal would not be covered by the state aid rules. I repeat that in view of the information that Mr Welsh has given, which is also the point that was made by the pig industry, I will seek clarification on that important point.

### Hunting with Dogs

**11. Alex Fergusson (South of Scotland) (Con):** To ask the Scottish Executive what plans it has to safeguard the welfare of 700 foxhounds in the event of a ban of hunting with dogs being endorsed by the Scottish Parliament. (S10-866)

**The Minister for Rural Affairs (Ross Finnie):** It would be entirely inappropriate for the Scottish Executive to anticipate the Parliament's decision in respect of any prospective legislative proposals.

**Alex Fergusson:** Given the recent report of the Scottish Society for the Prevention of Cruelty to Animals, I can only describe the minister's answer as slightly unsatisfactory.

Will the minister reassure me that the report being carried out by the Macaulay Land Use Research Institute will examine the animal welfare aspects of such a ban as well as the economic aspects? Will the minister tell me how that institute can possibly report fully by the end of December, as promised by the Executive, when the six footpicks in the north of Scotland have not yet even been contacted by MLURI?

**Ross Finnie:** The purpose of commissioning that report was to do what Mr Fergusson wants—that is, to inform the debate. I am hopeful that all aspects of the matter will be taken into account in arriving at a report which will inform both the Executive and the Parliament of the economic impact. I hope that all aspects will be taken into account. I am assured by MLURI that it can meet that time scale. I have no reason to doubt it, but I am happy to take on board the point that Mr Fergusson made.

### Rural Transport Strategy

**12. Karen Whitefield (Airdrie and Shotts) (Lab):** To ask the Scottish Executive what action it has taken to support and develop a rural transport strategy. (S10-864)

**The Minister for Transport and the Environment (Sarah Boyack):** The Scottish Executive is addressing the distinctive transport needs of rural Scotland by investing over £43 million this financial year. That supports Caledonian MacBrayne Ltd and Highlands and Islands Airports Ltd, ferry services to the northern isles, public and community transport services and rural petrol stations.

**Karen Whitefield:** I welcome the minister's response. Is she aware, however, of the terrible effect that the withdrawal of bus services is having on the people of Salsburgh? Does she agree that it is unacceptable that people are being forced to take taxis to get to work, to the doctor and to schools? Does the minister also agree that Strathclyde Passenger Transport should have consulted the people of Salsburgh before withdrawing those bus services? Does she support me in demanding the immediate reinstatement of those services?

**Sarah Boyack:** Karen Whitefield has raised an important issue concerning the continuity of services—in particular bus services—in rural areas. Her points are very relevant in the context of our integrated transport bill, which I will introduce to Parliament next year. That bill will examine the whole issue of improving bus services, especially in rural areas, and ensuring that we improve the quality of consultation with local people.

### Smoking

**13. Patricia Ferguson (Glasgow Maryhill) (Lab):** To ask the Scottish Executive what measures it will implement to encourage and support people in Scotland who wish to cease smoking cigarettes. (S10-854)

**The Minister for Health and Community Care (Susan Deacon):** The Scottish Executive is introducing a range of measures to reduce the levels of smoking by people in Scotland. Those include health education and promotion activities such as the Health Education Board for Scotland—HEBS—Smokeline; help for particular groups such as pregnant women; and targeted smoking cessation services and nicotine replacement therapy, which is available free of charge to those least able to afford it.

**Patricia Ferguson:** Given the tragic toll of ill health caused, particularly in the west of Scotland, by the smoking of cigarettes, does the minister agree that not just national initiatives such as

those she mentioned, but local initiatives such as that organised by Maryhill health forum in my constituency, where nicotine patches are available at half the normal retail price, are to be welcomed?

**Susan Deacon:** As I said in the debate on public health just after the summer recess, it is crucial that we take action at national and local levels to improve the health of the Scottish people. Local initiatives such as that mentioned by Patricia Ferguson are an excellent example of such action.

The £250,000 scheme that I was pleased to launch last week, with Action on Smoking and Health Scotland, to help those in deprived communities to stop smoking is another practical example. I hope that much more such work will take place throughout Scotland in future.

**The Presiding Officer:** Starting with Mr Michael Russell, perhaps?

### Local Authority Leisure Facilities

**14. Michael Russell (South of Scotland) (SNP):** To ask the Scottish Executive what safeguards for ownership of public assets will be put in place when local authorities wish to transfer ownership of leisure facilities to arm's-length trusts. (S10-882)

I think the croakiness of my voice indicates that I need some nicotine replacement therapy now. Thank you, Presiding Officer. I look forward to my free treatment.

**The Deputy Minister for Local Government (Mr Frank McAveety):** Local authorities that wish to transfer assets to other bodies at less than best price need to obtain Scottish ministers' consent under section 74(2) of the Local Government (Scotland) Act 1973.

**Michael Russell:** If and when the Executive is approached by South Lanarkshire Council on this matter, will it ensure that there is no risk that, by such transfer, such public assets will become unavailable as a result of financial failure by the trust, as has happened in other areas?

**Mr McAveety:** A number of authorities in Scotland have been considering the establishment of leisure trusts, in recognition of the opportunities that such trusts facilitate to engage in savings and protection of the existing core service. All the local authorities in Scotland that have explored the idea of a trust have sought it on the basis of protecting, and perhaps enhancing, the existing service, and want to work in partnership with the local community.

I remind Mr Russell that one of the pioneering authorities that explored that option with me, as Deputy Minister for Local Government, was—funnily enough—SNP-led Clackmannanshire Council, which recognised the opportunity

provided by such establishments throughout Scotland.

### Road Accidents

**15. Bristow Muldoon (Livingston) (Lab):** To ask the Scottish Executive what initiatives it plans to reduce the level of fatal and serious road accidents. (S1O-886)

**The Minister for Transport and the Environment (Sarah Boyack):** The Scottish Executive and the UK Government will be publishing in the new year a road safety strategy for the period to 2010. Since 1980, fatal and serious accidents on Scottish roads have halved.

**Bristow Muldoon:** Would the minister consider extending local authorities' powers to allow them to impose measures to regulate speeding on Scottish roads?

**Sarah Boyack:** The priority that I suggest is to go ahead with our pilots on home zones so that we can examine opportunities to create safe areas around schools and in residential districts. I encourage local authorities fully to take up the opportunity to reduce speeds to 20 mph in areas where they think that there are good road safety arguments to do so.

I also encourage them to take up the guidance on safer routes to schools that I published last week, which talks about giving pupils choices on safe routes to schools with which parents can be happy and which can help to reduce congestion on the roads. A range of mechanisms are available and it is critical that they are employed in the context of the local transport strategy of each local authority.

### Holyrood Project

**16. Ms Margo MacDonald (Lothians) (SNP):** To ask the Scottish Executive what are the implications for its budget if the cost of the Holyrood project increases beyond that currently planned for. (S1O-892)

**The Minister for Finance (Mr Jack McConnell):** The costs of the Holyrood project, with the exception of certain landscaping costs, fall to be met from the budget of the Scottish Parliamentary Corporate Body. That budget is determined annually as part of the process of allocating the total Scottish budget.

**Ms MacDonald:** I know that the Minister for Finance cannot agree that he made a mistake in the first place in proceeding with the site, but I will ask him, in the spirit of the season, to make my Christmas happier by promising that Señor Miralles, the builders and the developers will not demolish Queensberry House simply because he has not managed to get enough money out of the

Treasury.

**Mr McConnell:** Those are matters for the SPCB. It is right and proper for us to leave it to that body to keep members informed on those issues.

**The Presiding Officer:** If Ms MacDonald asks me that question on another occasion, I will answer it.

### Housing

**17. Mr John McAllion (Dundee East) (Lab):** To ask the Scottish Executive what recent discussions it has had with housing organisations relating to a single social tenancy and the right to buy. (S1O-888)

**The Minister for Communities (Ms Wendy Alexander):** Over the past two months, I have discussed the single social tenancy and the right to buy at a number of meetings with the Convention of Scottish Local Authorities, the Scottish Federation of Housing Associations, the Chartered Institute of Housing, Scottish Homes, the Scottish Tenants Organisation, the Scottish Council for the Single Homeless and Shelter (Scotland).

**Mr McAllion:** The minister has estimated that around 850 houses for rent could be sold as a result of the proposed extension to the right to buy. How does she respond to the SFHA's estimate that as many as 15,000 houses for rent could be sold each year as a result of such an extension? Does she agree that the right to rent decent and affordable housing for the poor who cannot afford to buy is fundamental to any social inclusion strategy and is directly threatened by the proposals, which may lead to indiscriminate sales under the right to buy?

**Ms Alexander:** As the member knows, a number of modelling exercises have been undertaken. They lead us to believe that about 850 additional houses will be sold each year. We are committed to building 6,000 homes each year for rent or low-cost home ownership. On this issue, we sometimes have to listen to the people—that is the purpose of this Parliament—and not necessarily to the professionals. I am struck by the fact that, in the past week, not one tenant has phoned, written or spoken to me to say that they regret that they will be acquiring the same rights that 700,000 tenants in Scotland already have.

### Child Care Strategy

**18. Irene McGugan (North-East Scotland) (SNP):** To ask the Scottish Executive why the first priority in its child care strategy as set out in "Making it work together—a programme for government", of setting up a new national child

care information line by December 1999, has not been delivered. (S1O-868)

**The Minister for Children and Education (Mr Sam Galbraith):** The national child care website went live on 15 November. The national child care information line is ready now. However, purely for marketing reasons, I decided to delay publicising the service until January.

**Irene McGugan:** I thank the minister for that response, although I am not sure that it entirely answers the question.

Is the minister aware of the disruption to local authorities and child care partnerships across Scotland, which intended to launch their local helplines on 15 November to coincide with the original date for the launch of the national one? Does the Scottish Executive intend to publish a separate document to make it clear to the people of Scotland in what areas and to what extent it has failed to meet its target and is not delivering services as promised?

**Mr Galbraith:** As Irene McGugan will have learned from my answer, we have delivered on that. If she is in doubt, she should go to [www.childcarelink.gov.uk](http://www.childcarelink.gov.uk), where she will be able to find out about Angus.

## Open Question Time

### SCOTTISH EXECUTIVE

#### Secretary of State for Scotland (Meetings)

**1. Mr Alex Salmond (Banff and Buchan) (SNP):** To ask the Scottish Executive when the First Minister last met the Secretary of State for Scotland and what issues they discussed. (S1O-842)

**The First Minister (Donald Dewar):** I last formally met the Secretary of State for Scotland on 1 December, but we speak frequently on the phone. Of course, we discuss constantly matters of mutual interest.

**Mr Salmond:** Will the First Minister explain the remarkable interview that appeared in the Scottish edition of *The Mirror* yesterday? He was asked whether he liked being First Minister and replied:

"It's not a quiet life. I sometimes sit in this office and wonder if the roof is going to fall in on me because everything else has happened."

On the basis that a problem shared is a problem halved, will the First Minister share with the Parliament what issues have persuaded him that the roof is falling in on his Administration?

**The First Minister:** I am certainly not going to flatter Mr Salmond by telling him that he is one of them.

I am prepared to admit that the job that I occupy is testing and satisfying—as, no doubt, is Mr Salmond's job. We are making progress, but we are wrestling with difficult and well-established trends and social problems. I look forward to discussing those matters with Mr Salmond after a decent interval when, no doubt, he will be able to congratulate me on the progress that we are making.

**Mr Salmond:** In that case, perhaps I can suggest what the issues might be.

Could one be the sacking of John Rafferty, an affair for which this Parliament has yet to receive an effective explanation? Could the issues be the First Minister's being kept in the dark over the beef issue, the fact that 6,000 square miles of fishing waters were stolen from Scotland or the 3,000 job losses in the Highlands? Could the issues be poverty and the people's health in Glasgow? Are those the issues that persuade the First Minister that the roof is falling in? If they are not, they should be.

**The First Minister:** Some of those issues would not qualify under that heading, but Mr Salmond mentioned some important points. I worry greatly

about unemployment in the Highlands and I recognise the cyclical nature of the offshore construction industry. However, I am also aware that we have the lowest unemployment benefit claimant count in Scotland for 23 years. I am worried about some of the social trends and difficulties in Glasgow, but I am encouraged by the fact that, in the early 1990s, unemployment in Glasgow was 50 per cent higher than it is now. We are also beginning to see some innovative and brave efforts being made to tackle the housing problems of that city.

I am convinced that the Executive will make progress and I am certain that it will have disappointments but, at the end of the day, I believe that the balance will be on the right side and that we are bravely and properly reflecting the priorities of the people of Scotland.

**Mr Salmond:** I will mention one further issue. The Cubie report is to be published on Monday. Has the First Minister considered the irony of the fact that his Administration can survive only if the Liberal Democrats renege on an election commitment? Has he also considered that his heir apparent, Henry McLeish, will get the credit if the Administration survives, and that the First Minister will get the blame if it collapses? Could that be why the First Minister believes that the roof is about to fall in on his Administration?

**The First Minister:** Alex Salmond has the conspiracy theory built into him. I do not know what the practice is in the SNP—although I know that questions have been asked about his position—but I can tell him that the Executive works as a team and we do not go round apportioning blame or, indeed, credit among ourselves.

The issue that Mr Salmond mentioned is known to be a difficult one. We made it clear that the partnership intends to approach it on a collective basis. We will have to wait until we read the report.

As I am in a helpful mood, I will advise Mr Salmond not to wait in all day on Monday as the report will not be published until Tuesday.

**Phil Gallie (South of Scotland) (Con):** Did the First Minister discuss the issues surrounding the James Bulger case with the Secretary of State for Scotland? What implications does the judgment of the European Court that was announced today have for young offenders who have been convicted of the most serious offences?

**The First Minister:** I did not discuss that with the Secretary of State for Scotland. It would have been odd if I had, given the time of my previous meeting with him.

I have not seen the details of the Bulger judgment; it relates to the system of dealing with

very young offenders and to a tragic case that occurred in England. I doubt that it will have great, immediate and direct implications for our system in Scotland. I have no doubt that the Executive will consider the matter closely and that we will be given good advice on it.

**2. David McLetchie (Lothians) (Con):** To ask the Scottish Executive when the First Minister last met the Secretary of State for Scotland and what issues they discussed. (S10-851)

**The First Minister:** Mr McLetchie will be glad to know that I have not changed my mind since I gave an answer to exactly the same question a few minutes ago.

**David McLetchie:** The First Minister is always a model of consistency in these questions.

In his discussions and reflections on the year that is almost away, did the First Minister review the performance of the Scottish Executive to date and conclude that the end-of-term report would come up with a resounding “F” for failure—failure to tackle the real concerns of people in Scotland? We have falling police numbers and cuts in the prison budget at a time of rising crime. There are concerns about falling education standards, which Mr Dewar’s Executive tackles by persecuting one of the best wee primary schools in Scotland. We have a transport policy so incoherent that even Professor David Begg disowns it. Does the First Minister consider that that is a political record to be proud of?

**The First Minister:** I am glad to say that the jury to which I am accountable is not David McLetchie. That is as selective a litany as I have heard. Our record is a good one. There is good will for the Parliament, and the good work that we do here—I am happy to include all the elected members in that—will be recognised when the time comes. I am quite looking forward to the next election—I do not know whether David McLetchie is.

**David McLetchie:** I hope that the First Minister is keeping his seat warm for me, because I am looking forward to the election with relish.

Could we perhaps look forward to the new year? Will the First Minister make a resolution to put right Labour’s great betrayal of our students and their families on the subject of tuition fees and enable his coalition partners, the Liberal Democrats, finally to live up to their election pledge to abolish tuition fees? Will he tell his Minister for Finance to find the money to do that from his budget, given that Mr McConnell has already found £80 million for items of education expenditure that were never described as non-negotiable? Only this morning, we heard that he had managed to magic up another £2 million for the Hampden bail-out.

**The First Minister:** I am surprised by all this



criticism of the so-called Hampden bail-out. I would like, in passing, to congratulate Sam Galbraith and his team, and in particular the civil servants behind him, on an extremely difficult series of negotiations, which has produced a conclusion that should give satisfaction to everyone.

As far as the future is concerned, I am a little depressed by the insight given to me in the past two minutes about the many speeches on education that Mr McLetchie will no doubt make in January. I look forward to the early date when one in two school leavers enters further or higher education, and to the expansion of higher education that is essential if we are to participate in the competitive economies of the world. We want better access to education and better education facilities. We have put a good deal of money into and given priority to that effort and we will continue to do so.

**Richard Lochhead (North-East Scotland) (SNP):** When the First Minister next meets John Reid, will he persuade Mr Reid that he is the Secretary of State for Scotland, as opposed to the secretary of state against Scotland? He can show us that he is the Secretary of State for Scotland by implementing the recommendations in the recent report by the Rural Affairs Committee. That report calls for the restoration of 6,000 square miles of our seas to Scottish jurisdiction. Will the First Minister use this opportunity to tell Parliament whether he supports the recommendations and will he be doing his utmost to urge the Secretary of State for Scotland to ensure that we get our waters back?

**The First Minister:** I remember that when we changed the Gregorian calendar, people went round saying, "Give us back our 10 days." [Laughter.]

An inevitable consequence of devolution was that an administrative boundary would have to be drawn. It was drawn according to the advice given to me—and I looked into this carefully—on the normal rules of international law. It does not in any way whatever affect the right to fish.

I must tell Mr Lochhead that it was put to me by one fisherman that the drawing of the boundary was a terrible blow, because it meant that if he were to fish illegally, he would come before an English court. I know that Scottish fishermen do not fish illegally.

### Dyslexia

**3. Miss Annabel Goldie (West of Scotland) (Con):** To ask the Scottish Executive what support exists in Scotland to assist schoolchildren suffering from dyslexia. (S1O-874)

**The Minister for Children and Education (Mr Sam Galbraith):** The Scottish Executive provides £5 million to local authorities for in-service special educational needs staff development and training, including training in dyslexia.

**Miss Goldie:** I am obliged to the minister. Given that there is no standard screening programme in Scottish schools to identify children suffering from dyslexia, and that dyslexia has no respect for age, sex or background, does Mr Galbraith agree that to consider such an initiative would be an encouraging demonstration of the Executive's social inclusion policy? In particular, will the Executive consider entering into dialogue with the Dyslexia Institute of Scotland?

**Mr Galbraith:** Yes. The member is right—it is important to pick up dyslexia early if it is to be dealt with effectively. I am pleased to be able to tell her that in 1998-99, 165 teachers received training in dyslexia awareness and early identification of it through a project funded jointly by the Scottish Executive and the Scottish Dyslexia Trust. The expansion of pre-school education and early intervention will also help us to identify earlier those children who suffer from dyslexia.

**Miss Goldie:** I thank the minister for expanding on that point, but does he agree that the absence of a standard programme is an alarming omission? There are clear disparities between different communities in Scotland. Is not that a matter for some concern, which the Executive could usefully address?

**Mr Galbraith:** Yes. One of the reasons why we set up the special educational needs advisory forum was to highlight such problems before they develop to the stage where they present significant difficulties. Standard guidance was established several years ago and there is specific guidance on children with dyslexia. The framework is in place, but we are not complacent about it. We set up the special educational needs advisory forum to keep us informed. We have put money into additional training on dyslexia and into special educational needs in general. I hope that the member will be assured that that package goes some way towards rectifying the problem that she rightly identified.

**Johann Lamont (Glasgow Pollok) (Lab):** Will the minister join me in welcoming the young people who have come here this afternoon to speak to members and to ask us difficult questions about the education service that we provide? Does he recognise the importance of providing for a broad range of special needs and for, for example, bullying? Does he agree that the key to delivering the service will be to listen to young people, who have so much to say on such issues?

**Mr Galbraith:** I take a particular interest in consulting those who are involved in the service. We must always remember that the basis of any service should be delivery to the users of the service, not its producers. I have spent a considerable amount of time consulting in several areas, and not just through the consultation programme for the education bill. The Executive is spending large sums of additional money on special educational needs. The recent Riddell report has resulted in the creation of the special educational needs advisory forum. We have done a lot of work on the subject.

**Mr Duncan Hamilton (Highlands and Islands) (SNP):** Is Mr Galbraith aware that many of the schoolchildren who suffer from dyslexia also suffer from dyspraxia? Will he tell us what resources the Executive is putting into provision for that?

**Mr Galbraith:** As the member knows, dyspraxia is related to fine movements—there is disjunction of fine movements, particularly in the hands, but also in facial and oral muscles. We are putting money into dealing with dyslexia, dyspraxia and all areas of special educational needs that must be addressed.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** Will the minister ensure that the education bill includes a presumption that all children with special needs will be taught within mainstream education?

**Mr Galbraith:** Yes. I am not sure if I am allowed to say this before the bill comes to the Parliament—the bill is currently with you, Presiding Officer, and we hope that it will be available to everyone at the start of next year—but it is my intention to put a presumption in the bill that individuals with special educational needs will be taught in mainstream schooling. I do not want to put that into the bill just yet, until it has been fully consulted on. I will be asking the special educational needs advisory forum to consult us. I hope that it will be able to come back to me in time to get that presumption into the bill.

**Roseanna Cunningham (Perth) (SNP):** On a point of order. I am not entirely sure whether this, strictly speaking, will qualify as a point of order. *[Interruption.]*

No doubt you will keep me right, Presiding Officer—and the members of the Conservative party ought to just listen because this will affect them as well.

At 2.55 pm I received an e-mail about the new year information technology arrangements for the Parliament. I quote:

"The Scottish Parliament network will close for the New Year as from 1700 hours on 30<sup>th</sup> December and will re-open at 0900 hours on 5 January. This will mean that access is denied to all users, including Dial-In use."

The e-mail continues:

"During this period, all e-mails received will be held and distributed to their recipients when they logon on 5 January."

I do not suppose that for a day or two in that period any of us will be looking at our e-mails or trying to work, but—for those of us who rely entirely on the network for their work load—this is a ridiculously intrusive and disruptive length of time to shut the network down. As we are going into recess in a couple of hours, I ask that we make representations—through you, Presiding Officer—that that decision cannot be allowed to stand.

**The Presiding Officer:** Technically, that probably was not a point of order, but it was a point of importance. The Scottish Parliamentary Corporate Body discussed that matter in detail some time ago, and we decided that the safest period to shut down the system was from 30 December to 5 January, to ensure that millennium bug issues were sorted out before the network went live again in the new year. There will be public holidays on 3 and 4 January; while I admire Roseanna Cunningham's assiduity, I cannot believe that she will need the system on 31 December or 1 January.

**Roseanna Cunningham:** Further to the point of order.

**The Presiding Officer:** It is not a point of order, but let us hear it anyway.

**Roseanna Cunningham:** Despite the fact that this is brand new technology, and despite the fact that all our laptops and computers have been dealt with over the past few weeks and months, presumably to make them millennium compliant, are we being told that they are not?

**The Presiding Officer:** You must remember that the corporate body is a collection of lay men and women, just as we all are. We considered the issue and took professional advice; the e-mail gives the view that we arrived at. We can, perhaps, argue outside the chamber about your point, but let us start the health debate now.

## Health Service

**The Presiding Officer (Sir David Steel):** We now move to the debate on motion S1M-383, in the name of Susan Deacon, and the amendments to it.

Before the debate starts, it is only fair to tell members that we already have more requests to speak than can possibly be accommodated. The four-minute time limit will be rigorously imposed, but even if everyone sticks to that limit, we will not get everybody in.

15:18

**The Minister for Health and Community Care (Susan Deacon):** It is right and fitting that this, our last parliamentary debate before the turn of the century, should be about the future of our national health service in Scotland. That reflects the priorities of this partnership Executive, and I believe that it reflects the priorities of the Scottish people.

Today I want to look to the future—but first I would like to reflect briefly on the past. The NHS, which was founded 51 years ago, stands as one of the lasting monuments of the 20<sup>th</sup> century. Since its inception, the NHS has faced up to challenges. The first was that of its creation, when giants such as Beveridge and Bevan married vision with practical, determined action to create a new era—a new era in which care and treatment was based on need, not on ability to pay.

Over the years, the NHS has faced up to other challenges, for example, the challenge of diseases such as smallpox, diphtheria and tuberculosis, or present-day killers such as HIV. Another challenge is that of need. The NHS has met ever increasing demands on resources as medicine has advanced and technology and treatment have improved. It has also—rightly—met the challenge of the growing expectations of patients.

However, the biggest challenge might still be ahead of us: to meet the needs and expectations of the next generations and to deliver a truly patient-centred health service. The challenge is to deliver an NHS in Scotland that is fit for the purpose, fit for our people and fit for the 21<sup>st</sup> century. Today I lay down a challenge to every member of this Parliament to join the Executive in addressing meaningfully and constructively the real challenges and opportunities that lie ahead.

For the past six months, I have travelled the length and breadth of Scotland meeting NHS staff and patients in GP practices, in hospitals and in communities. I have spoken to those who provide care and have listened to those who receive it. I

have sat around the table with nurses, doctors and other health care professionals who are working together to face the challenges of the future. Today I pay tribute to those professionals, who are at the heart of our NHS.

Let us make no mistake. The NHS in Scotland delivers superb care—often immense care—for patients. It responds practically and positively to new demands and new challenges, and this Parliament needs to do the same.

**Christine Grahame (South of Scotland) (SNP):** Will the minister give way?

**Susan Deacon:** I will take an intervention later; I want to move a little further into my speech.

We are often asked about how we will address such challenges. For example, we are asked whether we are putting more money into the NHS. The answer is yes. There have been record levels of investment—£1.8 billion over this and the next two years, which is real money, not false promises.

**Mr David Davidson (North-East Scotland) (Con):** Is the minister aware that, in the past few days, there has been much publicity about the inability of health boards and trusts to fund their activities without getting into debt and not having the funds for next year? The minister talks about capital investment, but what about the revenue requirements?

**Susan Deacon:** Let me repeat my previous point. We are putting record levels of investment into the NHS in Scotland; we are not squandering resources on a divisive and bureaucratic internal market, which is what the Tories did before us.

I am asked whether there are pressures and demands on the system. Of course there are—there always have been and there always will be. However, those are situations to be managed, not crises to be manufactured. Although there are always issues and incidents in the NHS that have to be dealt with, it is important that we work constructively to deal with them positively and practically.

**Brian Adam (North-East Scotland) (SNP):** We are not talking about isolated incidents. Almost every acute hospital trust in Scotland has a significant cash crisis that is leading to bed closures and bed-blocking. How does the minister propose to deal with that crisis?

**Susan Deacon:** I will give members a choice: we can have another sterile exchange of numbers or a real discussion on the issues facing the health service. I have already answered Mr Adam's question; indeed I have answered it time and again. I challenge the Opposition to get involved in the real issues and the real debate, because we will not move forward—

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

**Susan Deacon:** I am not taking another intervention, and I suggest that the Opposition listens to the point that I am about to make.

We will not move forward if the NHS is continually reduced to a cheap political football. The health service exists to improve people's lives, not to enhance politicians' careers. The NHS needs mature debate and sensible solutions, not the kind of soundbites and scaremongering that we hear all too often from the Opposition.

There is rarely a day goes by when I do not pick up a newspaper and see an Opposition member crying "crisis", "scandal" or "disgrace" about something in the NHS. That is political opportunism, not effective opposition, and it is not representative of the grown-up politics that the Scottish people were promised. They want politicians who give considered comment, not knee-jerk reactions.

**Mr Hamilton:** If the minister concentrates on doing her job, we will concentrate on doing ours the way that we want. Her comment that Opposition criticism somehow leads to a crisis in staff morale is nonsense. Has she thought for a second that she might be the reason why 3,000 nurses leave the NHS in Scotland every year?

**Susan Deacon:** I do not mind if Duncan Hamilton or any other member of his party criticises me every day from now until kingdom come; what I find offensive is that he refuses to engage in the real issues, which people in the NHS must face up to every day. I find it offensive that staff morale and public confidence are undermined by the hyperbole and excesses engaged in by politicians.

**Roseanna Cunningham (Perth) (SNP):** Will the minister give way?

**Susan Deacon:** If I may, Presiding Officer, I will continue, because I know that my time is limited.

Rent-a-quote politics—which is what we are talking about—may generate column inches for Opposition MSPs, but they do nothing for patients, staff or, frankly, for the standing of politicians or this Parliament. We have a choice. We can sit here making claims and counter-claims about resources and manufacturing crises, scouring for scandals, or we can get down to business.

We have an NHS of which we can be proud. The 136,000 caring professionals who work in our health service embody the very best values of public service. They are there when we need them—24 hours a day, 365 days a year—ready to cope with the pressures of millennium celebrations and the extra demands that every winter brings. They deserve our thanks and support. The

Executive is giving them that support and intends to do more.

**Christine Grahame:** Will the minister give way?

**Susan Deacon:** I will take one further intervention.

**Christine Grahame:** I do not want to make a party political point. I am sure that the minister is aware of the Age Concern publication, "Turning your back on us"—it is a joint Age Concern/Gallup poll—which contains case studies that show clearly that age discrimination is prevalent in the national health service. I do not expect the minister to answer this question now, but will she, at some time, write to me to tell me which of the eight recommendations contained in that document are being implemented?

**Susan Deacon:** It is precisely because I am determined that the NHS should give the best possible service to elderly people—and all the people of Scotland—that I want us to make progress in developing in our hospitals and in our communities the patient-centred health service that the people of Scotland need.

The Executive is determined to do that. We want to build on the foundation that we inherited from the previous Labour Administration, which drew a line under the madness of the internal market, ended the inequity of GP fundholding and so began the process of healing the health service. No one should underestimate the damage that was done by the divisiveness of the internal market and by policies that put political ideology before the needs of patients.

We have begun the process of renewal, but I am determined that we will see it through to fruition. First, we must ensure that the NHS of the future is based truly on collaboration, not on competition. I want us to increase the pace of collaboration and partnership in the NHS in Scotland, not just between trust and health board or trust and trust, but between manager and clinician, doctor and nurse and carer and cleaner. There must be a new mobilisation of all the staff who deliver our NHS services.

Through the Scottish partnership forum, we have put that philosophy into practice. We have brought together NHS staff, trade unions, management and Government, not across the table, but around it. We have worked together to deliver real improvements: the first ever education, training and lifelong learning strategy for the NHS in Scotland, the soon-to-be-launched occupational health and safety strategy for NHS staff and other products of partnership working, such as the millennium pay deal and action to reduce junior doctors' working hours. Those are real improvements for NHS employees, which in turn deliver real improvements to NHS patients.

The partnership approach is now being developed at local level and, over the months ahead, I want to ensure that partnership working becomes a reality across the NHS in Scotland. There is no one better placed to help shape the future of the NHS than the people who work in it. I want them to be at the heart of the decision-making process.

Alongside that, I will be working to bring about a step change in the way in which the NHS—locally and nationally—communicates and engages with the wider public. The NHS belongs to the people of Scotland. They must feel that it does.

It will not be easy to achieve that change in culture. It will take years, not months, to make it happen, but happen it must. Local communities and local elected representatives have a right to know who takes decisions and why they are taken and must have the opportunity to contribute to the decision-making process.

The remote and faceless NHS boardroom of the internal market must become a thing of the past. Next month, I plan to meet all NHS board and trust chairmen to discuss with them how that change can be achieved. Over the coming months, I will be taking steps to attract a far wider pool of people into NHS boardrooms.

As a first step, I am writing to every MSP of every political hue to ask them to identify people in their local communities who could make a contribution in NHS boardrooms. That new spirit of openness, accountability and inclusion must extend to patients. A patient-centred NHS must be more than just a slogan—it must become a way of life.

That is why, in our programme for government, we committed ourselves to developing the patients project, which will aim fundamentally to change and improve the way in which the NHS communicates with patients through every stage in their journey: from GP surgery to out-patient clinic, from hospital to home. That work, which will draw widely on the views and experiences of patients themselves, will start in earnest early in the new year.

As well as keeping patients informed, we must work to reduce delays throughout the system. No single issue dominates my mailbag more than that. Such delays provoke a fear of the unknown: patients and their relatives wait and worry, not knowing what will happen next or when or where it will happen.

Our investment in a modern telecommunications system, linking up all GPs and hospitals in Scotland, will mean that, by 2002, patients will be able to leave their GP practice knowing when and where their out-patient appointment will be. Early next year, we will launch the first pilots of Scottish

NHS Direct, designed here in Scotland with the active participation of GPs and nurses. It will provide high-quality expert nursing advice via the telephone, 24 hours a day.

Our work does not end there. In our programme for government, we committed ourselves to set targets for speeding up treatment and shortening waiting times. Over the past few months, an expert support force has been working with the NHS across Scotland to explore how best we can do that.

Doctors, nurses and patients' representatives have told us that we have to tackle the inequalities in waiting times across Scotland, and that we have to address all the stages of a patient's journey through the NHS, not just one part of it. They have told us to redesign that journey so that it is not only faster but better planned, with realistic timetables that are met day in, day out, so that patients can have confidence that promises will be kept. I intend to heed their advice.

That is why I can announce today that, over the coming months, we will be working with the NHS to establish national maximum waiting times to be met by March 2001 in the key clinical priorities of heart disease, cancer and, for the first time, mental illness.

Much of that work will be achieved through the redesign of existing services. It can be done. We know that because, in many cases, it has been done. For example, the cataract redesign project in Ayrshire has resulted in the waiting time being reduced from 12 months to six weeks. Think of the difference that that makes for an elderly person waiting for a cataract operation. I want that approach to be rolled out across the country. That is why we will double the number of one-stop clinics and why we will work with NHS staff to support staff in the modernisation and redesign of services.

There will be a new alliance for patients, in which the Executive will work together with staff to deliver a new type of patient-centred care where services are made to fit people, not the other way about.

To achieve such changes and to deliver services in Scotland that can be the envy of the world, we must change the way in which the NHS delivers care. We must build on success, using innovative service design, our leading-edge work in clinical standards and our new approaches to multi-disciplinary working. However, that process of modernisation and improvement also requires us to tear down some of the relics of the NHS of the past, including the outdated ways of working and, sometimes, the outdated buildings and shells that house them.

That will require hard decisions: a new way of

doing things; a new alliance of interests—an alliance for patients; a modernisation of people and priorities rather than just of technology and terrain. The NHS is not just about bricks and mortar—it is about the people who provide care and the quality of care that people receive, in hospital or increasingly in their community or home.

Fifty years ago, when most of our hospitals were built, they were the home of services because there was no other way of delivering them. Today, they are a hub for many services because so much more can now be delivered away from a hospital setting—in GP surgeries, community health centres and at home, with the support of health visitors and other community-based health care professionals.

Of course, we need new facilities. That is why there will be nearly £500 million of new hospital developments between now and 2002. That is why we are developing a new generation of walk-in-walk-out hospitals that harness new technologies and the benefits of day surgery.

Throughout Scotland, a process of reviewing local facilities is now taking place, to give people the best possible quality of care. That process will draw the blueprint of a new NHS. Our aim is to deliver local, convenient services wherever possible. It will be an NHS that will not shirk from the need to provide first-class treatment of the highest quality, because quality matters.

The reviews will propose changes to services. They will be changes for the better. Let me set another challenge to members.

**The Deputy Presiding Officer (Mr George Reid):** Briefly, minister.

**Susan Deacon:** As members examine the NHS in their areas and question local health authorities about their plans for change—as I hope that they will—they should demand the right services for people, and not just defend the status quo of bricks and mortar.

**Roseanna Cunningham:** Will the minister give way on that point?

**Susan Deacon:** I have no time.

**Roseanna Cunningham:** It is on that point.

**The Deputy Presiding Officer:** The minister is not giving way.

**Susan Deacon:** I have taken a number of interventions.

Nissen huts, mixed-sex accommodation, drafty corridors, Nightingale wards—that is not a modern NHS. It is not what we want for our families. It is not what we should offer to the Scottish people.

As politicians, we owe it to the staff who work in our health service and to the people who use it to lead, not to react; to reassure, not to scare; and to look to the future, not to the past. My picture for the future is an NHS that is based on partnership, that is open and accountable, and that provides high-quality, modern services throughout Scotland. It should be the vision for the future of us all. As we move into the new millennium, we owe it to our children and to our children's children to deliver that modern NHS for Scotland, an NHS for the 21<sup>st</sup> century.

I move,

That the Parliament is wholeheartedly committed to the NHS in Scotland and applauds the contribution and commitment of NHS staff across Scotland; welcomes the abolition of the internal market; recognises the record levels of investment in the NHS enabling the biggest ever hospital building programme; believes that the development of a modern NHS depends on a sustained programme of service redesign, greater public accountability and involvement and true partnership working across the NHS in Scotland, and pledges to work with the Executive, NHS and the Scottish people to address constructively and imaginatively the challenges of building a 21st century NHS.

**The Deputy Presiding Officer:** That was a substantial overrun, which I allowed because the minister was so open in taking interventions. It means, however, that one speaker will drop out.

I now call Kay Ullrich to speak to and move amendment S1M-383.1.

15:38

**Kay Ullrich (West of Scotland) (SNP):** I am disappointed that the Minister for Health and Community Care did not see fit to use the time today to address the real problems that currently face the NHS in Scotland. Instead, we have been subjected to the most anodyne of motions, full of self-congratulation. In the light of the serious issues that surround the health service today, it is a motion that lacks humility. I know that it fits in well with new Labour's style in this Parliament, but I cannot help but wonder whether those in the ministerial health team ever talk to the health professionals, ever listen to the concerns of patients or ever read the daily newspapers. If they did, even new Labour would not have had the brass neck to present the motion.

The minister once again favours reality in favour of rhetoric.

**Susan Deacon:** Absolutely.

**Kay Ullrich:** Okay, once again—I am glad that the minister gave me a chance to put it right—reality is being completely ignored in favour of rhetoric. The minister is working on the following principle: when in trouble, create a diversion.

We have heard from the minister of the need to transfer services more appropriately from hospitals to primary and community care. However, when that was proposed in "Designed to Care", the establishment of a joint investment fund was to be a key plank of that reform. We were told that a substantial proportion of health service funds would be allocated to a JIF. Now, we are advised that a JIF is not a fund for developing the service; it is simply a mechanism for shifting existing resources. To date, not one JIF has been put in place. The key issue is that it is simply not feasible to transfer resources from secondary to primary care when the whole system is under-resourced. The real need is for an additional allocation of funding to the NHS in Scotland.

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

**Kay Ullrich:** No, not just now.

I would like to consider making nominations to health boards, but I admit that I am fairly sceptical about replacing one political appointee with another—albeit that they may be of a different, perhaps better, political hue.

Today, we have not heard one word from the minister about the financial crisis that faces cash-strapped health service trusts the length and breadth of Scotland. For example, four health trusts in Glasgow face a shortage of £20 million. Tayside University Hospitals NHS Trust is looking at a shortage of £12 million, while it is estimated that Grampian University Hospitals NHS Trust is more than £3 million in the red. There is a similar picture of ward closures, staffing cuts and cancellation of non-emergency operations in almost every area of Scotland. Perhaps the most alarming revelation came yesterday, in a leaked memo from Raigmore hospital's executive group, which states that

"managers will consult clinical staff on the reduction of elective work load and change case mix in favour of less expensive procedures".

In other words, patients will be chosen for surgery, based not just on their clinical need but on how much their operation costs. How does the minister feel about rationing on the ground of cost? Surely she agrees that to put any hospital clinician in that situation is quite simply reprehensible.

We have heard all about new Labour's much proclaimed priorities—rightly so—of cancer and coronary heart disease. Yet there are eminent experts, such as Professor Gordon McVie, director general of the Cancer Research Campaign, and Professor Karol Sikora of the World Health Organisation's cancer programme, who say that people are dying in Scotland because of a lack of necessary resources. Both also say that the NHS in Scotland is unable to provide cancer patients

with the most effective, up-to-date treatments in terms of drugs and radiotherapy equipment and that there is a lack of cancer specialists.

I know that the minister is aware of the concerns of patients and relatives about the life-threatening delays in treatment experienced at the Beatson oncology centre at the Western infirmary in Glasgow, where waiting times for treatment are four times longer than national guidelines. Such delays can, potentially, amount to death sentences for many patients and I hope that the deputy minister will address that issue when summing up.

For the first time, the Secretary of State for Health in Westminster, Alan Milburn, has admitted that the NHS is rationing services. Will the minister inform Parliament whether that is also the case in Scotland? Then perhaps—just perhaps—we could have an open and informed debate on perceived rationing in our health service.

**Mr Davidson:** I am not sure whether Kay Ullrich is aware that during the finance debate yesterday, I questioned the Minister for Finance on whether rationing was beginning in the health service in Scotland. He answered, "Absolutely not." Will Kay Ullrich ask the minister whether she knows about that?

**Kay Ullrich:** I am sure that the minister is writing that down as I speak. Certainly, Alan Milburn has admitted that there is rationing south of the border. We must try to get an answer here, as the people of Scotland are waiting for one.

The Executive motion boasts of its investment in the NHS, and talks of building a 21<sup>st</sup>-century national health service. If that is the case, can somebody tell me why, as we enter the new millennium, 2,000 elderly people are languishing in inappropriate acute hospital beds, unable to get the long-term care that they need? Why, in this day and age, are members of staff at Lennox Castle hospital being bribed to take patients into their homes, simply because the Executive will not put its money where its mouth is when it comes to patient-centred care in the community? *[Interruption.]* I can hear a budgie, but I do not know where it is.

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** Will Kay Ullrich give way?

**The Deputy Presiding Officer:** The budgie noise has stopped and the member has a chance to take a question.

**Kay Ullrich:** I will give way.

**Margaret Jamieson:** I thank Kay Ullrich very much. She said that staff at Lennox Castle hospital are being bribed. The staff at Lennox Castle hospital have never been bribed in their lives. They are dedicated servants of the national health service, and she should accept that.

**Kay Ullrich:** The staff at Lennox Castle hospital are in danger of losing their jobs in 2002. Instead of being redeployed in appropriate settings, the option has been created whereby they will be paid benefits to take someone into their home. That, surely, is the wrong motivation for someone who is being asked to care 24 hours a day for somebody who is severely disabled.

We now know, from Jack McConnell's budget statement, that the real-terms increase in health spending in Scotland, next year, will amount to 0.8 per cent, although the equivalent increase in England will be 4.4 per cent. According to the UK pay review body reports on the pay increase for health service staff, that increase is likely to settle at around 3 per cent. As a result, the health service in England will be able to cope with the increase, but the health service in Scotland will not. Therefore, the Executive must either provide extra money to cover the increase or make cuts in other areas of the health budget to meet the pay settlement. Can the minister advise us which it will be?

I am running out of time, but I am sure that my colleagues will address other issues. In conclusion, I say to the minister that she should come out from behind the smoke and mirrors. She should forget the glossy brochures; it is time for the spinning to stop before it is too late. Let us have an open and honest debate about the state and, indeed, the very future of the health service in Scotland that we both value so much.

I move amendment S1M-383.1, to leave out from "recognises" to end and insert:

"regrets the lower rise in health spending in Scotland in comparison with England, in spite of the widening gap in poverty and ill health between north and south; opposes the continued reliance on PFI, and calls upon the Scottish Executive to accept its responsibility to provide adequate resources in order to support a National Health Service in Scotland fit for the 21st Century."

15:48

**Mary Scanlon (Highlands and Islands) (Con):** I fully support the Executive's commitment to the NHS and the contribution and commitment of the staff. NHS Direct moves towards seamless transfer and guaranteed waiting times.

When I read the motion, I read the words "partnership", "public accountability" and "involvement". Is that the type of partnership that is exemplified by the Minister for Health and Community Care, who reportedly called members of the Health and Community Care Committee numpties for daring to express an objective and impartial cross-party opinion on the Arbutnott report? Is it the type of partnership whereby the Minister for Health and Community Care gives the Health and Community Care Committee a party

political broadcast, followed by a refusal to answer questions that have been raised by the British Medical Association and many others who submitted evidence in the Arbutnott review? Perhaps it is the partnership with the Minister for Health and Community Care who had death threats made against her after the Catholic Church in Scotland dared to express a point of view. The rest of that tale will go down in history. Is that the partnership the minister is talking about? She is a woman who would cause a rammie in an empty house.

What about consultation? Labour does not even consult its Liberal partners, as has been admitted in the chamber, so what chance is there for people in the rest of Scotland? We should ask the people of Angus and the Mearns about consultation and partnership. More than 25,000 of them have put their signatures on a health petition because they do not know what is happening to the health service in their area. All they know is what they have read in the columns of the local paper.

Consultation and partnership in Perth means packed public meetings because of a fear of losing accident and emergency, maternity and paediatric care—no consultation, only serious, heart-felt concern among local people that they are being ignored and their health care is being eroded. In Fife, it means more than 1,200 people trying to get into a hall that holds fewer than 200 to express their worries and concerns and to find out what is happening to their health service and which hospital is likely to close.

**Margaret Jamieson:** Will the member give way?

**Mary Scanlon:** No.

When I visited Oban last week, local doctors asked what was happening to the health service there, what was happening to serve the islands, and whether people from Islay, Tiree and Mull will have to go to Paisley for breast cancer screening. I told them that I do not know. They do not know either. Lectures on partnership and consultation may sound grand in here, but the people outside this chamber are not hearing the minister. Consultation, partnership, accountability and involvement do not come from focus groups. That is something the minister must learn. They do not come from strategies, commitments, reviews, spin-doctors or, indeed, the latest £7.95 glossy brochure. That will do a lot to tackle the problems of women on low incomes living in Shettleston who want to stop smoking.

**Ms Margo MacDonald (Lothians) (SNP):** Will the member give way?

**Margaret Jamieson:** Is Mary Scanlon suggesting that we go back to the dark and distant Tory days when decisions were made behind



closed doors and no one was told about them? Is she suggesting that rather than the openness and accountability that the Labour party is proposing?

**Mary Scanlon:** If I represented the Labour party, I would sit comfortably in my seat rather than waste my energy jumping up and down. The 25,000 people in Angus and the Mearns did not sign a petition in the Tory years. We never had packed halls in Fife, Perth and all over the country and we did not know about any overspend. Margaret Jamieson should not start lecturing us.

**Roseanna Cunningham:** Does the member agree that the fact that thousands of people are signing petitions and turning up to public meetings—as they have done in my constituency—suggests that what we hear from the minister about accountability is nonsense and that the closed doors that we are being told used to exist are still as closed?

**Mary Scanlon:** I never heard of people in Scotland expressing their concern during the Tory years as they are now.

The new hospital programme consists of eight hospitals, half of which had already been progressed by Michael Forsyth and Ian Lang—as the leader of the Scottish National party has already said.

That brings me on to overspend, or underfunding—two ways of looking at the same thing. The majority of acute hospital trusts in Scotland are facing severe cuts just to make ends meet. In Tayside, there is a deficit of more than £12 million and there have been suggestions that patients should pay for non-essential treatment. I would like to know what the Minister for Health and Community Care considers non-essential treatment. The Grampian trusts have an overspend of £5.6 million, which has led to ward closures and weekend closures. They cannot fill vacant posts and are reducing training. Is that a health service of which the minister is proud?

**Malcolm Chisholm (Edinburgh North and Leith) (Lab)** rose—

**Mary Scanlon:** In north Glasgow there is an overspend of almost £10 million.

I am proud to mention Raigmore hospital in Inverness, but not proud of what it is having to do. The hospital's financial recovery plan, which was forced on it by the minister, involves

“the reduction of elective workload and change case mix in favour of less expensive procedures”

and demands that the hospital

“Withdraw Consultant locum cover to Skye”

and

“Limit ‘Dressings’ spend to budget”.

God help staff if their uniforms are wearing thin, because there will be no further expenditure on that this year. Also, the hospital will

“Introduce differential catering pricing for staff and visitors”

It is becoming a joke.

**The Deputy Minister for Community Care (Iain Gray):** Will the member give way?

**Mary Scanlon:** No, I will not give way. The deputy minister will have ample opportunity to spin-doctor his ideas, but I have very little opportunity.

**The Deputy Presiding Officer:** The member has less than one minute in which to wind up.

**Mary Scanlon:** Across Scotland, hospitals are facing the serious problems that I have mentioned. No problems have surpassed those of the Lennox Castle hospital for the care of the elderly, which is undertaking desperate measures. It is asking staff to take patients home—as a newspaper headline said, “to ‘adopt’ a patient”. According to Unison, a similar system has been tried, but failed, in Liverpool, yet it will now be implemented in Scotland. The most vulnerable people in society are being touted around for a good home, which will be paid for by welfare benefits. In the week before Christmas, at the end of this century, is the minister proud of health care in Scotland under which long-term mentally ill patients will be placed in families who may have no experience of caring?

**The Deputy Presiding Officer:** Please close.

**Mary Scanlon:** My final point is about the gross distortion of clinical priorities, which has led to people waiting longer to see a consultant, fewer nurses, decision making being taken from general practitioners and consultants being paid thousands of pounds to do minor operations over weekends while major operations have to wait longer.

The minister's commitment to the national health service failed. Public accountability failed. Partnership failed. Working with the NHS and the Scottish people failed. Working with the Health and Community Care Committee failed, without even a mark for effort. Now is the time for the minister to accept responsibility and to address real health needs, instead of laughing at points that are seriously made. The minister has maladministered health in this country.

I move amendment S1M-383.3, to leave out from “welcomes” to end and insert:

“but condemns Labour's centralisation and increase in bureaucracy within the NHS and the Executive's folly of pursuing a raw waiting list target that has led to the negation of its promises on health; notes with concern the overspend by health boards in the current year, the increasing levels of bed blocking and the failure of the Arbutnott Report to address inequality in health spending;

believes that the development of a modern NHS depends on a sustained programme of service redesign, greater public accountability and involvement and true partnership working across the NHS in Scotland, and calls upon the Scottish Executive to make the reduction of waiting times and access to treatment on the basis of clinical need its top priority for all the NHS in Scotland."

15:57

**Robert Brown (Glasgow) (LD):** My ears are fair birling after the diatribes we have heard today. I confess that I have not had such a depressing experience for a long time and it was exacerbated by the fact that Kay Ullrich had the nerve to give us all that negative stuff for eight to 10 minutes and then depart—she did not have the courtesy to listen to the rest of the debate.

The NHS is an institution to whose achievements all parties in the state have contributed. It is right to recognise that at the beginning, even though that is why it is the hot stuff of ardent political debate.

It is also right to emphasise the point that Susan Deacon made: the achievements of the NHS are the achievements of its staff, often in spite of the system. They are the achievements of nurses who are paid less than they should be, of doctors who work longer than they should, of consultants who develop pioneering techniques, and even of managers who try to organise everything efficiently. I would not like to do a job burdened by the knowledge that my mistake could cost a human life.

In the 1980s, the Conservative Government tried to remodel the structure. In my view, it got it profoundly wrong. It genuinely thought that the changes would improve the structure, but it was at the price of millions of pounds in unproductive bureaucracy.

In 1997, the Labour Government came in with its fixation about waiting lists—that was a product of policy priorities being driven by spin-doctors who were concerned with electoral considerations. Labour got it wrong again, and the waiting-list obsession seriously distorted NHS priorities. However, Labour managed to get rid of the internal market structure.

Today, we are getting back on course. The minister's statement, which has not even been touched on in the speeches that have been made so far, about the importance of waiting times rather than waiting lists is welcome and right. Incidentally, it also shows the power and influence of the Liberal Democrat input to the Scottish partnership.

Our commitment to the national health service forms a solid line going from Lloyd George and Beveridge, through our support for the abolition of

eye test and dental charges—on which the Executive has also made progress—to the decision on waiting times today. This is a major coup for my party and a testament to the common sense of the minister. It is also a testament to the potential for radical reform of this Parliament, fairly elected as it is, and our partnership Executive.

**Ben Wallace (North-East Scotland) (Con):** While Mr Brown is listing Liberal Democrat successes, will he tell us how successful his manifesto pledge to abolish the private finance initiative has been? Where are the 500 extra doctors and the 1,000 extra nurses that his party promised to employ? What has become of the manifesto commitments that were simply sold out in favour of Labour health policy?

**Robert Brown:** It is worth mentioning that all parties in this chamber are minorities and have to deal with the reality of the political situation that obtains. Through the partnership agreement, my party has significant achievements to its credit, which is more than can be said for the SNP and the Tories.

The minister announced today that—

**Mr Hamilton:** Will Mr Brown give way?

**Robert Brown:** I will not accept an intervention now. I may do so later.

The minister made an announcement about the fresh air of accountability.

**Kay Ullrich:** Will Mr Brown give way?

**Robert Brown:** No. I have already indicated that I am unwilling to accept interventions. Mrs Ullrich was not here earlier to hear other members' speeches, so she should sit down now.

**Kay Ullrich:** Why will Mr Brown not give way?

**The Deputy Presiding Officer (Patricia Ferguson):** If the member does not want to give way, Mrs Ullrich, he does not have to do so. Carry on please, Mr Brown.

**Robert Brown:** The minister's announcement that she wants to blow the fresh air of accountability through the health service quangos is welcome. That action will be enhanced by the forthcoming enactment of the freedom of information bill, which will enable easier access to health records and documents. It is not an easy thing to get right; there is a delicate balance to be struck between democratic accountability, managerial efficiency, the meeting of national targets for a national service, and professional considerations. Although the present structure of health boards and trusts is not the last word on the matter, neither is further tinkering with the deckchairs the first priority for health.

I return to the Opposition amendments and to

the speeches from Mrs Ullrich and Mrs Scanlon, who I note has now left the chamber. I was astonished by the gall of the Tory effort and by the phrase in the Tory amendment that reads:

“condemns Labour’s centralisation and increase in bureaucracy”.

Did I live in an alternative time zone when the Conservative Government introduced the huge bureaucracy of the internal market? Was I imagining that later Administrations had to spend enormous effort to sort out the mess that the Tories left and to reclaim many millions of pounds for front-line health services?

Conservative members who talk about public accountability are the ones who introduced what must surely have been the most unaccountable structure in the whole history of the NHS. They are the very people who introduced competition and divisiveness into the heart of the health service. Their amendment, to which they have not properly spoken, calls for waiting times to be the top priority for the NHS. Waiting times are undoubtedly important, but it is quite out of tune to consider it a top priority against the overriding importance of targeting health improvement and health promotion—another theme that is strongly targeted by my party and which is at the heart of the Scottish Executive’s programme.

**Mr Hamilton:** Mr Brown listed the successes of the Liberal Democrats. Presumably, one of those successes was to have the convener of the Health and Community Care Committee chosen from their ranks. Does he approve of the Executive’s attitude to that committee’s report?

**Robert Brown:** I shall touch on that point towards the end of my speech. I shall turn now to the nationalists. Here goes Mrs Ullrich again, whinging—in the motion, I might add, not in her speech—about the lower rise in health spending in Scotland compared with England. It is manifestly clear, however, that—

**Ms Sandra White (Glasgow) (SNP):** Will Mr Brown give way?

**Robert Brown:** I will not give way. It is manifestly clear that health investment in Scotland has traditionally been higher than in England, even allowing for the prioritisation of health resources in favour of more deprived areas, which is made possible by our membership of the United Kingdom.

**Kay Ullrich:** Will Mr Brown give way?

**Robert Brown:** I shall not give way; I want to continue with my speech. The Liberal Democrats believe that the Chancellor of the Exchequer could release funds from his somewhat bloated and growing balances to invest more resources in health services, not just in Scotland but throughout

Britain, not least to resolve the major challenges that face us in Glasgow.

What are we to make of an Opposition party that demands that the Scottish Executive provide adequate resources to support the NHS in Scotland? We have heard not one word about the extent of the resources. Perhaps we shall, later in the debate. Are the resources on top of, or a substitute for, the £1,381 million of spending commitments from the SNP, which Keith Raffan so devastatingly dealt with in yesterday’s debate?

If Andrew Wilson—who also is not here today—is, in Keith’s words, the jelly shadow chancellor, Kay Ullrich is Goldilocks, complaining that the evil English have eaten the porridge of health service resources. She seems unaware—in her motion, not in her speech—that there is a ravenous horde of SNP shadow ministers behind her. They may not be teddy bears, but they have certainly gobbled up an ever-increasing amount of fictitious resources in a multi-billion pound wish list.

**Ms MacDonald:** Just look who is standing behind you [*Laughter.*]

Many of us are genuinely concerned about this issue. We look to Robert Brown to define the debate, but he is not doing it. He should pick one point and flog it, rather than flog the SNP, because we are not the Administration.

**Robert Brown:** Margo MacDonald makes a valid point. I have succumbed to the temptation to try to respond to the Opposition’s approach to the debate. The fact is that health spending under this Administration will be greater in real terms than ever before. It will also represent a greater share of national wealth than before.

There is an endless list of demands on health resources, so it is important that we get the best out of them. As a Glasgow member, I am particularly concerned about greater Glasgow. It has many Victorian buildings—not 50-year-old buildings, but Victorian buildings. Often, they are in the wrong place, which hampers the effective provision of secondary care in the city. If we are to move towards the modern system that we require, I hope that the minister will find it possible to ease the transition by providing access to more capital funding in a way that will not impose an unacceptable revenue burden on Glasgow’s health services.

I will make two points to finish. The first relates to the National Audit Office report on ambulance services, which we heard about earlier this week. Is the minister prepared to look at ambulance service funding, bearing in mind the requirement on it to meet target times, and that training for paramedics in Scotland has ground to a halt?

I will finish by reverting to the main point, which

is the dedication of NHS staff and the potential of the service. The challenge for Parliament is to tap that hidden resource more effectively and productively. That would be assisted by what I cautiously call a dynamic and positive relationship with the Health and Community Care Committee. The minister's announcements today set us on the right road and I hope that later in the debate we will hear more about the real issues that face the NHS, and not the resource issue that we have had to deal with in so much detail today.

16:08

**Dr Richard Simpson (Ochil) (Lab):** I was disappointed by the speeches of Kay Ullrich and Mary Scanlon. They are much more positive in the Health and Community Care Committee than they are in the chamber. Perhaps the chamber brings out the worst in people. Certainly, the amendments—

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** Will the member give way?

**Dr Simpson:** Not at the moment. I would rather get into my stride and then Mr Monteith can trip me up, or attempt to.

**Mr Monteith:** Gladly.

**Dr Simpson:** The amendments that have been lodged—Kay did not fully speak to hers—are nonsense. Instead of raising health issues, or proposing changes, Kay's amendment talks about the relationship to spending in England. The Conservatives' amendment talks about bureaucracy. As Robert Brown said, that is not worth responding to, after what the Conservatives did to the health service.

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

**Dr Simpson:** Not at the moment.

The SNP amendment seeks to delete the parts of the motion on public accountability, involvement and partnership. Does that mean that the SNP does not believe in them? If it does, why delete those parts of the motion? What is the SNP replacing those elements with? A better vision for health? No. A radical new policy? No. A hint of new thinking? No. It replaces that part of the motion with a long whinge about the difficult issues that are being tackled by the Executive.

If members think that we have got problems, think for a minute about the problems in the rest of the United Kingdom, because we get £250 per head more for every man, woman and child in Scotland than the average in the United Kingdom.

**Kay Ullrich:** Will Dr Simpson give way?

**Dr Simpson:** Not at the moment, I will take an intervention later.

Not only that, but we are continuing to spend more. We spend considerably more than the SNP or the Tories indicated in their plans.

Yesterday, Andrew Wilson raised the question of what would happen to the Barnett formula. I will try to answer that point. If we can improve the health of the people of Scotland, the justified excess and advantage in funding that we now have should be redistributed in terms of health inequalities elsewhere in the United Kingdom. We are a partnership within the United Kingdom.

**Mr Hamilton:** Dr Simpson is right, but on the question that Andrew Wilson asked yesterday, which nobody answered, will Dr Simpson tell us that he believes that Scotland gets an over-generous share of UK health spending? Does he think that Scotland does better than it needs to do?

**Dr Simpson:** Absolutely not. At the present time, we need that spending, because we have some of the worst health records and as long as that pertains we will be able to justify that from the UK exchequer in the block grant.

**Mr Hamilton:** If that is true, how can Dr Simpson justify next year's spending, which is a 0.8 per cent increase for Scotland as opposed to a 4.4 per cent increase for England?

**Dr Simpson:** I do not accept Mr Hamilton's figures.

**Mr Hamilton:** They are your figures.

**Dr Simpson:** I do not accept those figures. The increase in expenditure is considerably more than that. Over the next three years, the planned increase is in the region of 12 per cent cumulatively. I do not accept Mr Hamilton's figures.

Let us look at the issues that the SNP are deleting from our motion, for example "public accountability". I accept that public accountability is nothing like as good as it should be but at least this Administration is attempting to make some changes.

When I was practising medicine, the public were not genuinely involved in the proceedings on a pre-consultative basis. They were told of the decisions that were to be issued and asked, "What do you think of that?" The situation now is that, with difficulty, trusts and boards are making genuine attempts to involve the public.

Like Roseanna Cunningham, I attended the meeting in Perth when 1,200 people attended a consultation on the acute services review when Tayside Health Board had not reached decisions. If that is not involving the public, I do not know what is. I have to say that her inflammatory intervention at that meeting was self-serving,

irresponsible and made improvements in the service for her constituents less likely rather than more likely.

**Roseanna Cunningham:** The member did not point out to the chamber that whatever my intervention might have been, it was agreed with by the vast majority of the 1,200 people at that meeting.

**Dr Simpson:** They also agreed with my intervention, which was far more measured and talked about the need for redesign. Is the SNP really telling us that it wants to stick to the current health service, with no changes, even if that means poor clinical services? The SNP is encouraging the public to be enthralled to bricks and mortar rather than considering the redesign of services.

**The Deputy Presiding Officer:** Wind up, please.

**Dr Simpson:** As I have taken some interventions, can I make some final points?

**The Deputy Presiding Officer:** Very quickly.

**Dr Simpson:** I have a vision of patients in partnership with professionals, in a service delivered for the most part as close to their home or community as possible. We should consider models of care such as that developed in Nairn. We should develop care that makes rare the need to go to the acute centre; care with first-class transport, where it is needed, to link patients speedily to those centres when it is needed. Patients should spend in those centres the minimum of time that is required for good, safe care.

Patients should receive care before and after in the local community hospital or local resource centre or, as has been published in the *British Medical Journal* this week, their hospital at home.

**The Deputy Presiding Officer:** Come to a close, please.

**Dr Simpson:** Patients should be empowered by good quality information and advocacy. Accountability, public involvement and partnership in a modern service are what we should all be promoting in this Parliament—not the whingeing nonsense from the Opposition.

16:15

**Dorothy-Grace Elder (Glasgow) (SNP):** We are getting to the stage when some of us feel that we need a swig of milk of magnesia, or some other stomach settler, before we can endure yet another sugary, apple-pie, self-congratulatory and smug motion from the Executive.

The SNP, as the Opposition, has been accused

of criticising the Executive today. We plead guilty; if we did not do that, we would be failing in our duty. We are criticised when Glasgow is represented in a new, official report by emblems of children's coffins to show its high child mortality rate. The motion is littered with the usual Orwellian newspeak, including that blancmange word "partnerships". In Glasgow, the partnership we need to dissolve is that between the public and the undertakers.

It is shocking that the motion—and very shocking that the minister's statement—contains no pledge whatever about the grievous health of Glasgow and the west, after yet more confirmation that the north-south divide is shortening lives. As we enter a new millennium, that divide shows most in the contrast between people dying early in Scotland while in London over £800 million is being blown on a temporary dome so that London can celebrate the millennium. That is some United Kingdom. We could have built 10 new hospitals for that money; £800 million could have gone some way towards saving lives. But no, Scottish taxpayers' money is being squandered on Tony Blair's delusions of grandeur. Shame on the minister for going along with that. Let them eat cake? Her smug message is, "Let them eat apple pie."

Mr Blair seeks to deny that there is a north-south divide, but its existence has been proved by the report from Bristol's Townsend Centre for International Poverty Research. It shows that the people of Glasgow are dying of bad health through political neglect. Today, we should have heard an announcement of massive emergency aid for Glasgow and the west, to stop people dying. The gap is widening under Blair. He has had two and a half years, but has done absolutely nothing radical. The Executive is doing nothing radical either.

Last year, Professor Phil Hanlon, professor of public health at the University of Glasgow, warned of the widening gap between north and south, saying that life expectancy in central Scotland was comparable to that in the former East Germany.

Bristol University's report, "The Widening Gap", found that six of Glasgow's constituencies—out of more than 600 constituencies in Britain—topped the list of the UK's most unhealthy areas. Glasgow has been confirmed as the worst place in Britain for infant mortality rates, chronic illness and early death. As the report points out, what a record that is for a Labour area.

All the Executive can do today is produce another slice of apple pie and body swerve a Scottish health disaster. What does the motion say to Shettleston?

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

**Dorothy-Grace Elder:** I am sorry, I am in full steam and I will not be interrupted.

Shettleston is top of that shameful list. It is No 1. There, people are 2.3 times more likely to die before the age of 65 than are people in Wokingham or Romsey. Gordon Brown proposes to give free television licences to people aged over 75—in Glasgow, many do not live that long.

The Executive dares to rise for Christmas without pledging the massive emergency aid that it knows is necessary. Gordon Brown, son of the manse, is a disgrace, with his inhumane lack of funding to overcome ill health and poverty. That man sits atop a £15 billion war chest, rakes in billions from Scotland and wastes billions on Trident, rather than putting some of that money into Scottish health.

Come to Glasgow, minister, and try a slice of humble pie instead of apple pie.

16:19

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** The words “humble pie” have been used. The word “humility” was also mentioned earlier. At this time, we should show a bit of humility, because there is a real danger that the people at the centre of this debate—the patients with their experience in the health service—are being lost. That is what I want to focus on. I do that in the knowledge that some young people are here today from the organisation for which I used to work—Who Cares? Scotland. Those people taught me that the consumer of services must always be put at the centre.

I take this opportunity to support Susan Deacon’s comments applauding NHS staff. It is not too dramatic to say that most people in the chamber and outside will have friends or family who are alive today only because of the dedication and hard work of the NHS staff.

Despite my well-known reservations about the private finance initiative, which have caused me differences of opinion with some of my colleagues, I want to say that my constituents welcome the fact that a new community hospital is being built in Cumnock. I welcome the fact that there have been constructive discussions—I have had some with the trade unions. Instead of going into rant mode, we should talk to the trade unions and the other people involved. I am glad that we are making progress in protecting staff conditions, as I hope the minister will confirm.

Having visited the hospital site last week, I am delighted to see that the new building will replace precisely the sort of inappropriate buildings that members have rightly condemned. We will have a living and working environment that is fit for the

21<sup>st</sup> century. I welcome the minister’s commitment constructively to address the needs of 21<sup>st</sup> century health care.

I want to make a few points about the innovative work that is being done at the Ayr hospital as part of the designed health care problem. The project gives a message about how designed health care can be taken forward. It started off from the point of view of the patient and looked at the patient’s journey from the initial referral through to final treatment. I have spoken to patients and to the people who deliver the service to find out what they thought about it.

Susan Deacon is right: the number of visits that patients have to make has been reduced, as have the waiting times. Previously, the process took between 10 and 12 months and involved seven visits, including some repeat visits to the out-patients department. The new project has reduced the journey time to around two months and the number of visits from seven to three. That must be progress.

Patients now go directly to the optometrist, who refers them to the hospital. The patient attends the hospital for treatment and the follow-up is carried out by the optometrist. The reduction in waiting time for surgery has been from six months to around six weeks and the reduction in the number of out-patient visits has been from three to zero, which is especially significant in a rural area, given the difficulties with transport.

The number of people who have been dealt with in the day clinics has been increased from eight to 15 per day, which potentially frees up 1,000 new and 600 repeat out-patient slots. Those figures are from Ayrshire and Arran Community Health Care NHS Trust, which says that this approach is the way forward.

A current audit of the project shows that the benefits include a reduction in the number of inappropriate referrals, a reduction in the number of people who do not turn up for appointments, a reduction in bureaucracy, less paperwork, fewer letters to and from general practitioners and fewer patient visits to GPs.

The patients surveyed report a high level of satisfaction. What is crucial is that the project did not start out as a cost-cutting exercise or as an exercise in cutting waiting lists. It started out as an attempt to find out what the patients who needed a service wanted and how that could best be delivered—it is being delivered in Ayrshire. I hope that the minister will visit the project and talk to the people of Ayrshire about what will be rolled out in future. That is the way forward; it represents the kind of constructive debate that this Parliament should be having instead of once again making patient care a political football.

16:24

**Bill Aitken (Glasgow) (Con):** I was interested in Cathy Jamieson's speech and pleased that she was so content with the East Ayrshire community hospital. I wonder whether she will draw to the attention of her constituents the fact that the invitation to tender was approved by Michael Forsyth. Donald Dewar simply signed the contract.

**Cathy Jamieson:** My constituents are very well aware of that. They are also very well aware of the damage that was done to their health during the many long years of the Tory Government, particularly during the miners' strike, when many of them ended up out of work.

**Bill Aitken:** That is a period during which record numbers of patients were treated by the national health service and unprecedented investment was made. I hear no acknowledgement of those facts.

In her introduction, the minister paid tribute to the national health service and its personnel. Given her political background, I can understand that she has a deep emotional attachment to the principles of the national health service. I doubt whether anyone in this chamber today does not fully support those principles.

I feel that there has been a conspiracy of silence about the state of the NHS for far too long. We see in press reports every day that the NHS is not fulfilling the role that the minister and all of us in the chamber think that it should. The level of patient care is not what we would wish. Until that point is appreciated, any debate will be sterile and negative. When the point is faced up to, we can be more constructive.

We have longer waiting times than we used to. I accept the minister's point regarding the question of waiting lists, but the length of time that a patient has to wait for important treatment is a real problem. The minister should address that. Staff morale in the NHS is undoubtedly extremely low. Every year, substantial numbers of staff vote with their feet. We have fewer nurses than we had the last time Labour was in power. I see that the minister, being unable to deal with the rationale of my argument, has left the chamber.

Robert Brown dealt with the input of the Liberals into the Executive's health proposals. Having read the Liberal party manifesto, I have to say that Robert's party sold itself cheaply. It has not fulfilled one iota of what it promised before the election. Labour promised to spend, spend, spend on the NHS. The mantra of education, education, education was replaced late in the 1997 general election campaign with promises that the NHS would have capital and revenue investment as never before.

That has not happened. There has simply been

a continuation of the trend that the Conservative Government introduced in its last three years in office. I accept that there has been a marginal increase in spending, but it is in aggregated expenditure, not real expenditure. Perhaps the minister will address that in his summing-up.

We have had a rather negative debate today. Given the self-congratulatory motion that we have been debating, it could hardly have been otherwise.

16:28

**Ms Margo MacDonald (Lothians) (SNP):** I listened intently to the minister being interviewed on "Good Morning Scotland" this morning because I had not made much sense of the motion as it appeared in the business bulletin. I thought that I was listening to a snow warning because of the flurry of words that all seemed to run together. The words were reminiscent of the ones that are used in the chamber when members discuss the radical restructuring of the national health service in Scotland, which is what I think the minister was promising in her speech.

What will be the difference between this radical restructuring and that introduced by Sam Galbraith when he was the Under-Secretary of State for Health? I think it was "Designed to Care" that he introduced. Much of the same terminology was used in the minister's speech today. My question concerns the radical restructuring of the NHS and the move away from old hospitals to what will presumably be bright, shiny, community-based service providers. Will they be provided by son of PFI? Is that where the money will come from?

I see that Richard Simpson is as intrigued by this as I am. Richard, I am sure—I apologise, Presiding Officer, for speaking directly to the member. I am sure that we would all like to know whether any limit is to be put on the extent of PFI involvement in this new community service provision. None of us disagrees with that—we think that there should be a switch away from old and unsuitable hospitals—but what is the new service provision to be? We know, from what the minister and other members of the Executive have said, that there are cash limits on this brave new world. Unfortunately, those limits are not set by the minister in this chamber, but by her pal in London.

But hey, that is the downside of devolution. People have got to take the budget they are handed and fit hospitals inside its parameters. If I am to believe what I am told by the Lothian Local Medical Committee, there is not a snowball's chance of their being able to bring about the quality of community-based service that all of us—including the minister, I am sure—would like, if they are also lumbered with having to implement

the radical restructuring of Arbutnott.

There has not been much reference to Arbutnott today, and I hope that members will indulge me for a minute, because I represent Lothian and we are the losers. I heard the minister refer to what was to be spent on mental health and on people with learning disabilities and so on. I cannot but refer back to the effect of Arbutnott on Lothian's spend. We will lose £5 million from the Lothian budget in terms of spending on older people and £5.5 million in terms of spending on mental health provision.

**Bristow Muldoon:** Will the member give way?

**Ms MacDonald:** Bristow must excuse me. I am speaking for all of us, as I know that he is as worried about this as I am.

We will lose more than 22 per cent of the spend in terms of people with learning disabilities in Lothian. Those are the community-based services that the Executive is trying to introduce. There is no investment in introducing the new plan. I have no quarrel with the plan itself, but if the Executive is going to invest properly, it should invest in development. I have not heard any recognition of the need for that investment in what has been said today.

**Dr Simpson:** One mistaken belief about Arbutnott needs to be clarified. It means changes in increase in expenditure; no area will lose money. To hear Lothian officials talking about slashing their learning disabilities expenditure and moving people back into hospital is utterly disgraceful and is an unbelievable misperception of what will happen. Those officials should be severely reprimanded.

**Ms MacDonald:** I was not quoting Lothian Health officials, but referring to a letter I received from Dr Sandy Sutherland of the Lothian Local Medical Committee—one of Mr Simpson's colleagues, I am sure. He said:

"Beyond a shadow of a doubt the implementation of Arbutnott would make that change undeliverable."

The change he is referring to is the change to community-based services. I am impressed by that, because he is a professional. Although I take very seriously what Cathy Jamieson said about concentrating on patients and seeing the issue from their point of view, we must also take into account the professionals.

In summary, when the minister comes to reply, I hope that she will give us some definitive answers on where the development money will come from to introduce two such radical restructurings at the same time.

16:34

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** As a member and former employee of the public sector trade union, Unison, and a former employee of the national health service, it gives me pleasure to contribute to this debate. It also gives me an opportunity to consider the amendment in the name of Mary Scanlon and express my amazement—

**Tommy Sheridan (Glasgow) (SSP):** Will the member give way?

**Margaret Jamieson:** No, I am sorry, Tommy. I am limited in time.

The Tory amendment is a complete turnaround for a party whose policies positively encourage the chosen few to take all the decisions in closed rooms. That is currently manifest in the service. Recently, the Health and Community Care Committee took evidence about Stracathro, which continued to carry out the policies of the Tories, which amounted to "Don't tell the people until you have decided what you are going to do." The Parliament must ensure that we advise the service—by the service I mean everyone who works in the health service—that the days of decisions being made in closed rooms are finished. The national health service is open and accountable. We will talk it up, but we will also attack it if we find that individuals are abusing their positions.

**Mary Scanlon:** Will the member give way?

**Margaret Jamieson:** No, I do not have time.

I welcome the opening up of the opportunities for people to sit on local health boards and trusts. If we are serious about accountability, it must be ordinary people who make decisions. Staff also need to be involved in the process. Rights for staff should be enshrined in the constitutions of health boards and trusts. When the minister examines the make-up of such boards, I ask her to consider setting aside a place for staff, giving them equal rights in the decision-making process.

**The Deputy Presiding Officer:** That concludes the open debate. I call Margaret Smith to wind up on behalf of the Liberal Democrats. You have four minutes, Mrs Smith.

16:37

**Mrs Margaret Smith (Edinburgh West) (LD):** How do I sum up this debate in four minutes? Any members with spare time on a Wednesday morning might like to come to the Health and Community Care Committee; it is always interesting and certainly full of passion. This has been a full-steam debate. By debating the health service in our final full debate of the millennium, and by the way in which members have attacked



the issues, we have shown people across Scotland that that we care passionately about the health service.

We care passionately about the staff who work in the service—160,000 people. On behalf of the members of the Health and Community Care Committee, I must say that it has been a privilege to meet many of those people over the last few months. I hope that they have a good and peaceful millennium and continue to do the good, hard work that they carry out on our behalf. Without those people there would be no health service about which we could debate.

The Executive has set itself the task of turning the Scottish health service into the most modern in Europe. Let us have a reality check. We can do only so much. There is a bottomless pit in terms of people's expectations of the NHS; there is not a bottomless pit in terms of money, even if Gordon Brown were to open his war chest and give more to Scotland for its public services. If he did, I would say "Thank you very much" and take as much as I could. There is not a bottomless war chest. Every member could stand up and say that they want money spent on certain areas, but we must do the best we can with the available resources, at the same time as wresting as many resources for Scottish health care as we can. We need those resources.

No one in the Executive or the Parliament should be smug and complacent, sitting back and saying, "We're doing a jolly good job. Everything is perfect". We need the debate on rationing that Kay Ullrich called for. Let us get real. People know what is happening in our health service and we must start talking about it. At all times, we must remember that we should be putting the patient first. Cathy Jamieson is right. Putting patients first means redesigning services in a way that takes into account what patients want.

Mary Scanlon is absolutely right. We heard about Stracathro hospital—25,000 signatures on a petition. That is why the Health and Community Care Committee asked to speak to hospital representatives; that is why we listened to what they had to say.

Margaret Jamieson is absolutely right. If the Health and Community Care Committee can do anything to bring about a more open and accountable health service by affecting the way in which trusts and boards and other people go about their business, that is exactly what we should be doing.

**Brian Adam (North-East Scotland) (SNP):** Does Mrs Smith think that members of a board should be accountable to the minister, or should they be accountable to the people? That is another dilemma that needs to be examined. In

the past, members of boards have considered themselves accountable to ministers rather than to the people.

**Mrs Smith:** I believe that we have the makings of a minister who will listen, and we need that. We need a minister and an Executive that will listen to what people want. At the end of the day, it is the minister who makes the final decisions. However, the views of the people who use the health service should be taken into account at all times. That is what the health service is there for.

I have to disagree with my colleague Robert Brown on one point. When he talked about our debt to health service staff, he said that he would not like to have a job where he held somebody's life in his hands. Well, I have news for him—he does. All of us do. Through pinpointing problems of rationing, financing of acute hospitals and so on, this chamber has rightly flagged up some of the difficulties in the health service. But for goodness' sake, as our national health service staff go into a new millennium, let us pat them on the back and say that there is a heck of a lot of good work going on in that health service. The Health and Community Care Committee will continue to work with people, whether it be with the minister or with health service professionals, to ensure that that good work continues.

16:42

**Ben Wallace (North-East Scotland) (Con):** I welcome this opportunity to wind up the debate on behalf of the Scottish Conservative and Unionist party. When eventually I saw the proposed motion, and I heard the health minister's snarling response to the opening interventions, I thought that she might have been auditioning for a Christmas pantomime.

The minister's motion makes no mention of the problems that are set to explode out of the health service in the new year, or of the problems that it faces today. While I agree with much of the text of her motion, I urge her to recognise the problems that exist here and now. It does not surprise me that the Executive's motion is couched in the usual flowery and woolly language—that is in line with its ambition of using the Parliament as a rubber stamp.

The minister talks about the future, but the motion, as I said, makes no mention of future problems. In her opening remarks, she spent nine minutes talking about the past—not the future that she wanted us to talk about.

Although I am aware that Santa Claus and fairy tales are what this Christmas is made of, it appears that, with her policy, the minister wants to be in one of those tales. After all, in the fairy-tale kingdom of Dewar-land, Nanny Deacon thinks all

is well. In Dewar-land, new general practitioners' co-operation is flourishing, as are joint investment funds; in the real world, joint investment funds lie empty and GPs in the Highlands and Islands and in the Borders are having to prepare for cuts.

In Dewar-land, waiting lists will come down, but in the real world, people are waiting to get on to the waiting lists. In Dewar-land, the Government insists that resources are not the issue and that health board reorganisation is delivering better services; in the real world, health boards are admitting to massive overspends and will have to close wards and reduce staff levels this winter. Indeed, on the health service, Labour spin is so far from reality that it belongs in never-never land.

The Conservative record is clear—it is not fantasy and it is not spin. The biggest ever increase in health spending came in 1990 under the Conservative party. It was not this year, nor, as Labour claims, will it be next year. Of the eight new hospitals that have been trumpeted by Labour, four were approved by Ian Lang and Michael Forsyth. There are 164 fewer nurses in the NHS than there were in 1996, and there are 1,097 nursing vacancies.

**Dr Simpson:** Will the member give way?

**Ben Wallace:** No, I am sorry. I have a lot to get through.

The Government's ambitious hospital rebuilding plan is based on the private finance initiative—the Tory private finance initiative. How the worm has turned. We have heard many comments about how incredible it is that the Tories are criticising health policies. Now Labour members know how we feel when they defend policies such as the right to buy, uniform business rates, school league tables, Scottish Enterprise, privatisation of air traffic control, PFI and the retention of prescription charges.

The Executive cannot escape the fact that its plans for the NHS are failing; no amount of fairy tales can hide that. Waiting lists are getting longer and are being manipulated. Hundreds of expensive beds across Scotland are being blocked, which increases the winter pressures. Furthermore, the minister's failure to match funding to Executive priorities on cancer and heart treatment means that drug budgets are soaking up resources that are needed elsewhere.

All those problems have surfaced at the same time as an acute services review that is designed to shake up and improve treatment. I challenge anyone to say that any improvements will not be cost-driven.

The Conservative party wants a more joined-up health service. There should be more social and health services partnerships, to ensure a fully

zipped care system. We recognise that there are inequalities in the health service in Scotland and we welcome any measures to address that.

I am aware that this is one of the last debates before Christmas. Winter will soon be upon the NHS, but the Executive's total failure to recognise the problems facing the health service is reflected in its motion. The Executive's dismissal without a moment's consideration of a considered report by the Health and Community Care Committee is testament to the fact that the Executive is in never-never land.

Next year is the start of a new century, in which Susan Deacon should face up to the issues of rationing and funding. Like some ghost of Christmas future, I bring her a warning that if she does not recognise the failings of the health service today, the NHS will start the new millennium with a new crisis.

Our amendment is about the future—it recognises today's problems in the hope that they will be solved by all of us for tomorrow. I commend it to the chamber.

16:47

**Mr Duncan Hamilton (Highlands and Islands) (SNP):** In trying to summarise what has been a fractured—and sometimes fractious—debate, I will concentrate on three things. First, I will consider the attitude towards the issue of not only the Executive and the Parliament, but the wider community. Secondly, I will examine the financial aspects because it is important to nail down those facts. Finally—and crucially—I will tell the chamber why all of that matters. After Susan Deacon's performance today, it is perhaps laughable that a headline in *The Herald* reads, "End knee-jerk reactions on health, urges Deacon". I do not know what her speech was if it was not knee-jerk and reactionary.

The minister told us that the Opposition parties must stop scaremongering and damaging staff morale. Does the minister really think that that is a fair comment? Do you really think that the 3,000 nurses who leave the NHS in Scotland have nothing to do with your responsibilities as a minister and everything to do with Opposition parties—which, apparently, have nothing positive to contribute? Is that your analysis of what the Health and Community Care Committee has told you during meetings, of what it said in its report and of the positions of the parties in the chamber? Frankly, if that is true, relations between the minister, the committee and the Parliament are reaching breakdown point.

Throughout her speech, the minister told us very patronisingly that it is time for everyone to grow up and to take a new consensual attitude to the issue.

Such an approach should start with you and your team. Members in the chamber do not want antagonistic relationships, nor do they want people in the gallery to watch what was, at one point, no more than a catfight. We all want to move forward, but you will have to take the responsibility to meet us halfway.

**Susan Deacon** *indicated disagreement.*

**Mr Hamilton:** You shake your head and show your disapproval. However, the arrogance that you have shown both in Parliament today and to the Health and Community Care Committee, by undermining the committee convener and ignoring the committee's report before you had even read it, has not helped relations one bit. If you want to have a new relationship with us, will you accept your responsibilities, eat some humble pie and find a new approach?

**The Presiding Officer (Sir David Steel):** Before the minister responds, Mr Hamilton should remember that all remarks have to be addressed through the chair, not directly.

**Susan Deacon:** Normally I never intervene in debates because, as a minister, I have an opportunity to comment elsewhere. However, I ask Mr Hamilton to correct the record. Will he confirm to the chamber that at no time did I comment to the press on the Health and Community Care Committee's report on Arbutnott prior to its publication, and will he correct the lie that he and other members of his party have peddled today?

**Mr Hamilton:** Mr Rafferty may have left the Executive's employment, but it does not matter whether he spoke to the press on your behalf or whether you did it yourself. I am not talking about comments made prior to publication.

**Susan Deacon:** That is what you just said.

**Mr Hamilton:** No. If you listen, you will hear what I have to say. Within hours of the report being published, when you clearly had not read the report, you said that you wanted to listen to the experts from Arbutnott and that you would not want to listen to the committee. I suggest to you that that is arrogant.

**The Presiding Officer:** Order. Mr Hamilton, you must address your remarks through the chair and not to me.

**Mr Hamilton:** I apologise.

The matter will rumble on, but I suggest that until you accept your part in the blame, the relationship is going nowhere. [MEMBERS: "Through the chair."] I beg your pardon. I will address my remarks through the chair.

You also talk about the need to move away from soundbite politics.

**The Presiding Officer:** Order. You are still going on about "you". "You" is me.

**Mr Hamilton:** I am sorry.

Ms Deacon goes on about the need to get away from soundbite politics. She talks about the need for mature debate and sensible solutions, not soundbites and scaremongering. That in itself is a soundbite, which suggests to me that the language needs to be changed. If the minister wants to have a more constructive debate, we can do it that way.

In this morning's press, the minister referred to the sterile exchange over finance. That is important. The Barnett squeeze, which is mentioned in our amendment, is at the core of the debate. Despite what some members have said, the fact is that spending on health care in Scotland in the next financial year will rise by less than 1 per cent, compared with 4.4 per cent south of the border.

**Malcolm Chisholm:** Will the member give way?

**Mr Hamilton:** I do not think that I can because of the time.

Does anybody think that Scotland receives an over-generous allocation? I do not think that any of the trusts that are in crisis or any of the people who are asking for more resources in the NHS would go along with that view. Government statistics show that by the end of 2002 there will be £400 less per capita in the health budget in Scotland than if spending were to rise at the same rate as it is rising south of the border. Those are the facts.

The minister might describe this as a sterile debate, but that is absolutely the wrong approach. Dorothy-Grace Elder talked about the north-south divide and about the reports on poverty and Glasgow's situation—which several members mentioned. The point is that the top six areas of deprivation in the United Kingdom—and nine of the top 15—are in Glasgow. That is the scale of the problem and one of the things that the Arbutnott report sought to change.

Let us run through the list: Tayside University Hospitals NHS Trust, North Glasgow University Hospitals NHS Trust, Grampian University Hospitals NHS Trust, Argyll and Clyde Acute Hospitals NHS Trust, South Glasgow University Hospitals NHS Trust, Yorkhill NHS Trust, Highland Acute Hospitals NHS Trust and Forth Valley Acute Hospitals NHS Trust. Those are the people who need more resources. They will listen to ministerial statements that we need no more resources—they will laugh and then they will cry because they will realise that such statements are nonsense.

Why do not we accept that we will always need more money in the NHS? Why cannot we accept

that the Parliament should be doing everything to defend the Scottish interest? That is why the Scottish Parliament exists. The feeling that is coming through from the health service community is that, despite all the warm words, Susan Deacon and the Executive are no further down the road to providing the investment that the NHS needs than their predecessors were. This is a sad day.

There have been some good, important speeches in the debate. Both the Jamiesons made some tremendous points about staff. Margaret Smith also made some important points about how things can be driven forward. However, until we learn to engage in a debate—all of us, minister—we will not make progress.

We need adequate finance. We need to address the real needs in Scotland, as opposed to the Executive's perceived needs. Let us move, once and for all, above the self-congratulatory new Labour nonsense and decide that we want to put the health service—the patients and its staff—at the forefront of our thoughts.

16:54

**The Deputy Minister for Community Care (Iain Gray):** How long do I have, Presiding Officer?

**The Presiding Officer:** You have 10 minutes.

**Iain Gray:** Thank you.

On the first day of this term—I do not know whether that is what we call the part of the year between recesses—the Parliament debated health. It is right and fitting that we should also devote this last meeting before the recess to health.

On that occasion, members united around the public health agenda, which was good. We freed that debate from the terms of the past, according to which there was no link between poverty and ill health. We all embraced the challenge of the unacceptable health inequalities in our society.

A modern, efficient and effective NHS is central to that challenge. We had the chance to embrace that challenge today. What a pity that so much of the debate has failed to free itself from the past—from narrow, party-based point scoring and from crass, personal attacks.

This debate is about people—Scotland's people. Cathy Jamieson was right when she highlighted that in her excellent speech. That is what we should have been discussing instead of the other things that have been talked about.

Let me deal with the Scottish National party's two obsessions: money and England. I am sure that visitors to the chamber will be astonished to hear how much time the SNP spends speaking

about England. It is no surprise to the rest of us in the chamber—

**Tommy Sheridan:** Will Iain Gray give way?

**Iain Gray:** If it is short, Tommy.

**Tommy Sheridan:** I do not want to mention England, except for comparison.

While Iain Gray is on his feet, I implore him to intervene for Greater Glasgow Health Board—*[Interruption.]* Just a wee minute: I know Duncan McNeil has been sitting in the lounge having a coffee—just have a wee seat, Duncan.

Given the fact that young children born in Shettleston are four times more likely to die before they are one year of age than young children in Woking in Surrey, can the deputy minister please intervene to argue against the closure of another maternity hospital in Glasgow? That is what is planned. We cannot suffer another closure.

**Iain Gray:** I will come to the change in services.

As Tommy well knows, the Arbuthnott report, which members have mentioned, is about beginning to examine NHS spending and addressing the inequalities to which Tommy draws attention.

Let us get the figures out of the way. Planned health expenditure this year is £5.075 billion; next year it is £5.243 billion; and the following year it is £5.556 billion. Those are real increases. They certainly dwarf the £35 million of annual additional spending promised to the Scottish people by the SNP manifesto in 1997. Those figures mean that health spending in Scotland this year is 20 per cent higher than in England. That is the reality.

While we are on comparison, Kay Ullrich referred to Professor Gordon McVie.

**Mary Scanlon:** Will the deputy minister give way?

**Iain Gray:** No, I am sorry. I do not have enough time.

Kay Ullrich omitted to mention that Professor McVie said specifically that Scotland was ahead of England in developing cancer services. We can do better—and we are doing better.

**Brian Adam:** Will the deputy minister give way?

**Iain Gray:** No, there is not enough time.

The Administration's initiatives are about Scotland and about people. NHS Direct will provide people with advice 24 hours a day. Redesigned health care will slash the time that people wait for operations such as those for cataracts. One-stop clinics will give people immediate diagnosis without the agonies of waiting; walk-in-walk-out hospitals will provide

care where and when people require it, and there will be an appointments system that lets people know when they will see a consultant. Today, maximum waiting time targets were announced to ensure national standards for those waiting for treatment.

The Administration's initiatives—real initiatives—are about the technologies and developments of the future. They include a £17 million meningitis programme. The Scottish health technology advisory centre will assess properly new drugs and new procedures. The clinical standards board will ensure the standards of the future, not the past.

The biggest hospital building programme that our health service has seen will provide facilities in which the health care of the future might be delivered, instead of old buildings that build us into the health care of the past.

The Administration's initiatives are about Scotland and are accountable to Scotland. An interesting point about what that means was raised by Duncan Hamilton. What a pity that it came so late in the debate. What a pity none of his colleagues chose to address such issues.

Susan Deacon addressed those issues, however. She announced a drive to maximise grass-roots representation on NHS trust boards, in which every one of us was challenged to take part and which we were all challenged to promote. What a pity that Kay Ullrich interpreted that challenge as an invitation to put SNP placemen on health trusts. Are the SNP's roots in communities so weak that the only people it knows and can promote are its own party members?

That is the all-encompassing challenge for us today. I say to Mr Hamilton that that is what is meant by meeting us halfway and by addressing the debate. Are we big enough and grown-up enough to show the leadership and vision that will take our NHS into the next century?

Susan Deacon spoke of the giants Beveridge and Bevan. We cannot hide behind them—rather, we must stand on their shoulders better to see the way. Bevan said:

"This service must always be changing, growing and improving".

He also said:

"This is the answer I make to some of the Jeremiahs and defeatists".

We cannot allow this Parliament to be a platform for Jeremiahs and defeatists. Because the NHS must change, we must show political leadership by letting go of old, well-loved but outdated buildings, to build the new NHS.

When Mary Scanlon spoke, I was put in mind of

something else that Bevan said:

"Warm gushes of self-indulgent emotion are an unreliable source of driving power in the field of health organisation."

**Dorothy-Grace Elder** *rose—*

**Alex Neil (Central Scotland) (SNP)** *rose—*

**Iain Gray:** A certain anticipation of the holidays has been evident this week in Parliament. Holiday moods can vary. We have a choice. We could have a Hallowe'en debate about our NHS—searching out the dark side, working it up to a scary horror story and painting a nightmare vision of our health service. That gets the headlines, but it is a mask. It is guising and it serves us ill. We are certainly ill served by attempts to make a scare story—[*Interruption.*] We are ill served by attempts to make a scare story out of proper attempts to liberate learning-disabled people from long-stay hospitals. We are ill served by those who talk about spin doctors and then wave headlines at me. I have spoken to hundreds of learning-disabled people and they all say the same thing: "Close those hospitals down." That is what we are doing.

Ben Wallace said that it is nearly Christmas. We could also have the Christmas wish-list debate, with its endless demand for resources. Duncan Hamilton admitted that the demands are endless. That wish list is unfocused and uncoded, and size is the only criterion—massive size, according to Dorothy-Grace Elder. Quality is not considered. Resentment is fuelled by endless comparisons with others: "Look what they have in England."

Look what we have here—an excellent health service, driven forward by staff—[*Interruption.*]

**Phil Gallie (South of Scotland) (Con)** *rose—*

**Iain Gray:** We have a health service that is driven forward by staff who will be working day and night while we are on holiday. We should acknowledge that.

**Hugh Henry (Paisley South) (Lab):** On a point of order. Some of us would quite like to hear what the minister is saying—[*Interruption.*]

**The Presiding Officer:** Order. I agree. The minister is in his concluding minute—he should be heard quietly. [*Interruption.*] Order. Members should be quiet.

**Iain Gray:** Hugh can read what I said in the *Official Report* tomorrow. I suggest that he read what some members on other benches have said today, because it has been a disgrace.

This is our last full debate this century. That is why the holiday that we must hold to is the new year. The new year debate must be about our resolution to modernise the NHS, to make it better as well as bigger. We must make it a health

service that is delivered in modern buildings, using modern techniques that are not separate from but are in partnership with social care and social support, and which minimise anxiety as well as physical pain. The partnerships must respond to the patients' needs, not the service's procedures. I tell Tommy Sheridan that it will be a health service that addresses inequalities in health as well as inequalities in access to health.

Beveridge and Bevan built the health service for their century. If we are big enough to build our health service for our people, for our century, we will have a 21<sup>st</sup>-century service for 21<sup>st</sup>-century men and women, for that is what we will be when we return to the chamber. That is the challenge to which we must rise. I ask members to support the motion.

**The Presiding Officer (Sir David Steel):** Before we move on to decision time, I will address Roseanna Cunningham's earlier point, which was not a point of order, but which affects the work of the Parliament. Since I spoke, I have again consulted our officials and am able to make one minor amendment.

I wish to inform the Parliament that the information technology network was specified and procured with Y2K compliance as a mandatory requirement. Therefore, we do not expect any problems with our IT system. Nevertheless, we are following best recommended practice by closing the Parliament's IT services in order to protect the network from contamination from external sources, such as e-mails that contain viruses, over the period of the millennium celebrations.

Although the website will be available to the public during that period, the Parliament's system will be unavailable from the evening of 30 December, when essential double back-up will take place. The service will resume as soon as possible on Tuesday 4 January, when, although it is a public holiday, we have asked our IT staff to come in to restart the system. Those procedures should ensure that the Parliament is fully protected against the millennium bug and against any attempt to damage the system over the holiday period. I hope that that is clear and helpful to members.

## Decision Time

17:05

**The Presiding Officer (Sir David Steel):** The first question is, that amendment S1M-117.1, in the name of Mr Tom McCabe, which seeks to amend motion S1M-117, in the name of Michael Russell, on the Act of Settlement, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S1M-117, in the name of Mike Russell, on the Act of Settlement, as amended, be agreed to.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament believes that the discrimination contained in the Act of Settlement has no place in our modern society, expresses its wish that those discriminatory aspects of the Act be repealed, and affirms its view that Scottish society must not disbar participation in any aspect of our national life on the grounds of religion, recognises that amendment or repeal raises complex constitutional issues, and that this is a matter reserved to UK Parliament.

**The Presiding Officer:** The next question is, that motion S1M-388, in the name of Mr Tom McCabe, on deputy committee conveners, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the party from which the deputy convener should be appointed for its committees be as set out as follows:

Committee	Deputy Convener
Audit	Con
Equal Opportunities	SNP
European	Lab
Finance	Lab
Procedures	Lab
Public Petitions	Lab
Subordinate Legislation	Lib Dem
Standards	SNP
Education, Culture and Sport	Lab
Social Inclusion, Housing and Voluntary Sector	SNP
Local Government	Lab
Enterprise and Lifelong Learning	Con
Health and Community Care	Lab
Transport and the Environment	Lib Dem
Justice and Home Affairs	Lab

Rural Affairs

SNP

**The Presiding Officer:** We are doing well.

The next question is, that motion S1M-383.1, in the name of Kay Ullrich, which seeks to amend motion S1M-383 in the name of Susan Deacon, on health, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** I knew that it was too good to last. There will be a division.

#### FOR

Adam, Brian (North-East Scotland) (SNP)  
Campbell, Colin (West of Scotland) (SNP)  
Canavan, Dennis (Falkirk West)  
Crawford, Bruce (Mid Scotland and Fife) (SNP)  
Cunningham, Roseanna (Perth) (SNP)  
Elder, Dorothy-Grace (Glasgow) (SNP)  
Ewing, Dr Winnie (Highlands and Islands) (SNP)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Ewing, Mrs Margaret (Moray) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
Gibson, Mr Kenneth (Glasgow) (SNP)  
Grahame, Christine (South of Scotland) (SNP)  
Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
Hyslop, Fiona (Lothians) (SNP)  
Lochhead, Richard (North-East Scotland) (SNP)  
MacAskill, Mr Kenny (Lothians) (SNP)  
MacDonald, Ms Margo (Lothians) (SNP)  
Marwick, Tricia (Mid Scotland and Fife) (SNP)  
Matheson, Michael (Central Scotland) (SNP)  
McGugan, Irene (North-East Scotland) (SNP)  
McLeod, Fiona (West of Scotland) (SNP)  
Neil, Alex (Central Scotland) (SNP)  
Paterson, Mr Gil (Central Scotland) (SNP)  
Quinan, Mr Lloyd (West of Scotland) (SNP)  
Reid, Mr George (Mid Scotland and Fife) (SNP)  
Robison, Shona (North-East Scotland) (SNP)  
Russell, Michael (South of Scotland) (SNP)  
Salmond, Mr Alex (Banff and Buchan) (SNP)  
Sheridan, Tommy (Glasgow) (SSP)  
Sturgeon, Nicola (Glasgow) (SNP)  
Ullrich, Kay (West of Scotland) (SNP)  
Welsh, Mr Andrew (Angus) (SNP)  
White, Ms Sandra (Glasgow) (SNP)  
Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
Alexander, Ms Wendy (Paisley North) (Lab)  
Baillie, Jackie (Dumbarton) (Lab)  
Barrie, Scott (Dunfermline West) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brankin, Rhona (Midlothian) (Lab)  
Brown, Robert (Glasgow) (LD)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Davidson, Mr David (North-East Scotland) (Con)  
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Eadie, Helen (Dunfermline East) (Lab)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Fergusson, Alex (South of Scotland) (Con)  
Finnie, Ross (West of Scotland) (LD)  
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)

Gallie, Phil (South of Scotland) (Con)  
Gillon, Karen (Clydesdale) (Lab)  
Godman, Trish (West Renfrewshire) (Lab)  
Goldie, Miss Annabel (West of Scotland) (Con)  
Gorrie, Donald (Central Scotland) (LD)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (Edinburgh Pentlands) (Lab)  
Harding, Mr Keith (Mid Scotland and Fife) (Con)  
Henry, Hugh (Paisley South) (Lab)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
Jackson, Dr Sylvia (Stirling) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
Johnston, Nick (Mid Scotland and Fife) (Con)  
Kerr, Mr Andy (East Kilbride) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lyon, George (Argyll and Bute) (LD)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
Macintosh, Mr Kenneth (Eastwood) (Lab)  
MacKay, Angus (Edinburgh South) (Lab)  
MacLean, Kate (Dundee West) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
McAllion, Mr John (Dundee East) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McCabe, Mr Tom (Hamilton South) (Lab)  
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
McGrigor, Mr Jamie (Highlands and Islands) (Con)  
McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
McLeish, Henry (Central Fife) (Lab)  
McLetchie, David (Lothians) (Con)  
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
McNeill, Pauline (Glasgow Kelvin) (Lab)  
McNulty, Des (Clydebank and Milngavie) (Lab)  
Morrison, Mr Alasdair (Western Isles) (Lab)  
Muldoon, Bristow (Livingston) (Lab)  
Mulligan, Mrs Mary (Linlithgow) (Lab)  
Mundell, David (South of Scotland) (Con)  
Munro, Mr John (Ross, Skye and Inverness West) (LD)  
Murray, Dr Elaine (Dumfries) (Lab)  
Oldfather, Ms Irene (Cunninghame South) (Lab)  
Peacock, Peter (Highlands and Islands) (Lab)  
Peattie, Cathy (Falkirk East) (Lab)  
Radcliffe, Nora (Gordon) (LD)  
Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
Robson, Euan (Roxburgh and Berwickshire) (LD)  
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, Tavish (Shetland) (LD)  
Simpson, Dr Richard (Ochil) (Lab)  
Smith, Elaine (Coatbridge and Chryston) (Lab)  
Smith, Iain (North-East Fife) (LD)  
Smith, Margaret (Edinburgh West) (LD)  
Stephen, Nicol (Aberdeen South) (LD)  
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
Thomson, Elaine (Aberdeen North) (Lab)  
Tosh, Mr Murray (South of Scotland) (Con)  
Wallace, Ben (North-East Scotland) (Con)  
Watson, Mike (Glasgow Cathcart) (Lab)  
Welsh, Iain (Ayr) (Lab)  
Whitefield, Karen (Airdrie and Shotts) (Lab)  
Wilson, Allan (Cunninghame North) (Lab)  
Young, John (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 34, Against 83, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S1M-383.3, in the name of Mary Scanlon, which seeks to amend motion S1M-383, in the name of Susan Deacon, on health, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Aitken, Bill (Glasgow) (Con)  
Davidson, Mr David (North-East Scotland) (Con)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Fergusson, Alex (South of Scotland) (Con)  
Gallie, Phil (South of Scotland) (Con)  
Goldie, Miss Annabel (West of Scotland) (Con)  
Harding, Mr Keith (Mid Scotland and Fife) (Con)  
Johnston, Nick (Mid Scotland and Fife) (Con)  
McGrigor, Mr Jamie (Highlands and Islands) (Con)  
McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
McLetchie, David (Lothians) (Con)  
Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
Mundell, David (South of Scotland) (Con)  
Scanlon, Mary (Highlands and Islands) (Con)  
Tosh, Mr Murray (South of Scotland) (Con)  
Wallace, Ben (North-East Scotland) (Con)  
Young, John (West of Scotland) (Con)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
Alexander, Ms Wendy (Paisley North) (Lab)  
Baillie, Jackie (Dumbarton) (Lab)  
Barrie, Scott (Dunfermline West) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brankin, Rhona (Midlothian) (Lab)  
Brown, Robert (Glasgow) (LD)  
Campbell, Colin (West of Scotland) (SNP)  
Canavan, Dennis (Falkirk West)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Crawford, Bruce (Mid Scotland and Fife) (SNP)  
Cunningham, Roseanna (Perth) (SNP)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
Eadie, Helen (Dunfermline East) (Lab)  
Elder, Dorothy-Grace (Glasgow) (SNP)  
Ewing, Dr Winnie (Highlands and Islands) (SNP)  
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Ewing, Mrs Margaret (Moray) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Finnie, Ross (West of Scotland) (LD)  
Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
Gibson, Mr Kenneth (Glasgow) (SNP)  
Gillon, Karen (Clydesdale) (Lab)  
Godman, Trish (West Renfrewshire) (Lab)  
Gorrie, Donald (Central Scotland) (LD)  
Grahame, Christine (South of Scotland) (SNP)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (Edinburgh Pentlands) (Lab)  
Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
Henry, Hugh (Paisley South) (Lab)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
Hyslop, Fiona (Lothians) (SNP)  
Jackson, Dr Sylvia (Stirling) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
Kerr, Mr Andy (East Kilbride) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lochhead, Richard (North-East Scotland) (SNP)  
Lyon, George (Argyll and Bute) (LD)  
MacAskill, Mr Kenny (Lothians) (SNP)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
MacDonald, Ms Margo (Lothians) (SNP)  
Macintosh, Mr Kenneth (Eastwood) (Lab)  
MacKay, Angus (Edinburgh South) (Lab)  
MacLean, Kate (Dundee West) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
Marwick, Tricia (Mid Scotland and Fife) (SNP)  
Matheson, Michael (Central Scotland) (SNP)  
McAllion, Mr John (Dundee East) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McCabe, Mr Tom (Hamilton South) (Lab)  
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
McGugan, Irene (North-East Scotland) (SNP)  
McLeish, Henry (Central Fife) (Lab)  
McLeod, Fiona (West of Scotland) (SNP)  
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
McNeill, Pauline (Glasgow Kelvin) (Lab)  
McNulty, Des (Clydebank and Milngavie) (Lab)  
Morrison, Mr Alasdair (Western Isles) (Lab)  
Muldoon, Bristow (Livingston) (Lab)  
Mulligan, Mrs Mary (Linlithgow) (Lab)  
Munro, Mr John (Ross, Skye and Inverness West) (LD)  
Murray, Dr Elaine (Dumfries) (Lab)  
Neil, Alex (Central Scotland) (SNP)  
Oldfather, Ms Irene (Cunninghame South) (Lab)  
Paterson, Mr Gil (Central Scotland) (SNP)  
Peacock, Peter (Highlands and Islands) (Lab)  
Peattie, Cathy (Falkirk East) (Lab)  
Quinan, Mr Lloyd (West of Scotland) (SNP)  
Radcliffe, Nora (Gordon) (LD)  
Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
Reid, Mr George (Mid Scotland and Fife) (SNP)  
Robison, Shona (North-East Scotland) (SNP)  
Robson, Euan (Roxburgh and Berwickshire) (LD)  
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
Russell, Michael (South of Scotland) (SNP)  
Salmond, Mr Alex (Banff and Buchan) (SNP)  
Scott, Tavish (Shetland) (LD)  
Sheridan, Tommy (Glasgow) (SSP)  
Simpson, Dr Richard (Ochil) (Lab)  
Smith, Elaine (Coatbridge and Chryston) (Lab)  
Smith, Iain (North-East Fife) (LD)  
Smith, Margaret (Edinburgh West) (LD)  
Stephen, Nicol (Aberdeen South) (LD)  
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
Sturgeon, Nicola (Glasgow) (SNP)  
Thomson, Elaine (Aberdeen North) (Lab)  
Ullrich, Kay (West of Scotland) (SNP)  
Watson, Mike (Glasgow Cathcart) (Lab)  
Welsh, Ian (Ayr) (Lab)  
Welsh, Mr Andrew (Angus) (SNP)  
White, Ms Sandra (Glasgow) (SNP)  
Whitefield, Karen (Airdrie and Shotts) (Lab)  
Wilson, Allan (Cunninghame North) (Lab)  
Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 17, Against 101, Abstentions 0.

*Amendment disagreed to.*



**The Presiding Officer:** The final question is, that motion S1M-383, in the name of Susan Deacon, on health, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Ms Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)

Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Ian (Ayr) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Canavan, Dennis (Falkirk West)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Dr Winnie (Highlands and Islands) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is as follows: For 67, Against 18, Abstentions 32.

*Motion agreed to.*

That the Parliament is wholeheartedly committed to the NHS in Scotland and applauds the contribution and commitment of NHS staff across Scotland; welcomes the abolition of the internal market; recognises the record levels of investment in the NHS enabling the biggest ever hospital building programme; believes that the development of a modern NHS depends on a sustained programme of service redesign, greater public accountability and involvement and true partnership working across the NHS in Scotland, and pledges to work with the Executive, NHS and the Scottish people to address constructively and imaginatively the challenges of building a 21<sup>st</sup> century NHS.

**Tommy Sheridan (Glasgow) (SSP):** On a point of order, Presiding Officer. I am not happy about the statement that you made about the IT workers. Can you give the Parliament an assurance that the appropriate trade union has been consulted on the issue of staff having to work on a public holiday? *[Applause.]*

**The Presiding Officer:** I can answer that. It was always assumed—and it was agreed a couple of weeks ago—that those staff would come in on 4 January to deal with the matter. The only difference from the statement that was issued on e-mail is that they hope to get the system up and running on 4 January rather than on 5 January. However, it had already been agreed that they would come in exceptionally. We record our thanks to them for that service. *[Applause.]*

As some members are not staying for the members' business debate, I take this opportunity to wish everyone a happy Christmas and a prosperous millennium. I also make the usual request for members to leave quietly.

## Cornton Vale Prison

**The Presiding Officer (Sir David Steel):** The final item of business today is a members' business debate on motion S1M-297, on Cornton Vale prison, in the name of Dr Sylvia Jackson. I ask members who want to speak in this debate to press their buttons, so that we can compile the list. Those members who are leaving should do so quietly.

*Motion debated,*

That the Parliament recognises the contribution "half way houses" could make, not only in ensuring far more effective treatment and aftercare for drug related crimes, but also to creating a supportive and structured environment for many of the women presently within Cornton Vale.

17:12

**Dr Sylvia Jackson (Stirling) (Lab):** It gives me great pleasure—although our numbers are somewhat depleted—to open this important debate this evening. The subject relates to the finding of more effective ways to support women offenders who have drug-related problems. I would like to begin by addressing the history of the issue.

A major review of community disposals and the use of custody for women offenders in Scotland was carried out by the chief inspector of prisons and the chief inspector of social work. That culminated in the publication of "Women Offenders—A Safer Way", which made seven recommendations, all of which were accepted in principle by the Government.

Those recommendations centred on the following important issues: the need for increased services to support court decision making on the use of bail; ways in which to reduce the number of women who default on their fines and the number of women who are taken into custody as a result; the fact that local authorities should ensure that criminal justice social work services are tailored to work with women offenders; the aim that, by the year 2000, women under 18 will not be held in prison establishments; and, finally, specific recommendations on the estate management at Cornton Vale prison.

The main focus for the follow-up to the report is an inter-agency forum that is chaired by Professor Sheila McLean, which brings together representatives from the main criminal justice agencies to address problems in the treatment of women offenders. That forum began its work last year, and I shall return to it later.

Within the recommendations that I listed earlier is the desire to limit the number of women who enter Cornton Vale for whom a custodial sentence

is clearly inappropriate. Those include, for example, defaulters on fines for offences such as prostitution or the failure to buy a TV licence. It is also recommended that better use be made of the bail system, with more information and support being made available to women. At the moment, the number of offenders at Cornton Vale, particularly those in the 18 to 34 age group, is at a record level. In addition, the drug and alcohol-related problems of the women there make the management of the prison population more complex.

This motion addresses the specific issue of finding appropriate solutions for the type of women at Cornton Vale who have drug-related problems. At the outset, it is important to ask two questions. The first is whether prison is the right sentence. The second is whether, in cases where it is, enough is being done to facilitate women's rehabilitation after release.

I will deal first with the question of whether prison is the right sentence. The prime concern has to be the protection of the public. In cases where a real problem is posed, a custodial sentence is the right disposal. However, in too many cases prison is used not because there is a danger to the public, but because there is no adequate alternative. Many women at Cornton Vale need help to overcome drug and alcohol addiction and to deal with the myriad social problems that they face.

Research by Dr Nancy Loukes gave an indication of the typical circumstances of women committed to Cornton Vale. More than 90 per cent of the women in her sample had left school at the age of 16 or under. Roughly three quarters had a history of truancy and, as a result, left school with few or no qualifications. Many had experienced physical, emotional or sexual abuse, and relatively few had received help. There were significant problems of drug and alcohol addiction.

Again, let me stress that, in some cases, prison is the right sentence, because of the need to protect society. However, let us be under no illusion: prison cannot deal with many of the deep-seated underlying problems. Let us also recognise that, in cases where there is no danger to the public, a suitable alternative would be more appropriate if it existed.

I now turn to the second question: the help that is provided to women during their time in prison and after release. The report "Women Offenders—A Safer Way" listed changes that could be made at Cornton Vale. Many of those have taken place already, including improving services for those with psychiatric needs and addiction problems, and better communication between court-based social work staff and the staff at Cornton Vale.

I know that other members present have more specialist knowledge in the area of drug treatment and will speak in more detail on that issue. Let us remember that many women are sentenced to relatively short periods of imprisonment, often for petty crimes, and then released. Although support such as that given through the turnaround project is increasing, much more is needed. Too often, women leave Cornton Vale prison only to face the same range of social problems that led to their conviction in the first place. Often they turn to crime to feed a drug habit. If we are to be effective with such offenders and to ensure that they do not reoffend, we must do more to prepare them for release and support them afterwards.

One initiative that has been used very successfully in north America, particularly in Canada, is halfway houses. Those provide a well-supported environment in which women can live—we should not forget that 70 per cent of women offenders have children—and receive dedicated help to overcome their problems, particularly drug and alcohol addiction. The halfway house could be an effective alternative to prison for those who do not pose any threat to society. It could also offer longer-term support after release from prison.

In bringing forward this motion, I hope that we can consider seriously the suggestion of halfway houses, working through the following process. First, we should undertake research in the area, looking at best practice in other countries and building on the on-going work of Professor McLean and her inter-agency forum. Secondly, we should undertake a pilot project based on that research, which would most likely bring together a more co-ordinated support structure within a halfway house approach. It is to be hoped that that would allow women to have their children with them. It would also build on the work of Professor McLean's forum and the useful suggestion for the turnaround project to be expanded. Thirdly, we should put in place an after-care service to support women once they are fully back in the community.

Research so far shows that, in addition to support for drug and alcohol problems, women offenders need help with housing and basic education and training, which are as essential as the drug and alcohol treatment. That means adopting a holistic approach to solving not just one, but a number of problems.

This issue is essentially one of social exclusion. By the measures that we suggest today, we can bring a number of very vulnerable women back into society to lead what we hope will be effective and rewarding lives. There are many issues that I have been unable to touch on, but I will leave those to the remaining speakers. I beg members to support the motion.

**The Deputy Presiding Officer (Mr George Reid):** Five members have indicated a wish to speak. All will be called if each speech can be kept under four minutes.

17:20

**Dr Richard Simpson (Ochil) (Lab):** I have had personal experience of the situation in Cornton Vale prison, as I was a deputy medical officer there from the time when it opened in 1976 until quite recently. Indeed, my practice resigned from providing general medical services on a regular basis one week before the first suicide.

That suicide followed a period of seven or eight years in which the whole character of the prison changed. In 1987, 10 women with drug problems were admitted to the prison. By 1994, the number had risen to 600, although the number of annual admissions, at around 2,000, had not substantially changed. The degree of recidivism—repeated minor offences—among that population is very substantial. Prisoners are admitted for very short sentences, often for failing to pay fines, which may have remained unpaid for a long time.

It is possible for the professionals and officers in the prison to establish a reasonable treatment programme for those who are serving longer sentences. However, there is a problem even with those longer-term prisoners in that their discharge is not always well supported. It would be helpful to have some way of releasing prisoners on licence into a more caring environment.

Sylvia Jackson has made a strong point about people going into custody. It is totally abhorrent that we still admit so many women and that we split up so many families, which causes so much devastation to the next generation. This chamber should do something about the situation. I state my intention to make it my business, along with Keith Raffan and the others on the all-party group, to ensure that measures are introduced to divert people from prison.

During the visit the other day of the all-party group to Brenda House, which is the unit run by the Aberlour Child Care Trust in Edinburgh, I was appalled to find that only two of the six places there were occupied because funds were not being made available. Members of all parties were shocked to find that the very limited resources that we have in the community are not being fully utilised.

There are 112 agencies dealing with drug problems in the community. I believe that it will take all of the minister's energy to co-ordinate those agencies with the Scottish Prison Service to ensure that we bring about a substantial change early in the new millennium.

17:23

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** When I did the arithmetic quickly, I calculated that we would have only two minutes, so I have scrubbed a lot of my speech.

I thank Sylvia Jackson for bringing this motion before us. I associate myself with her comments and, in particular, with those of Richard Simpson. I, too, am a member of the all-party group and was with Dr Simpson when he visited Brenda House.

Sylvia pointed out that women are put in jail for offences such as television licence evasion and fine default. I would like the right sentences to be given to the right people. Prison should be used as a last resort. It is not the right decision for fine defaulters and shoplifters who are trying to feed a family.

I have examined some of the things that are happening in offender rehabilitation in other parts of the world, and have learned that an important goal of the criminal justice system is to help offenders to become law-abiding citizens. I hope that some of the training that prisoners get in prison and at halfway houses does that. Incarceration and intensive supervision by themselves do not lead to the long-term changes that many offenders need to live productive and law-abiding lives in the community. Treatment services and programmes are also necessary to bring about more long-lasting changes in behaviour.

Research shows that effective correctional treatment requires a careful match between the specific needs of offenders and programmes that address those needs. Treatments that match offender needs to the programme, using behavioural training techniques, have been shown to reduce offending by an average of 50 per cent. Under such programmes, offenders do not commit new offences and do not break the conditions attached to their release.

Rehabilitation programmes are more effective when delivered in community rather than prison settings. As one of the few members of Parliament to have been a position to send women to Cornton Vale, I can tell the chamber that I considered doing so only as a very last resort. There are far better things to do with people who need help and treatment than sending them to prison.

17:25

**Mrs Margaret Ewing (Moray) (SNP):** I congratulate Sylvia Jackson on securing this debate on a subject that I regard as a very important one for our society. I must also declare an interest, Presiding Officer. My family has a record of working in the police and prison services. Indeed, my brother was involved in the transition

from the young offenders institution to Cornton Vale prison at Bridge of Allan. The other side of my family is more involved on the legal side, but perhaps there is a coming together of views on these issues.

Leaving aside that rather jokey approach, Sylvia has raised an important point about the treatment of offenders. It is not seen as the sexiest of issues by the press, which always takes a reactionary view of prison facilities and the Prison Service's aim of ensuring that offenders are given the best opportunity to come back into society without reoffending.

We built Cornton Vale with great hopes and great expectations, but a catalogue of disasters has befallen it. The record of suicides has given Cornton Vale a bad reputation, despite the efforts of those who work with the inmates of that facility. Members of Parliament must express support for the people who work in Cornton Vale and for what is being achieved in that prison and in the penal system as a whole.

I shall mention three important aspects of the treatment of offenders. The first is education. Having worked in that area, I know that many people in Cornton Vale do not read, cannot write and cannot communicate with society as most of us have to be able to do in our everyday lives. More emphasis should be put on the educational side of the Prison Service.

The second important aspect is detoxification, which Dr Simpson has mentioned. I am not an expert on that, but I am aware of the huge debate on the issue of drugs and alcohol in prisons. We must emphasise the importance of detoxification. We may be able to do it through improved funding or perhaps through education, but there will be no easy answers.

The third aspect is support in the community. We have to educate our communities about helping people who, for whatever reason, have fallen foul of the laws laid down by our country. If we put greater emphasis on support in the community, making available resources to support individuals, a great deal could be achieved.

Those of us who have stayed to participate in Sylvia's debate hope that the Executive and the Parliament will take a constructive approach, because that is what the problem deserves.

**The Deputy Presiding Officer:** Mr Raffan, anything over four minutes and I will use the master switch to send you into limbo.

17:30

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** Okay, I get the message.

I congratulate Sylvia Jackson on obtaining this debate, and thank her for inviting me to accompany her on her visit to Cornton Vale last Friday. It was an interesting visit, with an impressive governor. I am sure the Deputy Minister for Justice is aware of the attributes of Mrs Kate Donegan. She is a valuable person to the Scottish Prison Service.

Only 3 per cent of the Scottish prison population are women. Many are persistent petty offenders from the lower end of the socio-economic scale and commit minor offences, and most have complex personal problems. They cope badly with being locked up. Clive Fairweather, Her Majesty's chief inspector of prisons for Scotland, is on record as saying:

"I sometimes wonder why they are there."

Dr Nancy Loukes's research on Cornton Vale, referred to by Dr Jackson, showed that 88 per cent of inmates admitted to using drugs illicitly, 70 per cent were habitual users, 61 per cent were heroin users and 45 per cent had drink problems. An average week's admission last month was 22 people. Of them, 46 per cent admitted to injecting heroin, 23 per cent to smoking it and 80 per cent had had hepatitis C. The medical officer on duty there said to Dr Jackson and me:

"Stop sending us drug addicts."

It is not just the criminal justice system that is failing those women—society is. Frankly, that is Dickensian, and it is unacceptable in a modern, Scotland that is about to move into the 21<sup>st</sup> century. We need a joined-up criminal justice system. The minister will know about the turnaround project, Scotland's first diversion from prosecution scheme for women drug users. If they meet the referral criteria they are accepted on a 12-week programme of prescribed medication and intensive one-to-one group work. If they complete that successfully, they are not prosecuted. Those who work for the turnaround project are veterans of the drugs field, but this is what they said:

"Despite our combined experience in the drugs and alcohol field, we had never come across such intense levels of personal distress and constant crisis."

We must develop and extend that pilot scheme through the use of halfway houses instead of prison, and their use before and after prison. They could be run by prison staff, and provide counselling, group therapy and peer support. One-to-one counselling and group therapy, followed by after-care, should be available to those who are sent to prison. The governor of Saughton prison is concerned about prisons being seen as institutions in and of themselves, with no through-care afterwards.

I pay tribute to the excellent work of Simpson House, which should be extended. I hope that the

minister will visit it if he has not done so already. I would be grateful if, in his summing up, he would say what our equivalent will be to CARAT—counselling, assessment, referral, advice and through-care—which started in English prisons on 3 October. Many in the Prison Service expected the £13 million underspend in Scottish prisons to be allocated to drug rehabilitation and treatment, but that does not appear to be happening. We must have halfway houses and after-care as a way for people to get back to normal living in the community, and to ensure that they do not relapse.

Sylvia also mentioned a one-stop shop to provide integrated through-care. Many of the women are not articulate. They cannot speak up for themselves, and they get put off by having to go to housing departments, and going for benefits, jobs and training. We need a one-stop shop to help and support those women, so that they have a chance of getting back to living in the kind of world in which the rest of us live. They will not have that opportunity if they do not have that support.

Dr Simpson mentioned fragmentation, health boards, agencies and so on. What I have suggested is not just the right thing to do; it is the humane thing to do. It is also the cost-effective thing to do. It costs £37,000 per year to keep a woman in prison, and £27,000 to keep a man. We must return women to society in full mental and physical health, and as contributors to the economy, not a drain on it.

Finally, if we are about anything in this place—anything at all—we are about helping those in desperate need; the deprived, the forgotten, the ignored, the vulnerable and, yes, the ostracised. We are, and must always be, their voice.

17:34

**Shona Robison (North-East Scotland) (SNP):** I also thank Sylvia for lodging this motion. As many members have said already, Cornton Vale has a lot of women who should not be there. Many of them are there for non-payment of fines. An analysis of the criminal justice system showed that women were more likely to be given custodial sentences for crimes such as non-payment of fines—if they can be defined as crimes. When we consider many of the women who are in Cornton Vale, we could describe them more as victims than criminals. The system has failed them. As has been said, a huge number have been physically or sexually abused. Many have chronic alcohol or drugs problems. They need help, not punishment.

In my previous life in social work, I was involved in placing people into drug rehabilitation centres

and so on. I had to try to find appropriate placements for them. It was frustrating because, when a woman was ready to go into a rehabilitation or detoxification unit, it was necessary to strike while the iron was hot. If there was no place available, going back to them four weeks later was no good, because the opportunity had passed. We must have the resources, so that when a woman says, "Yes, I am ready to seek treatment", the treatment must be available.

Much has been said about the other problems faced by women in Cornton Vale, so I will skip over most of those issues. We must break the cycle of women going in and out of prison with little being done to tackle the underlying problems. There are many good alternative to custody programmes. Halfway houses are a good idea, and I will find out more about them. The criminal justice system is, as all members have said, currently failing these vulnerable women. I hope that this Parliament will change that situation sooner rather than later.

17:36

**The Deputy Minister for Justice (Angus MacKay):** I am pleased to note the genuine cross-party support for this motion.

I will begin by placing on record my view that the speeches that we have had tonight have been thoughtful and constructive, on a painful and difficult subject. None the less, this debate has probably been the most pleasurable of any I have participated in since coming to this Parliament because of the real feeling and genuine value of the speeches that have been made. I thank Sylvia Jackson for placing this motion before the Parliament and for making such a positive contribution to the debate.

The position of women in Scottish prisons is a serious and emotive subject. It deserves to receive serious attention from the members of this Parliament. As Dr Richard Simpson said, it is an important issue for the Parliament and its committees to consider. I welcome the motion and the standard of debate that we have heard this evening.

I emphasise the continuing commitment that the Scottish Executive gives to improving the way the criminal justice system deals—or attempts to deal—with women offenders. It remains our aim to ensure that there is a wide range of effective and credible community-based alternatives available to the courts, not just the sentencing and prison option.

In Scotland, a wide range of alternatives to custody have been put in place. A good deal of work has also been done so that we have a better understanding of why people offend and how we

can best intervene to help change that offending behaviour. That has been reflected in some of the speeches. On that basis, the Executive and I are in no doubt that prison will remain the correct solution for some groups of offenders, but for others it is a last resort and one of dubious quality.

In the past decade, the use of community sentences has increased. For example, the number of probation orders has doubled and the number of community service orders has increased by 70 per cent. We recognise, however, that much of this work in the past has been informed by an analysis of offending patterns among men rather than women. It was for that reason that the importance of establishing effective and credible community-based alternatives for women who offend was one of the important issues highlighted in last year's review of women offenders in Scotland.

As we know, and as members have mentioned, the origins of that review lay in the tragic loss of seven young lives at Cornton Vale prison between 1995 and 1997. Any suicide, in any circumstance, produces a reservoir of pain and misery for everyone concerned. In the Prison Service, that includes prisoners, families and prison staff. Every single one is a tragedy. In 1996, three out of the 17 suicides in Scottish prisons were women.

Despite that, in Scotland, women offenders make up only a tiny percentage of the criminal cases that come before our courts. Of the 6,000 average daily population in Scotland's prisons in 1998, only 193 were women, and most were serving much shorter sentences than men. Those figures are startling and disturbing evidence, compared with the number of suicides by women.

**Dr Winnie Ewing (Highlands and Islands) (SNP):** Would the minister find it useful to meet the sheriffs to get across the fact that we are all united in thinking that short prison sentences do no good and that sending people to prison for, say, non-payment of fines, is not acceptable to the Parliament? Perhaps an early meeting with the sheriffs, to find out whether they are aware of our feelings, would be a good idea.

**Angus MacKay:** I thank the member for that contribution. In the remainder of my speech, I will make a number of comments that I hope will help to address that point.

When we consider the number of suicides among women prisoners relative to the number of women in prison, the fact of those suicides becomes even more unacceptable. The link with drugs, which has also been mentioned tonight, is clearly relevant. The human tragedy that hides behind the statistics we are discussing is the stark fact that we are dealing with a group of particularly vulnerable people, who are at greater risk of self-

destructive behaviour while they are in custody. That makes our debate all the more pointed.

While we must recognise that final decisions on penalties have to rest with the courts, I am forced to ask whether prison can be the right solution for many of those young and vulnerable women.

**Euan Robson (Roxburgh and Berwickshire) (LD):** Are figures kept on how many fine defaulters are sent to Cornton Vale? Do we know what percentage they form of annual admissions?

**Angus MacKay:** I am not sure whether that specific information is available. I will certainly inquire, and if the information is available, I will pass it on to the member. Information is available on the length of sentencing and that in itself makes interesting reading.

**Mrs Ewing:** All that information is available in the Scottish Executive register of statistics.

**Angus MacKay:** I am very grateful to Margaret Ewing for making me aware of that fact.

There is a real question about whether it is appropriate, in specific circumstances, to incarcerate young and vulnerable women. The governor of Cornton Vale has pursued that issue recently.

If prison is not the right answer, I am also forced to wonder about the concept of the halfway house and whether it will serve us better in the longer term. I can see, at face value, the immediate attraction of the halfway house approach and I can certainly understand the desire not to sever the links between women offenders and their children. However, halfway houses appear, to me, to be another—albeit lesser—form of custody. I am seriously concerned about the impact that that could continue to have, in particular on children.

I suggest that the real solution to the problem lies in accepting that the personal and social circumstances of many women mean that they simply should not end up in prison at all.

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

**Angus MacKay:** Yes, certainly.

**The Deputy Presiding Officer:** We are rather tight for time. We must stay within 30 minutes.

**Mr Raffan:** This is a crucial point and is central to the motion. I hope that the minister will examine halfway houses. They are prevalent in north America and are certainly not seen as forms of custody, but as forms of supportive communities, particularly for those with drug problems.

**Angus MacKay:** I am not ruling out halfway houses. I am simply making the point that they could be seen as a lesser form of incarceration, and that something altogether more fundamental

and radical than putting women into any form of incarceration may be required. "A Safer Way", the review into women offending, concluded that almost all women offenders could be safely punished in the community without any major risk to the general population. That underlines the point that I am making.

Following that review, the aim has been to increase the range of supervised accommodation provided by local authorities. Good progress has been made in many areas. There is now a range of accommodation throughout much of the country, from supported flats to closely supervised hostels—all funded through the 100 per cent funding arrangements. That is a positive approach. Moreover, an extra £20 million is going into the budget for community sentences in the current three-year period.

Much has been and is being done to address the specific problems associated with women offenders. Accommodation in Glasgow for women, including those on bail, has increased with the opening of a new facility to extend existing provision. A new bail retrieval scheme in Cornton Vale has been introduced to offer those women originally remanded in custody a second chance of release on bail under supervision. There is a new 24-hour staffed hostel in Dundee with four dedicated bed spaces for women or women and their children. The expansion of the turnaround project addresses the specific needs of female drug misusers in Glasgow at all stages in the criminal justice process from arrest to release from prison.

The mainstreaming of funding for bail schemes has been introduced in Glasgow and Edinburgh to offer courts a feasible alternative to custody by adding supervision to the bail conditions. Funding has also been provided for new schemes in North and South Lanark. Supervised attendance orders for fine defaulters are being extended to all courts in Scotland. Drug treatment and testing orders are being piloted in Glasgow to deal with those offenders who are committing crimes to fund their drug misuse. That programme will be doubled in Glasgow next year and extended to Fife. To help to shape future policy, further research is being carried out on the specific issues around young women who offend.

**Mrs Ewing:** Will the minister give way?

**The Deputy Presiding Officer:** I am sorry but, to meet the time limits, we must come to a conclusion.

**Angus MacKay:** I apologise to the member. How much time do I have left, Presiding Officer?

**The Deputy Presiding Officer:** Under a minute, I am afraid.

**Angus MacKay:** I will cut short my speech.

As members will know, the inter-agency forum has looked at the problems in Glasgow and, within the past month, has submitted its first report. It sees the way forward as the provision of more projects that pursue the diversion agenda in its broadest sense. The forum is looking for the provision of a safe, community-based service for women that is not run by the Prison Service. I believe that that is the correct approach. The Executive is following it through by negotiating with Glasgow City Council the early establishment of a diversion scheme as a matter of priority. We hope that the scheme will be up and running by April.

On 24 January, I will visit Cornton Vale to assess the situation for myself. I suggest that the only relatively sure method of dealing with the problems associated with women in prisons is to make a significant reduction in the number of women going to prison or undergoing any kind of prison service. That should be the core policy objective.

*Meeting closed at 17:49.*



Members who would like a printed copy of the Official Report to be forwarded to them should give notice at the Document Supply Centre.

Members who would like a copy of the bound volume should also give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the bound volume should mark them clearly in the daily edition, and send it to the Official Report, Parliamentary Headquarters, George IV Bridge, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Thursday 23 December 1999**

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

#### PRICES AND SUBSCRIPTION RATES

##### DAILY EDITIONS

*Single copies: £5*

*Annual subscriptions: £640*

BOUND VOLUMES OF DEBATES are issued periodically during the session.

*Single copies: £70*

Standing orders will be accepted at the Document Supply Centre.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

*Single copies: £2.50*

*Special issue price: £5*

*Annual subscriptions: £82.50*

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £2.50*

*Annual subscriptions: £80*

Published in Edinburgh by The Stationery Office Limited and available from:

**The Stationery Office Bookshop**  
**71 Lothian Road**  
**Edinburgh EH3 9AZ**  
**0131 228 4181 Fax 0131 622 7017**

**The Stationery Office Bookshops at:**  
123 Kingsway, London WC2B 6PQ  
Tel 0171 242 6393 Fax 0171 242 6394  
68-69 Bull Street, Birmingham B4 6AD  
Tel 0121 236 9696 Fax 0121 236 9699  
33 Wine Street, Bristol BS1 2BQ  
Tel 01179 264306 Fax 01179 294515  
9-21 Princess Street, Manchester M60 8AS  
Tel 0161 834 7201 Fax 0161 833 0634  
16 Arthur Street, Belfast BT1 4GD  
Tel 01232 238451 Fax 01232 235401  
The Stationery Office Oriol Bookshop,  
18-19 High Street, Cardiff CF12BZ  
Tel 01222 395548 Fax 01222 384347

**The Stationery Office Scottish Parliament Documentation**  
**Helpline may be able to assist with additional information**  
**on publications of or about the Scottish Parliament,**  
**their availability and cost:**

**Telephone orders and inquiries**  
**0870 606 5566**

**Fax orders**  
**0870 606 5588**

**The Scottish Parliament Shop**  
**George IV Bridge**  
**EH99 1SP**  
**Telephone orders 0131 348 5412**

[sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers