

# **MEETING OF THE PARLIAMENT**

Thursday 28 September 2000

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## Scottish Parliament

*Thursday 28 September 2000*

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

### Tourism

**The Presiding Officer (Sir David Steel):** Our first item of business is the Scottish Conservative and Unionist Party debate on motion S1M-1216, in the name of David Davidson, on Scottish tourism, and two amendments to that motion.

09:31

**Mr David Davidson (North-East Scotland) (Con):** Here are the facts. First, Scottish tourism has had three poor summers with flattening growth trends against a world tourism trend of continuous growth. Secondly, according to the House of Commons library, business costs have increased by £1,500 per employee since 1997 because of Government regulatory burdens. Eighty per cent of tourism businesses are small, so such costs have a disproportionate effect on them. Why should a small part-time bed-and-breakfast have to jump through the same hoops to get going as would an hotel? Thirdly, the pound is strong because of Labour's handling of the economy and the situation could get worse through Gordon Brown's inflationary spending plans. Fourthly, the euro's weakness is cutting the spending ability of visitors from the European Union.

Fifthly, in the 1999 tourism attitudes survey, the car was the preferred form of transport for travelling within Scotland. Sixthly, UK fuel costs are the highest in Europe—about 75 per cent of the cost to the consumer goes to the Government in tax. Areas such as the north-east and the Highlands—which already suffer from peripherality—are further disadvantaged by those costs. As the minister knows, the industry is pressing for a voucher or discount scheme for visitors. However, would not it be simpler to reduce the Government's take from fuel?

Government policy is reducing visitor spending power and increasing costs to tourism businesses. The net result is serious damage to Scotland's competitiveness. A 1999 tourism attitudes survey said that value for money was a

"concern across all aspects of the product from all markets".

The Scottish Tourism Forum is extremely concerned about the Executive's commitment to backing its own strategy. Has the Executive done

anything concrete to make Westminster understand the issues and to address the problems in Scotland's largest industry, which is worth £2.5 billion? The industry employs 180,000 people throughout Scotland and can add value to almost every local economy. Furthermore, it is a vital industry in rural Scotland, which suffers from a lack of Government understanding. Tourism supports local services and facilities such as sports centres, theatres and museums. The Executive claims to believe in sustainable communities, but it fails to appreciate the role of tourism in keeping such facilities open for local people.

On support structures, membership organisations such as the area tourist boards are struggling for resources. The Executive will not listen when we ask time and again for direct funding for the ATBs through the Scottish Tourist Board. Councils are strapped for cash—which is due only in part to Jack McConnell's settlement—so they have chosen to reduce their share of support. Since 1996, Aberdeen and Grampian Tourist Board has suffered a reduction in local authority support of 47 per cent after inflation.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** David Davidson complains about inadequate and insufficient funding for ATBs. By what amount would the Tories increase such funding, if they were in charge?

**Mr Davidson:** We would certainly want that funding to return to the level at which it was before. However, the trouble is that the money comes from local authorities that have, as Mr Ewing knows, different political agendas, and which do not always agree with each other. We need a thorough review of the process.

In the rest of Scotland, the area tourist boards' budgets seem to be down by about 12 per cent. A chief executive's report says that standstill budgets are forecast for the next three years. The Executive's plan for three-year commitments by councils does not work and, as I stated in the Enterprise and Lifelong Learning Committee, the Executive has virtually made such commitments optional.

A review in three years' time is, to be frank, a cop-out. Where ATBs cover more than one local authority, the differing political agendas cause uncertainty and difficulty that could be resolved by direct funding. Poor resourcing is causing ATB members to lose confidence in their organisations and making it hard to recruit to the industry. That results in a lack of cohesiveness and critical mass in marketing any particular area of Scotland.

The problem of public toilet closures in tourist areas has a direct effect on tourism—that has been picked up by many surveys. I suggest to the

minister that toilets in tourist areas should be operated by the STB, with resources to do so being transferred from council budgets. I know that it sounds extreme, but if we want to provide facilities for tourists and local authorities will not play their part, we will have to provide the resources centrally.

Public relations and marketing require greater support, but are not mentioned in the national strategy in relation to funding or objectives. Perhaps the minister will comment on that. The roll-out of project Ossian is, to say the least, erratic. At a cost to the public purse of more than £6 million, it is also expensive. It is not, however, comparable to existing commercial systems, some of which were allegedly offered free of charge. I wonder why those offers were turned down. My colleague, Nick Johnston, will address that in more detail.

Yesterday, a member of my staff tried to book a double en-suite room in Portree and got nowhere. When he broadened his search to include all of Skye, he discovered that project Ossian does not know about Skye. I trust that the minister will tell us why. Why cannot we have harmonised accommodation rating systems throughout the UK? Scotland, England and Wales; each has a different system. It is time to reduce confusion for people coming to the UK.

The Scottish Executive has carried out a necessary review of Scottish Enterprise. Can it now do a review of the STB? Many in the industry claim that it has lost dynamism, credibility and the ability to take any form of cohesive action. That must be addressed and the board must be refocused. I suggest to the minister that Parliament and the Enterprise and Lifelong Learning Committee have a clear role to play in ensuring that that happens.

The chief executive of the STB said that nobody should be under any illusion about the strong and positive impact of tourism on the Scottish economy. The industry creates jobs the length and breadth of Scotland and ensures that visitor spending trickles down through local economies probably more effectively than spending does in any other economic sector. However, who is doing the marketing? The STB appears to have neither the resources nor the remit. We must address how to focus on selling Scotland.

I know that the nationalists support much of what the Conservatives say. However, we will disagree this morning about putting tourism into the hands of Scottish Enterprise and Highlands and Islands Enterprise. A potential strength of ATBs lies in their membership. We do not want a privatised and centrally controlled system that will add to bureaucracy. Tourism bodies must have separate function and focus. The industry is

sufficiently large and important to require that specialised focus. If we do not get that soon, some elements of the industry will simply pack up and go home.

I expect that the nationalists might mention that tourism performed well under the previous Government. However, we want to improve on those figures and implement effective strategies that will support the industry and that recognise Scotland as a world destination. We have a quality product and we must do more to ensure that the rest of the world knows about it.

I trust that the minister will stifle demands from the Scottish Liberal Democrats for tourist taxation—caravan taxes and the like—which we heard before the previous election. Our tourism industry is being smothered by the burdens of bureaucracy and taxation and the Government is displaying a distinct lack of activity. We need action to turn tourism support organisations into sleek and effective bodies that respond to the industry's needs. We do not need more glossy documents—we need action.

The amendments in the names of Alasdair Morrison and Fergus Ewing are not completely acceptable. The amendment in the name of the Deputy Minister for Highlands and Islands and Gaelic might as well read, "Aren't we doing well?" The answer is no, the Executive is not doing well. I thank Fergus Ewing for submitting his speech in advance—in the form of his amendment. I notice that he does not seem to be terribly clear about where he stands on the Executive's tourism strategy—he shows a hint of support for it. However, he lists many other issues about which we share concern.

I ask for Parliament's support in calling for the Executive to state clearly—I invite the minister to do so this morning—what it will do to give this vital industry the support and confidence that it needs at this testing time and when it will do it. It is vital that action be taken now. The industry cannot cope with continued inaction from Government.

The number of letters, e-mails and telephone calls on tourism that I have received from various parts of Scotland during the past few weeks has been amazing.

**Mr Duncan McNeil (Greenock and Inverclyde (Lab)):** How many?

**Mr Davidson:** If Duncan McNeil wants to come to the Conservative office, I will let him see them.

The story in each is the same: there is no leadership from the Government and the industry is banging its head against a brick wall. The purpose of the Conservative motion is to make the Executive come clean and outline its distinct plans.

I move,

That the Parliament recognises the tremendous difficulties faced by Scottish tourism and calls upon the Scottish Executive to make an urgent statement, clearly stating its plans to deal with these difficulties and to improve efficiency in tourism support.

09:41

**The Deputy Minister for Highlands and Islands and Gaelic (Mr Alasdair Morrison):** I am delighted to have the opportunity to outline what the Executive is doing on tourism. In February, we published our strategy for developing Scotland's tourism industry. That strategy promised that we would take action to improve marketing, quality and skills and promote increased use of modern technology. Such action, as I am sure Mr Davidson will agree, will assist the industry in meeting the challenges of the 21<sup>st</sup> century. Only seven months on, we are making good progress in implementing that strategy. Today's debate gives me the opportunity to describe some of the action that we have taken so far.

Members will all agree that businesses must provide world-class service if our industry is to prosper. For businesses to improve, however, they need information. We said in our strategy that we would introduce new ways of providing businesses with that information and we have done that. A dedicated tourism industry website has been developed using the project Ossian technology. The website provides businesses with market research and information about promotional and training opportunities. Since I launched the website in June in Inverness, it has attracted more than 13,000 user sessions. Businesses clearly find the information that it provides helpful and the public agencies that are involved will continue to develop and expand the site.

Provision of information on a one-to-one basis is often the best way to persuade businesses to do things differently. We promised in the strategy that the Scottish Tourist Board would establish a new quality advisory service. It has done so, with financial support from the Executive. The service has been available from the beginning of this month to all members of the quality assurance schemes. We have set up a new industry group to develop skills and promote the uptake of modern apprenticeships and individual learning accounts. That group will also work to identify and establish centres of training excellence—another strategy promise that we have kept.

One of the most difficult tasks that the tourism industry faces is the extension of the benefits of tourism to remoter areas. Although good progress has been made in recent years in extending the tourism season—in both spring and autumn—everyone recognises that more must be done. As

our strategy says, we believe that the development and marketing of niche products can help with that.

Golf tourism is an important national niche. Scotland has more than 500 courses and there is a great opportunity to increase the value of tourism by doing more to develop and promote golf tourism. In June, we announced actions to do that. Our aim is to ensure that when golf tourists consider their holiday venue—irrespective of which country they live in—the first country that they think of is Scotland. We need to re-establish Scotland as the home of golf. To help in achieving that, the STB has already increased its golf marketing spending fivefold.

Genealogy—or roots tourism, as some call it—is another important niche. We will presently announce actions to encourage more people who have Scots ancestry to visit Scotland. That issue was touched on in yesterday's members' business debate, which was initiated by Jamie Stone. Rhona Brankin chairs a group that is considering how tourism can obtain greater benefit from Scotland's diverse culture and heritage. That work should be completed by early next year.

We have also provided financial support to the area tourist boards to enable them to develop local niche products. Six new projects will be in place for the 2001 tourist season. The projects have been developed by ATBs that are working in partnership, which is a welcome development. Our two great cities, Edinburgh and Glasgow—although I appreciate that there are other great cities in Scotland—are, with support from Scottish Airports, taking joint action to attract additional business between October and March.

**Miss Annabel Goldie (West of Scotland) (Con):** I have listened with interest to the minister's comments. Does he accept that, while certain initiatives in Edinburgh, Glasgow and the central belt are laudable, much of Scotland is crying out for tourists? How will they get to the remoter parts of Scotland while fuel prices are at their current level?

**Mr Morrison:** Miss Goldie began her intervention well, but sadly ended on a quite ludicrous note. It is appropriate to point out what is being done by Edinburgh and Glasgow. We appreciate that there are challenges related to fuel. Let me cite one example from Highlands and Islands Enterprise.

**Fergus Ewing:** Will the minister give way?

**Mr Morrison:** I will respond to Miss Goldie first.

Thanks to an excellent initiative, 23 petrol stations throughout the Highlands and Islands now offer liquefied petroleum gas. That is an important development for the Highlands and Islands,

because LPG is the cheapest form of fuel that is available in the United Kingdom. One million Italian motorists and 400,000 Dutch motorists use bi-fuel cars. It is an important initiative and a way in which we can get people to remoter areas, particularly the Highlands and Islands.

One of the main thrusts of our strategy is to further develop the VisitScotland information technology system. That system has been developed—with considerable Government support—to provide some of Scotland's smallest businesses with access to the world tourism marketplace. At its core is a database that contains detailed information about almost 16,000 tourism products and services. The number of products coming on to the system is increasing by about 100 per week. Approximately 10,000 potential visitors to Scotland access the website every day. That is serious exposure for Scotland and Scottish tourism products.

**Mr Davidson:** Will the minister give way?

**Mr Morrison:** I must make progress. I have less time than Mr Davidson had.

VisitScotland and the Ossian system, contrary to what some Opposition members say, are a success. Ossian will, of course, require further investment if it is to keep ahead of the competition. That is why we are moving towards a public-private partnership, which will be in place by next spring.

The Ossian technology provides businesses with the opportunity to trade by e-commerce. It is true that take-up by small and medium enterprises has been slow, but that is not too surprising. The e-commerce module was fully developed and made available to serviced accommodation providers only in July. The period after July is the height of the tourist season. Most of those who are employed in the industry and who are working at developing new skills do so outwith the main season. We need to ensure that expertise in trading by e-commerce is one of the skills that is developed.

I am therefore asking all area tourist boards to promote vigorously to their members the benefits of e-commerce. I am also asking Scottish Enterprise and Highlands and Islands Enterprise to ensure that arrangements are in place to provide assistance with training for all businesses that wish to use the Ossian system.

I have set out a number of actions in our tourism strategy, which I believe are the way ahead for the industry. All the evidence that we have points to the fact that businesses that provide a quality product that is backed up by quality service do better than those which do not. The actions that we are taking to support the industry—backed by the new funding that was announced last week by

Henry McLeish—will provide all tourism businesses with the opportunity to compete with the best. It is up to all businesses to meet the challenge and I am confident that they will.

I move amendment S1M-1216.2, to leave out from “recognises” to end and insert:

“acknowledges that tourism has had a difficult year, but recognises and supports the Executive's on-going implementation of the New Strategy for Scottish Tourism, published in February this year.”

09:44

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** The Conservative motion states:

“That the Parliament recognises the tremendous difficulties faced by Scottish tourism and calls upon the Scottish Executive to make an urgent statement, clearly stating its plans to deal with these difficulties and to improve efficiency in tourism support.”

In short, the Conservatives have come here today with a simple message: “Woe is me, tourism is doomed—something must be done.”

I waited to hear what that something was. I waited for the Conservative master plan on how tourism would be turned around. I waited to hear by how much the Conservatives would cut fuel tax, whether they would give up their love affair with the strong pound and whether they would apologise for Mrs Thatcher's increase in VAT—the bed tax—from 8 per cent to 17.5 per cent.

Did we hear any of that? No. What is their master plan? It is that the Scottish Tourist Board should run the toilets.

**Mr Davidson:** Will Mr Ewing give way?

**Fergus Ewing:** Perhaps David Davidson will expand on the Conservatives' policy in his intervention.

**Mr Davidson:** If Mr Ewing had paid attention during the past few weeks, he would know what we would do about fuel taxation. Many of the things that we did in the past have been undone. The damage that was done to business by increased taxation and its problems and woes do not affect only tourism. The Deputy Minister for the Highlands and Islands and Gaelic is supposed to represent the Government. Would not Mr Ewing prefer to ask him that question? Mr Ewing should vote for the Conservatives—we would happily deliver a better strategy for Scottish tourism.

**Fergus Ewing:** It might come as a surprise to David Davidson, but I was going to mention the fuel tax. I am delighted to say that Kenny MacAskill and I reiterated the SNP policy of September 1999 at our conference last week—we restated the SNP's commitment that fuel tax in Scotland should move towards the average level



in Europe. I believe that that is a principled and fair commitment. Despite the fuel tax protests, we have not heard Labour's true policy in the past three weeks.

**Phil Gallie (South of Scotland) (Con):** Will the member give way?

**Fergus Ewing:** Not just yet, Phil. Haud yer wheesht for a wee minute.

Labour's policy is that the fuel tax is too low—it is committed to increasing fuel tax by at least the rate of inflation at the next budget. Does any member from the Labour or Liberal Democrat parties agree that that is the right policy for Scotland? I am happy to take interventions, but there are no offers from Labour or the Liberal Democrats.

**Phil Gallie:** I understand Mr Ewing's frustration about the silence of the Labour and Liberal Democrat members in the chamber. He mentioned the cut in fuel tax that the SNP would bring about, but cuts in tax require cuts in spending commitments, so will he tell us what spending commitments the SNP would cut?

**Fergus Ewing:** Phil Gallie's appearance on "Newsnight" the other night was better than that question. If someone will supply me with an interpreter, I will be happy to deal with it later.

Phil Gallie is right about the silence of the Labour lambs. During the life of this Parliament, no Labour MSP has expressed a word of criticism about the fuel tax. Labour MSPs are the only people in Scotland who think it is a great thing—they even think that it is too low. I am happy to take an intervention from anyone who disagrees with Tony Blair.

**Allan Wilson (Cunninghame North) (Lab):** I thought that we were talking about tourism, but we seem to be talking about fuel tax. Mr Gallie's question was fair. The nationalists incorporated the fuel tax escalator into their economic programme for independence and it has not been dropped from the programme. If Mr Ewing is going to say that he wants to freeze the fuel tax escalator, he will have to tell the chamber where he would make the spending cuts that would compensate for that.

**Fergus Ewing:** Yesterday, Mr Mandelson said that spin was bad—today we hear complete fiction from Allan Wilson. All SNP MPs have always voted against the fuel tax escalator; it has never been part of our policy commitments and it never will be.

To return to tourism, the SNP is, as our amendment indicates, not wholly negative in its response to the Executive's strategy. The strategy has some good parts; but it also has many failings. The amendment in my name concentrates on

some of those failings.

A firm grip must be taken of the Ossian booking system, which is seriously defective. Area tourist boards are in need of reform—local economic forums are the way to deal with that. Landing charges are a serious problem for Scotland and Kenny MacAskill will expand on that matter. Local marketing initiatives, such as the one in Nairn, are the way ahead. Local consortiums in public-private partnerships are marketing themselves directly without the use of generic advertising. That has been done in Nairn, Lochaber, Aviemore and the Borders. That is a positive suggestion, and the SNP is, as ever, delighted to be able to make a positive contribution to the debate.

I move amendment S1M-1216.1, to leave out from "recognises" to end and insert:

"notes that tourism in Scotland faces considerable competitive disadvantages in comparison with countries such as Ireland in respect of the high pound, high levels of tax on fuel, high business rates and lower resourcing for generic and other promotion; believes that those involved in the tourism industry are to be congratulated for their work and the measure of success achieved despite these disadvantages; further believes that the tourism strategy launched by the Scottish Executive, whilst it has certain good elements, cannot in itself meet the needs of the sector, and calls for (a) an immediate assessment of the efficacy of the Ossian on-line booking system, (b) targeting of resources to permit locally based marketing, (c) a review of the level of landing charges in our airports and (d) a commitment that the area tourist board structure will be amended in the light of the conclusions of the local economic forums with the aim of finding the best solution for each area."

09:55

**George Lyon (Argyll and Bute) (LD):** I can hardly believe that. I am shell-shocked—a positive contribution to a debate from Fergus Ewing. Well done.

I welcome the chance to discuss the tourism industry, which is such an important industry for Scotland. I would like to move the debate back to tourism, rather than staying on some of the issues that Fergus and others have wanted to discuss. Tourism is very important for my constituency. There is no doubt—as David Davidson, Fergus Ewing and Alasdair Morrison have said—that the industry faces some real challenges. The biggest challenge that it faces is the exchange rate, which works against the competitiveness of our industry vis-à-vis the rest of Europe. Other challenges are the cost of fuel, a static market and intense competition from our overseas competitors. Taking all those factors together, Scotland's tourism industry faces challenging times indeed.

Is the industry dying? Is it on its knees? Anyone who read some of the press reports after the publication in July of the Scottish Tourist Board's annual report would have been forgiven for

thinking that Scotland's tourism industry was on its knees and about to go into its final death throes. Commentators and some politicians seem to delight in talking the industry into an early grave.

In its news update on 21 August, the Scottish Tourism Forum stated:

"Press reports and analysis ranged from the sublime to the ridiculous and have only been successful in talking down the industry".

It is wrong that such reporting happened. We face challenges in our tourism industry, just as we face challenges in all our primary industries, but there are some positive aspects. Tourism in Scotland grew throughout the 1990s and peaked in 1997. However, there has been virtually no growth since then. Why? The answer, if one looks closely, is quite simple: the exchange rate. It also explains the tremendous rise in tourism during the 1990s before it levelled off in 1997. From 1992 to 1996, £1 was worth DM2.20. Today, £1 is worth DM3.20. That means that Scotland is 40 per cent more expensive as a destination than it was.

**Mr Davidson:** I take it that Mr Lyon is heading towards an explanation of why we should join the euro. If he is, and if he wants to join, what should the exchange rate be?

**George Lyon:** If Mr Davidson considers our competitors in Ireland—who joined the euro at IR£1 to DM2.40 or DM2.50—he will see that Ireland now enjoys a 25 per cent competitive advantage over Scotland.

**Dorothy-Grace Elder (Glasgow) (SNP):** Will the member give way?

**George Lyon:** I would like to make some progress, if the member does not mind.

Compared to other countries, Scotland is a much dearer destination for our European friends. Going abroad is a much cheaper option for Scots, because of the advantages of the exchange rate. The Scottish Tourism Forum stated in its August update that

"the Pound's relationship to European currencies and the Euro is identified by businesses across tourism as a prime cause of reduced visitor numbers in Scotland".

That is a fact. The sad truth is that, until United Kingdom entry into the euro is finally resolved, wild fluctuations in our exchange rates are a cross that all our primary industries and the tourism industry must bear. The impact, unfortunately, is felt disproportionately in rural Scotland.

However, it is not all gloom and doom. Numbers of American visitors are at their highest for four years. That is also because of the exchange rate; we have seen a devaluation of some 20 cents of the pound against the dollar. We have also seen a reversal of the decline in the number of Scots who

holiday in Scotland, which was a big feature of the downturn in 1998 and 1999.

During my summer tour of my constituency, I found that some areas such as Tiree and Islay were doing well, whereas others were not doing so well. One of the key issues was that the hotels and guest-houses that had invested in quality—by upgrading accommodation and reinvesting in their businesses—were weathering the situation well. The other day, I spoke to an hotelier in Tarbet who reported a 10 per cent increase in business.

We have also heard reports from Caledonian MacBrayne that, despite higher fares and the price of fuel, there has been an increase in the number of travellers in cars using CalMac services.

Regardless of all the predictions of an early death, our tourism industry is alive and well and fighting hard to win its share of business, despite a large competitive disadvantage. The Scottish and Westminster Parliaments must address certain issues in order to help the industry. First, we must make the argument for the benefits of entry to the euro. Secondly, we need measures to tackle the high cost of fuel. Thirdly, we must ensure that the tourism strategy document—to which every party in the Parliament signed up when it was discussed in the Enterprise and Lifelong Learning Committee—progresses towards early implementation. I see Fergus Ewing nodding, but I remind him that he sat in the committee and agreed to that.

**Fergus Ewing:** I was shaking my head.

**George Lyon:** Now I am confused as to whether that represents a no or a yes.

The Executive must re-examine funding of ATBs. If we want to put tourism centre-stage, direct funding is the only way to go. There have been cuts in council funding to ATBs. Finally, it is up to everyone to stop talking Scotland's tourism industry down and to begin to look on the positive side.

**The Presiding Officer:** This is a very short debate so I must restrict speeches to three minutes.

10:02

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I am glad that we are having this debate, because tourism is now Scotland's most important industry and is especially important to my constituency.

The industry pays more people's wages than the oil, gas and whisky industries combined and acts as a stimulus for other sectors of the economy, attracting inward investment. Tourism should promote a positive image of Scotland throughout

the world, promoting the beauty of our landscape and the historical importance of Scottish buildings.

It was thoughtful of the Scottish National Party to send us its brief; the SNP's prediction that the Conservatives would use today's debate to emphasise that tourism did well when we were in power, but has declined under Labour, was spot on. Never was a truer word spoken. Popular destinations such as Loch Lomond, the Trossachs, and Argyll and its islands have experienced a fall in visitor numbers of almost 20 per cent. In some places in the Highlands, such as Helmsdale, numbers are down by 60 per cent. That follows a bad drop in last year's figures. If it were not for Edinburgh and Glasgow, which seem to be holding up, Scotland's tourism industry would be in freefall.

Why should that be? Scotland's exceptional beauty will always sell itself and its history is the stuff of legend. Fundamental questions must be asked. First, how can it be that the Scottish Tourist Board booking site, Ossian, which cost £6 million, has had only 30 bookings since its launch? When Henry McLeish launched the project in July, he forecast that internet bookings would increase revenue by £360 million within three years. Ossian has not had a very good start.

Secondly, a rise of 26p per litre of petrol, or £1.17 per gallon, was bound to make Scotland an expensive destination. Why has the Executive not planned for that and why has the Government not cut fuel tax?

Thirdly, by insisting on high interest rates, which have inflated the value of the pound against the euro, the Government has been destroying foreign tourism. On that point, how can the Lake District boast 12 million visitors per year, while the whole of Scotland gets a maximum of 10 million? If the currency is such a problem, why does the Executive not concentrate on selling Scotland to tourists from other parts of the UK? Tradition says that one normally does business with one's neighbours. Scotland's neighbours are those who live in the north and the midlands of England, and there are plenty of them.

The main criticism that I have heard from those at the coalface of the tourism industry is of a lack of investment and professionalism from tourist authorities. The accommodation sector is the most vital because all other facets of tourism service it, but in the Highlands a huge number of hotels are for sale; as a result of lack of investment, they do not live up to what the modern tourist wants. Unless they are completely refurbished they have had their day, but 90 per cent of grant money is wasted because it is going into old properties and simply pasting up cracks.

We need a rebuilding scheme in Scotland. Our

infrastructure in the Highlands was greatly improved under the Conservatives, but trunk road building has been cut tenfold since then. People judge a country by its roads system, which is one of the oldest marks of a civilised society. Many Highland roads have a hardcore base of around 8 in, which is inadequate and easily pulled to pieces by heavy lorries.

The other area in which we fall down is staff training. Staff are being trained the wrong way, with no ethic. In France, being a chef or a waiter is something in which people take pride. Here, it is seen as a dead end and a last resort. Tourism is Scotland's biggest industry. Those who work in it should be proud of their jobs and careers. Hotel-keeping is a hands-on trade. Success is achieved in the kitchen, the reception and the dining room. We may laugh at Americans for saying, "Have a nice day" or, "Missing you already" before one has left the room, but they know that he who pays the piper calls the tune. Scotland's tourist trade must attract high-quality applicants who can be trained to give excellent service.

10:06

**Mr Duncan Hamilton (Highlands and Islands)**

**(SNP):** If ever there was any doubt about whether the Liberal party was a party of government or of opposition, Mr Lyon answered it today by seeming to deny some of the serious problems that are faced by Scotland's tourism industry. I read the same figures as he did, but he decided to omit some of the key facts. He omitted the fact that we have had a 9 per cent drop in visits to Scotland this year. He seemed to omit the fact that we have had a drastic drop in the number of visits to tourist information offices, which is a key indicator of activity. He omitted to mention the drop in the number of visits to sites owned by Historic Scotland, which is another such indicator. Let us be clear: we are not talking down Scotland's industry, but attempting to put the problems on the table so that we can deal with them and start to make an improvement.

Today's motion and amendment highlight two areas that need to be developed. The first is the structure of, and funding flow between, area tourist boards and local authorities, and the need to bring them together. We are at one in agreeing that that must be done at a local level. There is a strategic role, but it is important that the local aspect is emphasised—that is why Fergus Ewing included it in his amendment—because local people and local businesses understand clearly the marketing needs of their area.

The second area is the Ossian website, which is in danger of turning into the Executive's equivalent of the millennium dome—£6 million has been put into it for 30 bookings to date. We heard today that

the website needs even greater investment, despite the fact that we have yet to see a positive outturn from it. Internet bookings and the internet are an excellent way forward, and we all embrace the concept and the challenges of e-commerce, but it is important also to note—and I cite in support of this argument the evidence from the Moffat Centre for Travel and Tourism Business Development at Glasgow Caledonian University—that they form only one aspect of promoting tourism. The target, set by Henry McLeish, of 90 per cent of bookings being made online is interesting and challenging, but we must ask whether it is realistic. Is not it the case that we are in danger of cannibalising, and that there will always be a role for the travel agent and the tour operator, as opposed to simply putting everything online? I suggest that the Executive reconsider that target.

I was struck by something that Allan Wilson said, because in many ways it summed up everything that is wrong with the Executive's approach to tourism. In answer to Fergus Ewing's predictable, but none the less accurate, comments about fuel, he said, "I can't understand why we are talking about this. I thought that we were talking about tourism."

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

**Mr Hamilton:** No.

If the Executive does not think that the price of fuel and petrol in Scotland is directly linked to tourism, it is wide of the mark.

There is a difference of opinion between the Highlands of Scotland Tourist Board and the Forum of Private Business; one cites the strong pound as the major problem, while the other cites the price of fuel. Whichever of those problems we care to highlight, the one thing that they have in common is that the Parliament and the Executive have no control over the two key drivers in the decline of Scottish tourism. That is the ultimate disgrace. The Executive must first ensure that the representations from the Executive and the Parliament on those two key issues start, finally, to address the fundamental problems.

10:10

**Dr Sylvia Jackson (Stirling) (Lab):** Several comments that I wanted to make have been made, so I shall try to make different points.

It is obvious that tourism is important. The tourism industry generates £2.5 billion per annum and employs 177,000 people, which I gather represents 8 per cent of employment in Scotland.

Wider issues such as the exchange rate and the price of petrol have been mentioned. Unlike Duncan Hamilton, I do not think that we do not

realise the importance of those factors. The speeches from SNP members have focused on negative aspects of tourism and its future, and have not tried to take a balanced approach. I will take a balanced approach.

The Ossian IT project and the online booking system have been mentioned, but little has been said about the rest of the website. As Alasdair Morrison said, the site attracts 10,000 user sessions a day and has received 37 million hits so far this year. The Scottish Tourist Board's site is the most visible of the tourist board websites in the UK and 53 per cent of UK travel website users recognise it. Of the people visiting the STB site, 70 per cent ranked its range of information as good or very good, and a recent newspaper survey of websites rated the STB website second behind the Spanish tourist board's site. Duncan Hamilton did not mention any of those points.

In the first two years, £2.2 million has been invested, which I gather is a small amount compared with the money that is invested in IT systems. That is why future investment is needed. Private sector players need to be brought on board the Scottish tourism e-business project, or STEP 2000, a public-private partnership. No mention has been made of encouraging other private sector players who want to provide further investment.

**Mr Hamilton:** I am curious about the argument that Ossian is value for money. In evidence given to the Enterprise and Lifelong Learning Committee, Richard Irwin said that Ossian was extravagant. He was angry about the amount of money that had been put behind it. Is it not true that that public expenditure is much greater than the expenditure on a standard private sector site and that the Executive stands accused of wasting money?

**Dr Jackson:** To be fair, the general impression is that the amount of money that has been invested so far is small compared with the benefits of the system.

David Davidson questioned whether the system should be incorporated into a UK-based system, but there might be disadvantages in that. The importance of keeping it in the Scottish context is that we keep the branding and the niche marketing. David Davidson's suggestion should be considered carefully, because we could lose many advantages by going into a UK scheme. It is something to discuss for the future. Rather than dismissing ideas that are put forward by the SNP and the Conservatives, let us try to be constructive for once.

**The Presiding Officer:** Please wind up.

**Dr Jackson:** Time is short. A few more things—

**The Presiding Officer:** There cannot be a few—just one.

**Dr Jackson:** On a rather negative note, the rural hoteliers in my constituency are experiencing difficulties along the lines of those that were mentioned by the Conservatives. To end on a positive note, I hope that the new tourism skills group will be able to deliver continuity and help to bring to that hotel sector the skills that exist in the larger hotel groups.

10:14

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Given all the talk of public lavatories, it may be at my peril that I speak in this debate, as I am probably the only member of the Scottish Parliament who was once employed as a lavatory cleaner. I did that job for several months and am an expert with the Vim and the brushes.

Perhaps my good friend, young Duncan Hamilton, is missing the point about project Ossian—it gives the B&B lady in the far-flung parts of the Highlands a shout in a way that would not have happened unless it was done on the widespread, publicly funded basis of Ossian. We must remember that those features underpin Ossian.

A problem that we face in Scotland and in the Highlands is that the tourist market has changed. We have moved from the coach tour market, which is going abroad these days, to a much more detailed type of tourism. We must play to our strengths in cultural, artistic and natural heritage, and the minister is exploring those avenues.

With the development of e-commerce, the web and the internet, one finds that a small place, such as my home town of Tain, can access the international market in a way that was not possible previously.

Let us get to the nitty-gritty. The question that faces all of us is, "What is the role of the STB and the area tourist boards?" An argument is being made that more money should be taken from the STB and placed at the local level. I know that a wholesale restructuring of tourist boards would daunt some members, although I understand that the nationalists are sympathetic to the idea. Local tourist initiatives are the way through the problem and were hinted at by Fergus Ewing. It is no accident that, this Saturday, a farmers' market will take place in Tain, as that is the sort of initiative that attracts tourists.

Tourists are no longer interested in "France: the concept". They are interested in the Dordogne, or in a particular town or aspect of French life. The detail is important and we should remember that the tourism market is becoming more

sophisticated.

It would be wrong of me to miss the opportunity to stress the importance of Scottish food in the tourist market. [MEMBERS: "Cheese."] The word "cheese" will not pass my lips. Nevertheless, the days of going to an hotel somewhere in Scotland on a grim day and being faced with a piece of leathery steak and some stale chips have gone. The market is much more sophisticated than that.

Unfortunately, Jamie McGrigor did not mention scallops in his speech, but I am sure that he will do so on another occasion. We must play to our strengths: scallops, whisky, meat and—dare I say it—good cheese. All of us know that there is nothing better than Scottish beef. Make no mistake: we would bring tourists back if hotels and restaurants could get properly hung beef.

**Mr McGrigor:** On the subject of good, clean Scottish air and food, does Mr Stone agree that we should advertise some of the dangers that are involved in going abroad for holidays, such as packed airports, dodgy hotels and Delhi belly?

**Mr Stone:** While I am sure that Mr McGrigor has a point, I am sorry that his most recent holiday abroad was so unsuccessful.

10:18

**Mr Kenny MacAskill (Lothians) (SNP):** The Scottish National Party agrees with much of what David Davidson said. It is clear that high fuel costs and the high pound are fundamental to the problem. As the Conservatives borrowed our brief, we will borrow their phrase: the problem is Labour's double tax whammy. Until those issues are addressed, we will continue to face incredible problems.

Yesterday, and when I was in the Highlands earlier this year, I met some Scandinavians, which took me back to the time when, many years ago as a student, I travelled by inter-rail to Scandinavia. The only people who could afford to go to Scandinavia during the 1970s were either the very rich or backpackers who were prepared to live rough. In the north of Scotland, we are losing the middle market; the only people who tour northern Scotland now are either backpackers, who are prepared to live off the land—as I did when I went to Scandinavia in the 1970s—or those who are affluent and can afford to pay the prices.

**Maureen Macmillan (Highlands and Islands) (Lab):** Will the member give way?

**Mr MacAskill:** No. I do not have time.

We are pricing out of the market people who used to come from Manchester, Liverpool and elsewhere for the fresh air and the break away

from the smog and the big city. We must address that problem.

In responding to those issues, the minister talked about golf. If he had read the SNP brief, he would have noticed the reference to the ITB in Berlin. I spoke to a travel agent who visited that show, who said that the only country that advertised golf was Qatar. Scotland, which was represented at the British Tourist Authority's stall by a man in a kilt, did not advertise golf. The stall did not present an objective perspective of the services that are available in Scotland.

The minister talked a good game about what airports are doing. Not that long ago, I asked what the Government proposed to do about the loss of the air link between Edinburgh and Vienna. Austria is a rich country and flights from Vienna should be coming directly to Scotland, bringing high-yield, high-spend tourists. The minister replied that that is a problem for the industry. It is not; it is for our Government to target how we bring people into this country. We want to bring Austrian tourists in directly.

**George Lyon:** Will Mr MacAskill give way?

**Mr MacAskill:** I do not have time to take interventions. If Austrian tourists have to fly to Manchester or London, they cannot come to Scotland for a weekend. We must be able to bring them in directly.

Whatever Mr Lyon may say, I am not bound by the strategy document, which states:

"Scotland is an important and attractive brand for the BTA and it represents Scotland in 27 overseas offices, including all of Scotland's most important overseas markets."

No wonder we do not get a good deal, with tourists going to competitor airports and competitor locations south of the border. We need to market Scotland ourselves and bring people into Scottish airports, not to Manchester, Newcastle or London.

As for LPG, all I can say is that I think the minister must be vying with Allan Wilson to be the voice of Brian Wilson in this chamber. I would rather deal with the organ grinder than with one of the monkeys. The suggestion that LPG is a solution for the north of Scotland is lamentable. Are Italian tourists queuing up in their LPG motors now that there are apparently a few outlets in the north of Scotland? Where are they to fill up on the M6 or the M74? That pathetic excuse might well be offered by Brian Wilson, but his two comrades in this Parliament should know better and do better.

10:21

**Mr Morrison:** Although this debate on tourism has been short, the Opposition parties have

managed to highlight their lack of understanding about an important industry.

I formally welcome the voice of reason in the debate, Kenny MacAskill, who said that he would not be bound by the strategy. I must enlighten him to the fact that his newly elected leader is indeed bound by that strategy. It would be churlish not to concede that, when John Swinney chaired the Enterprise and Lifelong Learning Committee, he did so in a constructive and responsible manner. But Mr MacAskill is being Mr MacAskill and is flying in the face of his recently elected leader.

Mr MacAskill said that we are doing nothing to promote golf tourism. He is clearly not a man to listen to reasoned debate; I stated that investment in golf tourism had increased fivefold in recent months. That is clearly outlined in our strategy and that commitment is being delivered.

Other members, thankfully, have a greater understanding of tourism than have the nationalists, and I shall address some of their comments. George Lyon was absolutely correct to mention the important point that no member of any party should talk Scotland down. He mentioned ATB funding, as did Mr Davidson. When we launched the strategy last February, Henry McLeish said that he would review it over the next 12 months and revisit the matter next February. George Lyon also mentioned his constituency and cited examples of people who have invested in staff and infrastructure. Such people have fared well this season. Quality and investment are clearly outlined in our strategy, and I remind Mr MacAskill that every single party signed up to that strategy.

Jamie McGrigor mentioned training, which is an important point. Sylvia Jackson mentioned Ossian. She understands what Ossian is about and she cited a national survey that appeared in *The Daily Telegraph*, in which Ossian appeared in second place—second only to the Spanish website. Ossian is a success story, but it is obvious from the remarks that have been made by Opposition members that they have not even bothered to find out what it is all about. It is not about e-commerce. It is about the development of systems, databases and new working practices in tourism to ensure that Scotland is leading, not following, the competition. Ossian has a central database of 16,000 products, with 100 more products being added every week, and is accessed by 10,000 potential visitors to Scotland every day. It provides access to the worldwide marketplace for some of Scotland's smallest businesses. The smallest business has the same global reach as the biggest hotel here in Edinburgh. I can assure members that that is not failure.

**Mr Hamilton:** Will the minister give way?

**Mr Morrison:** I do not have time. I would be delighted to hear more from Mr Hamilton, but three minutes in an hour is quite enough.

As always, the Opposition has talked down the industry. It has ignored the many success stories from around the country. It has not mentioned businesses that have developed websites and that have increased their business substantially through the use of IT. It has not mentioned businesses that have progressed up the STB star scheme—businesses that have put in time and effort to train their staff and that are providing excellent standards of service. It has not mentioned businesses that have taken the trouble to research their markets and to promote their strengths.

A few weeks ago, I met the businesses that have been shortlisted for the thistle awards, for which there was a record number of entries—up by some 30 per cent. The awards are a reminder that quality and excellence exist in Scottish tourism right across the country and across the range of tourism businesses.

I had planned to mention the nationalist policy on fuel, but I am at a loss as to which to choose. We have heard four in the past fortnight. Fergus Ewing cited the current position. I remind that his newly elected leader stated quite clearly, at the Scottish Grand Committee, that the nationalist position was to freeze fuel duty. In recent weeks, in typically opportunistic style, the SNP has changed position time after time, day after day.

Many businesses in Scotland provide excellence. The action that we are taking will provide an incentive for many more to join them. In our programme for government, we promised that we would promote tourism and that is what we are doing. We have taken action to encourage businesses and individuals working in the industry to improve their marketing, the quality of the product and their skills. All that is backed up with a record level of resources. While the Opposition talks, we act. I ask Parliament to support the amendment.

10:27

**Nick Johnston (Mid Scotland and Fife) (Con):** This has been an interesting, if short, debate. I liked Fergus Ewing's speech. He started in a fit of pique because the cloak of misery in which he usually garbs himself has been stolen, not by my colleague Mr Davidson, but by the minister. The minister's speech today showed complacency, lack of vision and the acceptance of failure. However, if someone has their head buried in the sand, the only place that they can talk from is the other end of their anatomy.

Colleagues today have given the figures.

Scottish tourism is down, whereas UK and worldwide tourism are up. The situation is made worse by the fact that Glasgow and Edinburgh have prospered, while figures for the Highlands, Fife and the Borders are well down.

What all the problems have in common is detachment—ministers detached from the industry, the STB detached from the tourist trade, the ATB semi-detached from the STB, often shunned by the trade and lacking funds, and the STB failing to engage with, or to answer the needs of, the tourist industry. That is the result of a lack of leadership from the Executive. As one hotelier asked me yesterday; is not it an indictment of the industry that at no time since the creation of the STB has anyone from the industry headed the organisation?

As Duncan Hamilton pointed out, Ossian is an extreme, expensive failure. It was launched with a bang, on 29 March 1999, by Lord Macdonald, who stated:

"The Ossian system is a world first, developed in Scotland".

Ossian was to be a working system of online booking—collect £1 million. On 22 July 1998, we heard of a review covering marketing, visitor servicing and development of the Scottish Tourist Board—collect £1 million. In December 1998, Gus Macdonald collected another £1 million. On 19 March 1999, Henry McLeish said, "Tourist spend is down, but let's blame the weather; by the way, don't forget the £1 million that I gave Ossian in January." In March 2000, Henry McLeish pledged £4 million—I presume that it was the same £4 million that had already been announced, but with the Executive one never knows—and said that Ossian now had 14,000 listings for accommodation. On 6 April, Henry McLeish earmarked another £3.9 million for further development of Ossian—or was that the same £4 million that had been declared by Lord Macdonald and by Henry McLeish in March 2000?

Ossian was to be the world's first online booking system, as demonstrated by Gus Macdonald in March 1998. On 6 April 2000, it had not taken one booking. By the time the new strategy for Scottish tourism was launched, the listings figure had dropped to 10,000; where have the other 4,000 places disappeared to? I suggest that they have been registered with one of the other sites that are up and running—not in development, not costing £4 million, but taking bookings. As Duncan Hamilton mentioned, Richard Irwin offered to develop the site for the Scottish Tourist Board at a cost of £200,000, rather than £4 million. I know about the site; I know that it is not just a booking agency, but it is an extremely expensive database.

I venture to suggest that Ossian has been an

expensive blunder. As Duncan Hamilton said, Ossian—like the dome—is an embarrassment for ministers. Money will be poured into it. Why not call a halt now and give the project back to the private sector. Let the private sector do what it is good at, and the public sector stick to doing what it is not so good at.

The minister did not mention the fuel crisis in Europe—not so much a matter of “let them eat cake” as “let them sniff gas.” We hoped to hear today how the £12 million—yet more money that is being poured into the STB—would be distributed, but what we heard was waffle.

As for George Lyon and the Liberals, sometimes I despair; they have no strategy at all for tourism, apart from dragging us into the euro at a totally unrealistic rate. At least Jamie Stone, who unfortunately is not in the chamber, pointed out that the high point of his career allowed him to say that Ossian was value for money. If lavatory cleaning is a measure of how to set up a database, I had better start on a new career.

Kenny MacAskill made some good points; the air links are extremely important. As members will know, my wife is Spanish. When I want to travel to Spain, I have to go via Stansted, Luton or Heathrow. Why do we not have direct flights from Barcelona to Scotland?

**Fergus Ewing:** Because your lot did nothing about it.

**Nick Johnston:** We would these days.

Now for Sylvia Jackson, the member for platitude north. I am glad that she has learned to read—all that she did today was to take the STB brief, which was sent to us yesterday, and read it out.

What is the measure of Ossian's success? The STB stated that its e-commerce function was launched eight weeks ago on 24 July and is already attracting bookings. It said that it was untrue to suggest that the system is not working, as it has taken 17 bookings in total from 48 businesses. Seventeen bookings—what a success.

The criticisms are not just mine. Ivan Broussine of the Scottish Tourism Forum stated:

“The world tourism industry may be growing at about 4 per cent a year but in Scotland we are plateauing out.”

In reality, when the figures for Edinburgh and Glasgow are removed from the Scottish total, we are in freefall.

Donald Macdonald stated:

“In my opinion, the Scottish Tourist Board has been losing dynamism and credibility over a number of years”.

If that is the case, it is merely following the

Executive. He went on to say that

“The organisation is out of touch with actual and potential consumers of Scottish tourism”.

The Conservative approach is a 14p per gallon cut in fuel tax; a minister for tourism within the Scottish economy team; and another root-and-branch review of the STB. This time, the review would be thorough enough to ensure that the STB would meet the needs of the tourist industry. Further, we support direct funding of ATBs and action to ensure that they are driven by local needs, as Duncan Hamilton, Fergus Ewing and David Davidson pointed out.

Tourism in Scotland needs a clear track on which to run. I have a vision of Alasdair Morrison on the footplate of the engine, shovelling fivers into the firebox of the tourist industry train. I am afraid he has missed the red danger signal; his tourist gravy train has hit the buffers. What is needed is a new engine and, with respect, a new engine driver.

**Maureen Macmillan:** On a point of information.

**The Deputy Presiding Officer (Patricia Ferguson):** No. The debate has ended.



## Long-term Care

**The Deputy Presiding Officer (Patricia Ferguson):** The next item of business is a Scottish Conservative and Unionist Party motion, S1M-1215, in the name of Mary Scanlon, on long-term care. There is an amendment to that motion. While members take their places for this debate, I would be grateful if those who wish to speak would press their request-to-speak buttons.

10:35

**David McLetchie (Lothians) (Con):** It gives me great pleasure to move the Conservative motion on long-term care for the elderly. This is the only opportunity that the Parliament will have to express its view on the recommendations of the Sutherland commission before next week's statement by the minister outlining the Scottish Executive's response.

Our motion is framed in such a way that it can be supported by every party in the chamber that is in favour of the implementation of the Sutherland recommendations. We should send a clarion call to the minister today that we can do much more for our older people than the Government has chosen to do for older people in England and Wales. At last, devolution can make a real difference.

As was highlighted in the public health debate last week, we have an aging population. Over the past 20 years, male life expectancy in Scotland has grown from 69 years to 72, and female life expectancy has grown from 75 to 78. The number of people who are aged between 75 and 84 has increased from 180,000 in 1970 to 260,000 in 1998, a 44 per cent increase. More strikingly, the number of people who are aged 85 or over has risen from 35,000 to 81,900 during the same period, a rise of 131 per cent.

The result is that new needs have come to the fore. Our population is healthier than ever before, as there is less ill health in earlier life. However, as people live longer, many more require care that relatively few needed in the past. That could be portrayed as a problem. In fact, it is a challenge to give older people the respect and care that they deserve and to bring health and social services together.

The Sutherland commission's well-researched report highlights the fact that, since the inception of the national health service, long-term care has always been provided in a mix of long-stay NHS beds and residential homes—the former have been provided free and the latter have been means-tested. However, change in the population resulted in a huge increase in demand for that

care in the 1980s and 1990s. At the same time, there was a move from long-term hospital care to community care, which was based on nursing and residential homes and support services for people living in their own homes. Much of that was paid for through the social security system. Sutherland informs us that social security expenditure in this area grew from £350 million in 1985 to £2.5 billion in 1993-94.

Of course, many other changes took place in the 1980s. The sale of council houses led to 300,000 Scots becoming property owners for the first time, and personal savings were encouraged through tax-exempt special savings accounts and personal equity plans, and many people took out personal pensions. The net result is that many more people found themselves penalised for their prudence when they required care that was increasingly unavailable on the NHS.

The homes that people had purchased and the savings that they had put aside to provide security in their retirement and to pass on to their children were quickly being eaten up in care costs. Moreover, that care was for the illnesses and frailties of old age that they had fully expected would be the responsibility of the national health service to which they had contributed throughout their working lives.

Care in local authority and private residential or nursing homes had always been means-tested, but that was of no comfort to the many thousands who now required it, or to their families. In response to public pressure in 1996, the Conservative Government doubled the capital threshold in the means test to £16,000, which exempted many more people from charges. Although the clamour died down temporarily, it did not go away. Since 1997, the situation has worsened as the Labour Government has not uprated for inflation the capital disregard.

In fairness, when the Labour Government came to power it established the Royal Commission on Long Term Care to examine the problem and to attempt to resolve some of the inconsistency and unfairness in the system. I give the Labour Government credit for doing that. Many issues were to be resolved: the different charging regimes in different local authority areas; the apparently arbitrary retention of long-stay NHS beds in some areas but not in other areas, along with the seemingly arbitrary access to those beds; the lack of co-ordination between health and social work services; and the way in which long-term care has been treated differently from other health needs.

The resulting report from the Sutherland commission is comprehensive and well considered. It recommends a way forward, through provision that is based on need, which is

free to the client and which is costed into the future. It resolves unfairnesses and proposes the unification of health and social work budgets for long-term care. That report is no wish list from a pressure group or political party that is eager to please the electorate; it is a considered, costed plan that has been put together after much consideration of the evidence.

One of the most compelling arguments is set out in paragraphs 6.33 and 6.34 of the document. It states:

"Whereas the state through the NHS pays for all the care needs of sufferers from, for example cancer and heart disease, people who suffer from Alzheimer's disease may get little or no help with the cost of comparable care needs. All these conditions are debilitating, but Alzheimer's disease cannot yet be cured by medical intervention. However, a mixture of all types of care, including personal care, will be needed. This is directly analogous to the kind of care provided for cancer sufferers. The latter get their care free. The former have to pay.

For this reason, the distinction between the way care is offered for different diseases has no justification. The situation must be put right. The proposal to exempt personal care costs from means-testing would do that."

I cannot make a better argument for fairness and equity than that, and I hope that the Parliament will agree with the commission.

The Minister for Health and Community Care, Susan Deacon, announced in her press release on Mr Blair's NHS national plan for England and Wales:

"I welcome the Prime Minister's statement today and his unequivocal commitment to the founding principle of the NHS: that health care should be given on the basis of a person's need not their wealth. That principle is as relevant today as it was fifty years ago at the birth of our NHS. And it is a commitment shared by this Scottish Executive."

Well, we will see. If the basis of the NHS is need and not wealth, why are the long-term care needs of the elderly and of Alzheimer's sufferers any different in principle from those of anyone else with health care needs? Those who reject the recommendations of Sutherland must answer that question.

If it is right in principle to implement the commission's recommendations, as I believe it is, how should they be financed? There is no bottomless money pit: choices must be made and priorities established. The report contains clear costings that, as Sir Stewart Sutherland confirmed to the Health and Community Care Committee, work out at approximately £110 million for Scotland. That price is worth paying and is a price that can be paid.

We know that that is affordable. Following the chancellor's budget, an extra £173 million was allocated to health in Scotland—enough to pay for the implementation of Sutherland's recommendations, with plenty left for other

projects. Last year's NHS budget in Scotland was notoriously underspent by £134 million—more than the cost of implementing Sutherland's recommendations, the full cost of which would be only 2.1 per cent of this year's health budget.

Additional savings would be achieved by creating a unified health and social work budget for community care, and from the associated savings that would be created by reducing delayed discharge—bedblocking, as it is commonly known—in NHS acute hospitals. Currently, 2,400 beds are blocked—a scandalous figure that has risen by 40 per cent since the Minister for Health and Community Care took office—and are costing the NHS between £42 million and £96 million a year.

There are also the billions that Jack McConnell was bragging about in the Parliament last week. We can fund implementation of Sutherland's recommendations; the issue is whether the Parliament and the Scottish Executive will give it the priority that it deserves within the overall budget. SNP members have already indicated that they will support the motion. I thank them for that and acknowledge Christine Grahame's sterling work on this issue.

The Liberal Democrats' position should be equally clear. Their 1999 manifesto for the Scottish Parliament elections promised to

"Promote an early dialogue with all interested parties throughout the UK to establish a common way forward in achieving the recommendations contained in the Royal Commission on Long Term Care".

Of course, doubts about the Liberal Democrats' position stem—as always—from the partnership agreement that they signed with Labour to form the Executive coalition. In that agreement, the manifesto commitment is somewhat watered down to proposals to establish an independent Scottish inspectorate of health and social care and to promote joint working and effective co-operation between health and social work and their budgets. The agreement makes no mention of the royal commission and we will see in this debate whether Liberal Democrat members stand up for their manifesto commitment. If they do, a parliamentary majority can be secured for a policy that they have campaigned hard for in the past.

As for Labour, what is the position of the party that likes to claim the NHS as its own and says that it believes in free care from the cradle to the grave? In England, the Prime Minister's national plan for the NHS fails to accept the key Sutherland proposal that personal care should be financed from general taxation. That recommendation was rejected despite support from the House of Commons Health Select Committee, which has a Labour majority. So much for the listening Government—it does not even listen to its MPs.

The statement on the plan did nothing to resolve the vexed question of whether giving a person a bath constitutes a means-tested social bath or a free medical bath. When the Prime Minister was questioned on the practical problem of how to distinguish between nursing and personal care, he got into a lather and suggested that nurses should make such decisions. Unfortunately for him, the Royal College of Nursing has dismissed the Government's proposal as unworkable. Furthermore, Age Concern has said that older people would feel "bitterly let down" by the Government's response and the perpetuation of such artificial boundaries.

We must avoid a similar fudge in Scotland that leaves the core problem in the system—indeed, the very problem that the Sutherland commission was set up to resolve. Parliament has the power to provide a Scottish solution to the problem. On the day that the NHS plan was announced in England, Maureen O'Neill of Age Concern Scotland stated:

"It is time for the Scottish Executive to show that it is listening to the voice of older people, and make sure that they can look forward to a secure old age where their care needs will be taken care of. What is the point of having a Scottish Parliament if it doesn't listen to the views of people in Scotland?"

Hear, hear to that.

In the run-up to the previous election, Labour made great promises to the elderly and built up their expectations about what it would do in government. Sadly, the reality has been rather different. Today could be yet another in the series of Labour letdowns. It took the Sutherland commission 12 months to report its findings; however, the Scottish Executive has taken 18 months to respond, and the terms of Iain Gray's amendment are frankly a fudge.

With its talk of fulfilling Sutherland commission objectives "over time" and its silence on implementing recommendations, the amendment is a transparent attempt to confuse the issue and should fool no one. The issue is straightforward: should all personal care costs be borne by the taxpayer or not? Today is make-your-mind-up time for Parliament—not next week, not next month, not next year and not over time.

Our motion should be enthusiastically supported by the majority of MSPs. The costed proposals are available in the Sutherland recommendations and the funding is available in the NHS budget. I trust that the political will is here in the Parliament; the demand from doctors, nurses, care workers, social workers, older people and their families certainly exists. It is up to the Executive to heed their call. I urge the Parliament to support the motion and provide the people of Scotland with the care, dignity and security in later life that they seek and deserve.

I move,

That the Parliament calls upon the Scottish Executive to implement the key recommendations of the report "With Respect to Old Age: Long Term Care - Rights and Responsibilities" of the Royal Commission chaired by Sir Stewart Sutherland, including the funding of personal care on the basis of assessed need in order to alleviate the problems facing those who require long term care.

10:50

**The Deputy Minister for Community Care (Iain Gray):** I know that the Tories think that they have picked a difficult debate for the Executive to respond to. But in many ways it is a real treat, because we will, quite properly, announce our intentions regarding care of the elderly to Parliament next Thursday. We will detail how we intend to use the significant resources for community care that were announced last week by the Minister for Finance. That will complement announcements that have already been made, such as the Minister for Communities' announcement that all Scotland's pensioners will have central heating within five years of 2001. Our plans will be subject to Parliament's scrutiny next week.

What is special about today is that we actually have a Tory policy to scrutinise. After months of health debates and community care debates in which the Tory contribution consisted of little but criticism, half-truths and personal abuse, we have a clear proposal—or do we?

David McLetchie says that the Scottish Tories are committed to the implementation of the Sutherland recommendations, but what does he mean? That is not a new commitment. Mary Scanlon made it at the Tory party conference back in June—or did she? What she said on 26 June was that health care for the elderly would be free. However, that is not what Sutherland recommended. Three days later, she announced that nursing care for the elderly would be free. That is not what most people would think of as full implementation of Sutherland. By last week, the Tories were agreeing that health-related personal care should be funded by the NHS. That is not what Sutherland recommended, either—or is it? It is extremely unclear. I do not know, and neither, it would appear, do the Tories.

Perhaps it is not surprising that the Tories have some difficulty with the Sutherland report. As David McLetchie quite rightly acknowledged, the royal commission was set up to consider how the system of funding long-term care that the Tory Government left behind could be improved. David McLetchie criticises us for taking 18 months to make it fairer, but, of course, the Conservative party took 18 years to make it unfair.

We have been making it fairer by implementing

many of the royal commission's recommendations. The carers strategy has doubled resources for carers services. Direct payments have been opened up to the over-65s. Some £7.5 million this year has been devoted to funding better joint working between health and social work services and the joint future group is about to make recommendations to turn such working from the exception into the norm. We have developed national care standards for the first time. We have created space in this year's legislative programme for the creation of the commission for the regulation of care. We will respond to the remaining recommendations next week.

The Tory motion gives the game away. It is focused solely on the personal care recommendation. That does a disservice to what David McLetchie acknowledged is the carefully researched and argued work of the royal commission.

**Ben Wallace (North-East Scotland) (Con):** The minister might like to know that we lodged the motion in that form because we have no problem with acknowledging the recommendations that have been implemented—their implementation is a good thing. Will the minister respond to the fact that personal care lies at the core of the report? That is why we focused on it.

**Iain Gray:** I have my own views on why the Tories focused on that recommendation. I repeat the point that all the other recommendations that Ben Wallace claims to have no problem with were not implemented during 18 years of the previous Tory Government. The recommendations address the unfairness of the system that the Labour Government inherited in 1997.

The motion focuses on the personal care recommendations, so it is that promise from the Tories that we should examine. Who would it benefit? What would it deliver for Scotland's older people? How would the Tories pay for it? The cost of the proposal, as David McLetchie said, would be about £110 million. That is well known. What is less well known is the fact that the majority of the resources would reduce the cost of care for around 7,000 people—those who pay all their costs in residential and nursing care. The remainder of the 34,000 Scots who are in residential or nursing care would see no change from that recommendation of the report, and no benefit from the investment of £100 million. Even those 7,000 people would not see their care improving and there would be no change at all in the quality of their care.

David Lipsey, a member of the royal commission, said:

"since seven in 10 of those in long term care are already fully funded by the state, the extra spending would go entirely to the remaining three in 10 who contribute to their

care, and who are by definition the best off among them."

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** It is important to clarify what the Executive amendment actually says. Is the minister ruling out, even over a long time scale, any commitment to personal care? That is the crux of the Executive amendment, as opposed to the Conservative motion.

**Iain Gray:** The point is that we have to address the situation in which we find ourselves. We have to recognise that what we do over the next two weeks or two years will not be the final word on long-term care of the elderly. It must continue to develop over time, and that is quite proper.

Some people might argue that the others can look forward to benefiting from the recommendation when they enter residential care, but they cannot. Four out of five Scots will never require residential care. Of the one in five who require it, more than 70 per cent will still not benefit from the proposal. That equates to 7,000 beneficiaries out of 34,000 people in residential care, out of 340,000 Scots over 75 and out of three quarters of a million Scots over 65.

**David McLetchie:** Will the minister give way?

**Iain Gray:** No. As we have made clear, we believe that resources that are devoted to older people must and will be increased. Where has the under-investment been? In the 10 years to 1999, spending on home care increased by £15 million, and spending on residential care increased by £125 million.

We believe that we must provide more care for more of our elderly people; that we must provide better care for our elderly people. That is entirely in line with the recommendations of the Royal Commission on Long Term Care. Would the Tories' promise provide more care? No. Would it provide care for more people? No. Would it provide better care? No.

We have to make choices about our priorities. I spend a great deal of time listening to older people, both individuals and their representative organisations.

**Shona Robison (North-East Scotland) (SNP)**  
rose—

**Iain Gray:** No.

There is no doubt that many older people worry about what support they might need, but what comes over loud and clear is that they want to live independently for as long as possible. This is one of the great strengths of the Sutherland report: it majors on the importance of older people to our society.

The Tories must explain how their motion—this promise of theirs—helps older people who want to

carry on living at home. While the Tories try to do that, Sarah Boyack is getting on with the business of announcing a concessionary travel scheme, which will help every pensioner in Scotland to maintain their independence.

David McLetchie, to his credit, talked about how the Tories' proposal would be funded. That is not new either: back in June, the Tories announced that the £110 million would come from two sources, the first being £70 million of unidentified savings in the NHS. What will they save that on? Fewer doctors? Fewer nurses? Linear accelerators? Alas, they do not tell us.

They will save the remaining £40 million by unblocking blocked beds. I puzzled over this one for a while, and then I remembered Mary Scanlon's parliamentary questions about the cost of a nursing home bed compared with the cost of an acute hospital bed. Use the back of an envelope, do a bit of subtraction and some multiplication and there is the £40 million. What the Tories do not say however, is that realising that saving from unblocking the beds and transferring the resource to long-term care would mean having to close the acute hospital beds. Here is the sting in the tail of the Tory promise: they will pay for it by closing thousands of hospital beds.

**David McLetchie** *rose*—

**Iain Gray:** No.

That is just another old-style Tory promise, which concentrates on a relatively small number of people and which will be funded by £70 million of cuts in health services and £40 million of cuts in bed numbers. That is what the Tory press release on the announcement says.

The royal commission report is a welcome and important document. That is why we commissioned it, why we have begun to implement so much of it and why we will begin to implement more of it next week. However, it does not stand alone. Investment in older people has to mean investment in more care—more care at home, better-quality care, warmer houses and cheaper travel. Our guiding principle must be providing the maximum benefit to the maximum number of people. We have to tackle the greatest need first.

Next week, we will announce our plans for the care of the elderly. The plans will face up to the hard choices about the most immediate priorities, but they will invest significant additional resources to deliver significant improvements for a significant number of Scotland's older people. By focusing on one recommendation of the royal commission report for the sake of political expediency, the motion falls short of that. The motion is not about helping our older people, it is about helping the

Tories; on that basis, it should be rejected.

I move amendment S1M-1215.1, to leave out from "calls" to end and insert:

"notes the report and recommendations of the Royal Commission on the Long Term Care of the Elderly; welcomes the Commission's emphasis on the importance of older people in our society; welcomes their concentration on issues related to the quality of care, the balance between residential care and care provided in the home, and the value of joint management and resourcing of services for older people; welcomes the additional resources announced in the spending review for the care of older people, and calls upon the Executive to ensure that these additional resources are used to deliver significant improvements in care for the largest possible number of older people, particularly those in greatest need and to continue, over time, to work towards fulfilling the Royal Commission's objectives of fairness and equity in the care of the elderly."

11:01

**Christine Grahame (South of Scotland) (SNP):** The minister may live to regret what he has just said. He said that the Executive welcomes the report, that it is important and that much of it is being implemented. He is not, however, implementing the crucial recommendation: that personal care should be free wherever it is delivered.

I remind the minister of just some of the organisations that contributed to the document. They include big hitters, such as Alzheimer Scotland—Action on Dementia, Age Concern, the Carers National Association and a whole range of others such as the Disablement Income Group, ENABLE, various elderly forums, the National Pensioners Convention and many individuals, the Association of Charity Officers, the Association of Hospice and Specialist Palliative Care Social Workers, the Association of Directors of Social Work (Scotland) and the Liberal Democrat party. The two-column list of contributors runs to almost 20 pages. That is roughly 8,000 contributors, starting with Abbeyfield Northern Ireland and ending with—whoever she is—Zlotnick, Annie.

That wealth of diverse experience has been distilled into a gem of a report, which is readable, comprehensive and costed. It was delivered on time—after one year—18 months ago. Apart from, apparently, the Deputy Minister for Community Care, no one in the chamber does not know the report's two key recommendations, one of which is that personal care should be free wherever it is delivered, whether at home or in a nursing or residential home.

For 18 months, the coalition Executive has been steadfastly silent on personal care, but we all know—the minister has just disclosed what was an open secret—that there is no intention to implement that recommendation. I quote from the

minister's letter to me of 19 September:

"Ministers are conscious of the Royal Commission's recommendations on charging for personal care in residential and nursing homes and of the relatively small number of people"—

they will love that description—

"who would benefit from them. The Scottish Executive considers there are better ways to help people with the considerable additional resources required for long term care."

That is the Executive's position. We are back to that depersonalising buzzword—targeting.

The Executive is not listening to the royal commission, to those who gave evidence or to the older people who will continue to fight today, tomorrow and the day after for justice in old age, which is what the matter comes down to. People are compelled to sell their homes, or to wait stacked and depersonalised, like unwanted goods, in a hospital bed where they should not be, because social work has run out of funds to pay for their care.

**Iain Gray:** Will the member give way?

**Christine Grahame:** No, I am not stopping. As the minister and I know, there is no fund of money in the settlement between central and local government that is ring-fenced for care of the elderly in the community.

**Iain Gray:** Will the member give way?

**Christine Grahame:** No. Haud on and answer later.

There are no protected funds for those who need our protection. Older people who, perhaps through sheer frailty, require to stay in residential accommodation, watch the home in which they have lived for decades being put up for forced sale, not just to pay their living and housing costs, but so that they can have a daily bath and be helped from their chair to the garden. Families, already fraught with guilt for placing parents in residential accommodation, oversee the sale.

The deputy minister may wish to live in that kind of Scotland, but I do not. Even if he tells me that only three out of 10 people are affected, that is three out of 10 injustices too many. The Labour party once spoke up for the welfare state, for the underprivileged and dispossessed and all those who had no voice, but it does not seem to listen to those voices any more—or if it listens, it does not hear. A fine party that once thought big now seems to think small.

At the Labour party conference yesterday, the party failed to listen to the constituencies and trade unions and to that wonderful nonagenarian, Barbara Castle: it will not restore the link between pensions and average earnings. The Labour party

will pay for that, one way or the other; its politicians fail to listen at their electoral peril and, I regret to say, their failure brings this Parliament into disrepute.

The Conservatives introduced care in the community 10 years ago and made mistakes, but I am not going to dwell on past frailties because they have seen the light. I am pleased when people see the light, and I thank David McLetchie for his gracious mention of my work on the issue. I hope that he will now sign up to my proposed bill on Alzheimer's and dementia care, if I have to proceed with it.

I know that honourable people in the Liberal Democrats are struggling with other members of their party on the issue and I exempt them from what I say next. The Liberal Democrats hold the balance—that is the privilege of coalition—but there is a price. They think they made a good deal over tuition fees without breaching their contract with the Scottish people. I beg to differ, but we will let that pass. The Executive amendment has "Lib-Dem get out clause" written all over it; small print for small ambitions, but with a big price tag: the integrity of the Scottish Liberal Democrats. The Liberal Democrats gave evidence to the royal commission and their election manifesto says about this Parliament:

"Our strategy therefore is to set our own distinctive policies before the electorate and point out that the more people who vote for us, the better the chance that those policies will be implemented after the election."

This morning is a key moment. The Sutherland report's recommendation on personal care for the elderly is a key Liberal Democrat commitment. Do not let older people in Scotland discover that that commitment was only political rhetoric. Sign up with the SNP, the Conservatives and, I have no doubt, Tommy Sheridan, Dennis Canavan, Robin Harper and some other good people from the Labour back benches. If need be, after today, sign up to my bill and let the Parliament deliver something far more worthwhile than a building at the foot of the Royal Mile—justice for Scotland's older people.

I finish with something that Hubert Humphrey said, quoted in Sir Stewart Sutherland's report:

"The moral test of Government is how that Government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy, and the handicapped."

Let this Parliament meet that moral test.

11:08

**Nora Radcliffe (Gordon) (LD):** I begin by outlining my party's policy. The Liberal Democrat policy paper "A Clean Bill of Health", published in

February 2000, states:

"We accept the Majority Report of the Royal Commission on Long Term Care that personal care should be provided free at the point of use, and that people admitted into residential and nursing homes should have a three-month breathing space before they are subject to the means test. Thereafter, accommodation and living costs would be subject to means-tested charges."

Our view is that the recommendations of the Sutherland report should be implemented in full by the end of the next Westminster Parliament. The title of the Sutherland report, "With Respect to Old Age", reflects how the commission went about its work and how we, too, should proceed. The report talks about

"a lack of reliable and consistent data which has dogged our work from the very beginning."

Lack of data comes up frequently in a wide range of contexts. The answer to a parliamentary question is often "We do not have the information" or "The information is not collected centrally," or something like that. In the IT age, much more thinking is needed on how to collect, collate and make available useful and consistent information.

Some quotations from the report will illustrate my next point.

"Confusion and uncertainty exist as an intrinsic part of the current system."

"Simply describing the current system vividly demonstrates a number of complexities and confusion."

"Within it there are too many flows of funds which have been designed for different purposes and what the individual does or does not get out of it depends on a number of complex decisions".

Those quotations demonstrate what is at present amiss and how difficult it will be to meet the commission's suggestions that the system should be simpler and that the individual's entitlements should be clearer. The definitions used should also be clearer, tighter, and more consistent across Scotland. Redefining things to move them out of stretched budgets may be a temptation, but it is grossly unfair.

On budgets, I will quote again from the report:

"More generally the current system, with different budgets held in different places, is perhaps inclined to encourage cost shifting to someone else, without regard for what is best for the individual or indeed for the public purse overall."

The piecemeal way in which the system has developed has created perverse incentives that waste resources and do not provide appropriately for need.

**Ms Sandra White (Glasgow) (SNP):** I am confused. Is Nora Radcliffe saying that she will not support the implementation of the Sutherland report in the Scottish Parliament?

**Nora Radcliffe:** I said that my party's position is that the report should be implemented in full by the end of the next Westminster Parliament. We thought that that was a reasonable time frame in which to accomplish that. Because of the funding constraints on this Parliament, and because of the way that we are funded, we all know that to fund the report's full implementation in Scotland at this moment would mean having to cut funds from something else. We need time to implement the report in full.

**Ms White rose—**

**Nora Radcliffe:** I would like to move on. I was talking about perverse incentives. We need to recognise those perverse incentives and deal with them. We are beginning to eradicate them through pooled budgets and better joint working.

According to the report, the current system pushes people towards residential care, whereas most people would prefer to stay in their own homes for as long as possible. Measures that would help to level the playing field are: more emphasis on rehabilitation after hospitalisation; better support for carers; and more funding for aids and adaptations to homes—or, indeed, building homes that are barrier-free in the first place and do not require expensive adaptation later. Recent changes in building regulations are welcome, but there is scope to do much more.

In the chamber, we have talked a lot about carers. There are half a million carers in Scotland and the value of the care that they provide is estimated at £3.4 billion per annum. The nation owes those people more support; I cannot think of any public expenditure that is more cost-effective. The voluntary sector must come next—with £1.8 billion of funding per annum, it delivers services that are valued at £41 billion per annum. Smaller voluntary organisations, providing a wide and diverse range of services in their local communities, have been hard hit in recent years by the squeeze on local government funding. Many of those organisations were delivering the sort of practical help that enabled people to continue to live independently, in their own homes, for longer. Many of those organisations relied on grants—often very modest—from their local authority to enable them to keep going. They have not been able to step up fund raising to replace shrinking or vanishing grants, so the sector itself has been shrinking or vanishing as the grant aid has dried up.

As the increased funding that was recently announced for local government feeds through, the prospects for those small voluntary organisations look brighter, but much good service provision has been lost and will have to be built up again. That is one of the reasons that I must ask why we had to wait two or three years, while

money accumulated in the Treasury's coffers, when that money could have been put to good use earlier. There is money in the coffers. We are a comparatively wealthy country. From society's pooled resources, we can afford, if we choose to do so, to look after those people in our community who require care.

Having begun by quoting the report, I will conclude on the report's final word:

"This Report is not about helping the well off—although some of the people who benefit may incidentally be considered 'better-off'. It is about helping those in need of care. It is about a better and fairer split between costs met by the individual and the state. It is about allowing people to stay in their own homes for as long as they are able, and improving the lives of those older people who need care, and those who care for them."

That is not a bad ultimate goal.

11:15

**Mary Scanlon (Highlands and Islands) (Con):**

I am delighted to have the opportunity to debate the Sutherland report and to expand on the excellent paper by Dr Richard Simpson on proposals for the implementation of the recommendations. I would also like to commend the work that has been done by Richard Simpson, Christine Grahame, Margaret Smith and many other members in progressing the Sutherland report.

In reference to the headline of *Holyrood* magazine, I put one question to the Parliament: "Do we dare to be different?" Now is the time to be bold and to dare to be different. We must use the Scottish Parliament to address the health needs of the people of Scotland. We do not need to wait for action by the Westminster Government or for an election at Westminster—devolution allows us to make decisions that are relevant to Scotland.

The Scottish Conservatives took time to sign up to the key recommendation of the Sutherland report—the funding of personal care. We supported that only after hearing the evidence that Sir Stewart Sutherland gave to the Health and Community Care Committee and after examining the exact difference between nursing and personal care.

It is worth outlining personal care as it is defined in the report. However, I must say that I regret the tone that was adopted by Iain Gray. Last week we had an excellent debate on public health, in which we showed that we could leave politics behind us and make health a priority, but I am saddened by the tone of today's debate.

As defined in the Sutherland report, personal care covers all direct care related to personal toilet; eating and drinking; managing urinary and bowel functions; managing problems associated

with immobility; the management of prescribed treatment; behaviour management and ensuring personal safety. According to the report, all those elements fall within the internationally recognised definition of nursing, although many people who are not nurses may deliver them. We fail our elderly if we nit-pick definitions of nursing. Personal care is the care that is appropriate for people with dementia and frailty. The vast majority of frail elderly people do not need high-tech care; they need personal care—physical care—that incorporates issues of intimacy, personal dignity and confidentiality.

The defining condition of the Sutherland report is that unless the review addresses conditions such as Alzheimer's it will not be good enough. If the Scottish Parliament votes only for nursing care and not for personal care, we will have passed a level of care for our elderly that will not be good enough. Personal care is at the heart of today's debate.

The Health and Community Care Committee has taken hours of oral evidence and stacks of written evidence. I would like to quote the reply given by Dr Heath in response to a question from Margaret Smith, who asked:

"What would be the impact on the delivery of community care services in Scotland if the recommendations of the Sutherland commission were not implemented in full and we followed a similar line to England?

Dr Heath: It would be a tragedy, for a number of reasons. For the first time, somebody's eligibility for free care would be based not on an assessment of their need, but on the job description of a specific health professional." —[*Official Report, Health and Community Care Committee*, 13 September 2000; c 1160.]

As Sir Stewart Sutherland pointed out in the evidence that he gave to the committee, if someone falls off a mountain and sustains injuries, or they fall ill because they drink or smoke too much, their treatment is free. However, if a person becomes old and frail or develops dementia or Alzheimer's, they are means-tested. The Parliament has the opportunity to end that discrimination.

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

**Mary Scanlon:** I am sorry, but I am running over.

**The Deputy Presiding Officer (Mr George Reid):** You have about a minute left.

**Mary Scanlon:** All conditions, whether caused by smoking or other factors, are debilitating, but Alzheimer's cannot yet be cured by medical intervention. For that reason, the Scottish Conservatives ask members to work together and to support personal care for the elderly in Scotland. The principle is one of equal care for equal needs. The debate today is about equality in



need and equality in care. I ask members of all parties to put their votes where their hearts are and support the motion.

11:21

**Des McNulty (Clydebank and Milngavie) (Lab):** I will begin with the point on which David McLetchie ended his speech. He talked about dignity and security in later life. Those matters are priorities for everyone in the chamber. The reality is that politics is about priorities; every Government faces choices about policy priorities and what it can spend its money on. It is interesting to look at the policy priorities of the Conservatives over the 18 years in which they were in office and see how far those priorities were followed through.

**Mary Scanlon:** Will the member give way?

**Des McNulty:** No, I will not.

The Sutherland report can be read as a significant indictment of the Conservatives' period in office. The Conservatives introduced charging for personal care. They set the agenda and the tone for the way in which it operated.

**David McLetchie:** Will the member give way?

**Des McNulty:** They introduced a system of community care that was consistently underfunded, and which led to the pauperisation of many elderly people. How do we remedy that? There are many things on which we could spend money to improve the plight of elderly people in Scotland. What are our choices? That is where we will define our political differences. We all claim to share the same broad goals, but our political differences are reflected by the way in which we set our priorities. The priority must be to support older people to maintain their independence and improve their quality of life. That is the axiomatic and central position that we must move towards.

We must provide a more effective mix of health and personal care that is appropriate to the needs of the individual and where relevant, the needs of carers. We must ensure that everybody who needs it gets a high standard of residential care and support. We can now realistically aim for that, but the questions are "How do we do it?" and "How do we fund it?" In conjunction with the Liberal Democrats, Labour has identified additional resources that we can spend on care for the elderly. How do we spend those resources? What are the priorities on which we must spend?

I have a quote from the minority part of the Sutherland report which sets out the debate on personal care:

"If the Croesian flood of expenditure required to support the free personal care recommendation went to purchase better care for elderly people, then the case for it would be

stronger."

But of course the personal care recommendation will not improve the care that is available to elderly people. What it will do is shift the burden of who pays. That is the essence. In the Greater Glasgow Health Board area 86 per cent of people in residential care currently enjoy free personal care.

**Ben Wallace:** Will the member give way?

**Kay Ullrich (West of Scotland) (SNP):** Will the member give way?

**Des McNulty:** I will take Kay Ullrich's intervention.

**Kay Ullrich:** Does Des McNulty think that it is right that someone diagnosed with Alzheimer's disease should have to pay for their care, while those with any other illness quite rightly get free care under the national health service?

**Des McNulty:** We must look at the arrangements and the parameters for the provision of personal care in each category of need. But what are the overall priorities? Is our priority to provide basic care for elderly people on a broad basis, or is it to provide financial support for people who can afford to contribute to the cost of care?

We must consider the need for services alongside the contributions that people make. Our long-term goal is to move in the direction that Sutherland points us, but we must prioritise the action that we can take now. The action that we can most effectively take and that will benefit the greatest number of older people is to provide them with the health care and core support to sustain them in the way that they prefer.

We must do away with the bureaucratic barriers identified in both the majority and minority reports. We must take account of the service gaps and blockages, and the systems of informal rationing that force people into more intensive care environments when their needs could be better met through improved home support, day care, respite care and other means of support that allow people to lead full lives in the community. Such support for elderly people is the central priority. The personal care recommendation needs to be addressed and the mechanics of it must be examined. Elderly people require more from us. Our priority is to examine how we can best support the majority of the elderly quickly and effectively.

11:26

**Ms Sandra White (Glasgow) (SNP):** I do not know whether I should be angry, frustrated or sad—possibly all three—when I listen to Iain Gray and Des McNulty defending the indefensible. I was confused when I listened to the Liberal Democrats'

contribution, as I think most members were. Nora Radcliffe said that our country is rich and that we should look after our old people, but that we must wait for Westminster to give us the green light to do that. That is unbelievable.

Part of the Lib-Lab amendment “calls upon the Executive”. I remind members on the front bench that they are the Executive. Do they look in a mirror and decide what they will say to one another? Members of the Executive should not have to lodge an amendment to call on the Executive, because they are the Executive and should be doing something about the problem.

The amendment calls upon the Executive

“to continue, over time, to work towards fulfilling the Royal Commission’s objectives”.

If that is not a cop-out, I do not know what is. There is no mention of time scale and so on.

Perhaps the Executive thinks that people will be impressed by its announcements about central heating for the elderly, but I can assure it that those announcements will not wash with the elderly, who have much more intelligence than the Executive gives them credit for.

Eighteen months after the publication of the royal commission report, we are still waiting for the Lib-Lab Executive to move on implementation. The Executive’s failure to take a bold and decent step to implement the report may be one of the reasons why the people I speak to in the streets are completely disillusioned with the Lib-Lab pact.

The Executive has the opportunity to change personal care provision and to help people make their lives real once again, but is failing miserably to use it. The SNP recognises that the present system is completely unfair and unsustainable. The Sutherland report makes that clear. I ask the Executive—and particularly its Liberal cohorts—to think again and to support the Conservatives’ motion.

There are many cases of people caught in the savings trap, but I highlight one. An elderly woman, whose daughter wrote to me, is paying £290 a week for residential care. Her mental health has deteriorated and she has to move to a more suitable place, which will cost £350 a week. Had she broken her hip she would have been taken into hospital—that would have been paid for. However, because her problem, unfortunately, is a mental health one—dementia—she does not get any help.

**Iain Gray:** Will the member acknowledge that her comparison is a false one? If the woman broke her hip and went into hospital, that would not be her home for the rest of her life. The most important thing would be to ensure that—rather than finding herself in residential care because

she could not access services in the community—the services were there to enable her to continue to live independently. The motion does not address that.

**Ms White:** Iain Gray tries spin once again. The lady would probably languish in hospital, because there would be no help for her once she was released. That is the big problem. The Executive does not seem to understand that local authorities do not have the moneys at the moment. The Executive could make the moneys available, implement the Sutherland report’s recommendations and make life much better for elderly people, but it will not do so.

The lady to whom I referred is deemed unfit to live at home with her family. She needs trained staff to change her dressings, to take her to the toilet and to help dress her. The Executive may call it fair to charge for those services, but I do not, and nor do the public. The individual should not be left to bear such costs.

It is essential that the Executive takes measures to remove anomalies from the system and to help those who are trapped. It is a disgrace that in a modern, developed and wealthy society, pensioners who have contributed to that society throughout their working lives are forced to pay for long-term care.

The Presiding Officer is signalling me to wind up, so I will conclude by telling the Executive that the scandal must end. Ministers have the opportunity to do something about that.

11:30

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I am sure that all members of the Parliament want to make care of and services for the elderly a priority. The disagreements of this morning will be about how to decide those priorities at this moment in time.

Margaret Smith said in the newspapers—I am sure that she will repeat her comments in her speech—that all the evidence submitted to the Health and Community Care Committee was that we should implement the recommendations of the Sutherland report in full, including the recommendation on free personal care. Equally, other evidence submitted to the committee was that we must expand home care services, that more respite care is required—which the Executive has started to take on board—and that resources must be put into the system in order to deal with what is unfortunately called bedblocking; delayed discharge is a better term. The committee was also told that there must be more money for our broad health policy of warm homes for people, so that they do not fall ill in the first instance. People who take an even broader view of health

want more money for initiatives such as concessionary travel schemes, about which I hope to hear more this afternoon.

The question that faces us is what we should do now, given the priority that the elderly have, to help the largest number of older people in the most effective way.

As I considered my speech, I thought about the old truth voiced by Aneurin Bevin:

"The language of priorities is the religion of Socialism."

At this moment in time, if I had to choose between free central heating for all older people and free personal care, which would benefit only a minority of older people, I would have to choose the former. However, that is not to say that I do not support the latter, but, at this moment in time, we must put our priorities for the elderly in order and implement them step by step.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Malcolm Chisholm spoke about his preferences and about trying to balance central heating against long-term care for the elderly. Does he acknowledge the fact that the chancellor has a huge war chest? Why does he have to decide between one priority and the other, when both are important?

**Malcolm Chisholm:** Politics is about choices. We can argue about public expenditure in macro-economic terms for ever, but we should accept that over the next three years we will have the most significant ever increase in public expenditure. The question that faces us is how we should spend that money.

My choice is to implement the recommendations of the Sutherland report over time, which would complete the unfinished business of the welfare state.

In response to Kay Ullrich's question to Des McNulty, I accept that there are issues of equity in relation to people who have Alzheimer's and that problems with joint working in the community would be eased by the implementation of the recommendation on free personal care. In the meantime, if we implement the recommendation on free nursing care, I hope that we will consider carefully the definition of such care, so that people with Alzheimer's can be helped and covered by its provision. I hope that we will also consider the charging regime, so that it becomes fairer across Scotland and loses the variations that exist at present.

**Mr Rumbles:** The crux of the issue is whether the Executive's amendment can be judged as giving a long-term commitment to implementing the recommendation on personal care, which we have tried to get out of the minister. I quite understand and agree with the points made by

Malcolm Chisholm about priorities, but we are asking for a long-term commitment, which we have not received.

**Malcolm Chisholm:** I cannot speak for the Executive, but I support the implementation of the recommendation on personal care as a long-term commitment.

I would have to say that the implementation of the recommendation on free nursing care would also mean a significant expansion of the welfare state. Although I commend the speeches by Mary Scanlon and David McLetchie, I find it puzzling that the Conservatives in the Scottish Parliament argue for a massive expansion of the universal welfare state, while, at UK level, they argue for the exact opposite: a contraction of the welfare state and for people to pay for more of their health treatment.

That is a serious problem, and it is compounded for David McLetchie by the fact that all that he could come up with this morning to pay for a solution was fantasy savings from unified budgets, from the costs of bedblocking—although Sutherland would not reduce the costs of bedblocking—and from an underspend, all of which is at present being spent on the national health service.

**David McLetchie:** I actually said that the primary source for paying for a solution would be the additional resources given to the Scottish Executive in March this year. That sum of £173 million for the health budget has not yet been allocated, but that would more than pay for the Sutherland recommendations. That is our priority; what is the Labour party's?

**Malcolm Chisholm:** I accept the revision to what David McLetchie said, although he also said all those other things. He even had the brass neck to mention savings and bureaucracy in his press release—that from the party of health bureaucracy for 18 years. If he is now saying that he would be prepared to use the significant additional resources that this Parliament will have over the next four years, he must say in summing up from precisely which budget he would take the £110 million.

Looking into the future, I believe that Mr McLetchie's problems are further compounded by the fact that he is also a member of a party that, at UK level, is talking about reducing public expenditure by £16 billion. That would result in cuts of more than £1 billion in Scotland's budget. I commend his speech, but I must say that it is completely incompatible with all the other policies of the Conservative party.

11:36

**Mrs Margaret Smith (Edinburgh West) (LD):** I thank Mary Scanlon for lodging today's motion and pay tribute to Sir Stewart Sutherland and the royal commission for their work. It is essential that we listen to the depth of experience and the independent views that went into the royal commission from a range of sectors. I also pay tribute to the ministers and the Executive for the good work that the Executive has done and continues to do to take forward the Sutherland recommendations and develop the whole area of community care.

I believe that this is a listening Parliament that, through its committees particularly, will listen to, examine and act on the evidence presented by carers, users and professionals at the front line of care services. Over a number of months, probably too many to count, the Health and Community Care Committee has taken evidence from a broad range of people and organisations who deal every day with the problems that the present regime brings.

The Convention of Scottish Local Authorities, the National Health Service Confederation, the Carers National Association, Age Concern Scotland, the Royal College of General Practitioners, the Royal College of Nursing, the Royal College of Physicians, the British Geriatrics Society, the Scottish Federation of Housing Associations, the community care working group, the Church of Scotland, Scottish Care, the Scottish Health Boards Network and many other organisations agreed that we must implement Sutherland's recommendations on personal care. Of the 100 or so contributions the committee has received, only one group that expressed an opinion did not support that view. I would be failing in my duties on a number of fronts, including my duty to my party, if I did not listen to and act on those views.

The present charging system is an unfair muddle. Someone who receives care in an NHS ward or from NHS staff gets free care. If, however, they receive care at home from social services, including the personal care that Mary Scanlon described, they will be tested and charged for it. Furthermore, what people pay for and how much they pay depends not on their need but on where they live, as charging policies vary across Scotland's councils.

This is a question of fairness and dignity. Our society has decided to pool its resources through taxation and thereby to pool the risk. That is the principle that underpins our health service and our other public services. If someone has the misfortune to be mugged, the police do not march them off to the cash machine so that they can pay for the cost of the investigation if they earn too

much money. In this country, when someone is wheeled into an accident and emergency ward, nobody will put a credit card payment slip in front of their nose. We have paid through taxation so that when disaster strikes us or our neighbours, the state is there for us. Long-term care should be no different. Instead of benefiting a wealthy few, funded long-term care would, through equity, bring peace of mind and benefit to everyone.

The Royal College of General Practitioners summed it up well when it said:

"the redistribution of wealth from rich to poor is the function not of a health care system, but of a taxation system. The function of a health care system is the redistribution of wealth from the well to the sick. What is being proposed is an underhand tax on frail older people." —[*Official Report, Health and Community Care Committee*, 13 September 2000; c 1162.]

Whatever the Executive chooses to do, it is essential that it tackles the treatment of the 60,000 Scots who suffer from dementia. I know that the minister has been wrestling with the issue. Dementia is a degenerative illness of the brain and the fourth biggest killer in Scotland, yet dementia sufferers, unlike cancer sufferers, are expected to pay for services that relate to their illness. That is an injustice and I hope that the minister will re-examine the issue.

Accepting the personal care recommendation would also take away some of the perverse incentives that currently exist in the system and encourage people to stay in institutions rather than move to their home. Right now we know about the problem of bedblocking. I have heard from professionals across the sectors that accepting the personal care recommendation would help to address that. What incentive is there at the moment for someone to return home when they may have to pay charges? I hope that the minister will reconsider ways of extending personal care payments to pensioners in that position, even if he does not feel able to extend it to those in residential care.

This is also an issue of service delivery. Councils from across Scotland echoed what Dundee City Council said—that the lack of a common charging regime between health and social work creates a major barrier to joint working and the fact that health services are free creates a disincentive towards community-based services that affects consumer choice and access. Witness after witness has told us that joint working would be made easier if there were a joint charging policy. That would also have a beneficial impact on the implementation of plans for the use of enhanced generic home care workers, who will combine elements of personal and nursing care services.

If the Scottish Executive adopts the Westminster

model and decides to pay for nursing care wherever it is provided and to define nursing care as any treatment provided by a registered nurse, we are heading for disputes and for a situation that the RCN describes as unworkable. While hard-pressed councils try to have services defined as nursing care, hard-pressed health authorities will do the opposite. Only registered nurses' time would be provided free. Delegated duties would still be paid for. That would lead to dispute, which is exactly what we do not need in our community care services.

David McLetchie dealt with the some of the issues relating to cost. If we make the decision to implement the Sutherland recommendations in full, the burden of finding the extra money that is needed to pay for them will fall on the Parliament's committees, through their budgeting procedure. We must be prepared for that.

Parliament is now faced with a difficult choice. I hope that members from all parties will vote for the Conservative motion, which—unlike the amendment—is unambiguous and commits the Parliament to implementing the Sutherland recommendations in full. The motion would end an unfair system, encourage joint working in health and social work, give support to Scotland's pensioners and send out the clear message that this Parliament and this country dare to be different.

11:43

**Dorothy-Grace Elder (Glasgow) (SNP):** I salute Margaret Smith, the Liberal Democrat convener of our Health and Community Care Committee, for refusing to toe a line—a line that no decent human being should toe today. We must all stand together for the people of Scotland and do what we know to be right.

This is a defining moment in this Parliament's history. The eyes of the country are on us all, to see whether we are prepared to sell out the frail elderly. I hope that no member will do that. People are waiting to see whether we are prepared to sell the frail elderly out to the extent that we continue to impose on them what Sir Stewart Sutherland called "a tax on frailty". It is a very shameful day when we hear a Labour minister defend means testing of the frail elderly. Spirals cannot get more downward than the descent from Bevan to Blair.

**Iain Gray:** Will the member give way?

**Dorothy-Grace Elder:** The minister has had plenty of time already, and he will have time to wind up the debate as well. Some of us hold our principles extremely dear and remember when the minister's party actually was the Labour party. I do not know why it does not drop the word Labour nowadays, as it has ceased to mean anything.

**Iain Gray:** Will the member give way?

**Dorothy-Grace Elder:** The minister will get his chance; he gets plenty of time, whereas I do not.

Earlier, I was thinking about a poignant quotation from Dickens: "Please excuse aged parent". It is said by a son who is showing a visitor into his living room, where his old father is sitting in a corner. It is dreadful that such an attitude—of "excuse the elderly"—prevails today. They have nothing to be excused for. More than 1 million Scots are pensioners. They should be proud of themselves, because we owe everything we have to them.

Consider the fate of the elderly today. The number of local authority homes is decreasing by 2 per cent a year, while the number of private homes is increasing. Some of them are granny farms owned by vast, rich companies, which are so rich and making so much money out of frailty that some are registered in tax havens such as the Isle of Man.

I hear people talking of so-called primitive societies. I find that ironic. What is a primitive society? We are the primitive society; we cannot provide properly for our elderly and frail people.

We all know that the term care in the community is a mockery. Since the Labour Government came to power, 5,000 fewer Scottish clients have received a home care service through a local authority. That is the result of a spot check on one week between March 1998 and March 1999. There were 29,000 fewer hours of home care service.

Heaven help carers. Not only the younger and fitter care for the frail; about 85,000 carers in Scotland are pensioners. Some are aged well into their 80s and some are even in their 90s. I have met elderly people who crawl across the floors at night to turn an invalid who is only a little more frail than they are. All those people are looking to the Scottish Parliament to see whether we are really of value, or whether we are all willing to be party clones obeying some party line. That is not why I joined this Parliament.

Today, people like me will change the habit of a lifetime and vote for a Tory motion. Why? Because it happens to be the correct move for the Scottish people. Over many months of evidence taking in the Health and Community Care Committee, every major body in Scotland concerned with the elderly has urged us to ensure that the Sutherland report is implemented in full. How can we deny that? We cannot possibly do so.

Today will be a litmus test for Parliament. I hope that the Liberal Democrats will stand firm against pressure from Labour to obey. We are not here to obey anyone except the wishes of the people of

Scotland. Support the motion.

**The Deputy Presiding Officer:** During that speech, some members repeatedly turned their back on the member who was speaking. That practice is discourteous, so I hope that it will stop.

11:48

**John Scott (Ayr) (Con):** I too call on the Executive to implement the Sutherland report in full. For too long our pensioners have been treated by this naïve Labour Administration as if they come from another planet. That must stop, as the elderly are our flesh and blood. Des McNulty characterised that way of treating them today.

As I have said before in this chamber, agism has replaced racism as an evil in our society. In a fair and just society, this generation—our generation—must shoulder its responsibilities, get its jacket off and start taking proper care of the elderly.

Sutherland has shown us and the Scottish Executive the way forward. When it comes to decide on this issue, it must not be allowed to cherry-pick Sutherland as has happened in England and Wales.

Dr Richard Simpson's proposals are to be applauded. Margaret Smith's impassioned speech today was—as Dorothy-Grace Elder said—perhaps a defining moment in the life of this Parliament.

As Mary Scanlon said, the Scottish Conservatives have fully costed our commitment to full implementation of Sutherland at £110 million. That would be achieved by savings in other areas. By cutting bedblocking, integrating and unifying health and social work budgets and spending allocated budgets in full and not making a mess of it, we would free up funding to honour our commitments to the elderly.

**Iain Gray:** Will the member give way?

**John Scott:** No.

In Ayr, the need for action is particularly acute. As almost 30 per cent of households there are classed as pensioner households and more than 20 per cent of my constituents are of pensionable age, there is an urgent need to address these issues now.

Beds are blocked in Ayr hospital, yet nursing homes are closing down and lying empty or half full. Auchenberg nursing home closed last week. Such mismanagement of our local resources cannot continue, as the number of elderly people in Ayrshire will rise over the next 20 years.

The debate is about forcing the Executive to do the decent, honourable thing by supporting pensioners. If it is not prepared to do that, it should

step back and let those who are willing to do so get on with the job.

As Age Concern has pointed out, the burden of anxiety of old age could be lifted at a stroke by the introduction of free personal care. Currently, 2.2 per cent of all taxes, for all sectors, is spent on long-term care for people either at home or in a residential setting. Putting Sutherland into action would add 0.3 per cent to that. I believe that that is a price well worth paying.

As has been said, it is fundamental that personal care should not be means tested. Those who suffer from heart disease or cancer receive full medical care, yet those who suffer from Alzheimer's or Parkinson's disease do not. There must be no tax on illness or poor health. In changing and deteriorating circumstances, the fear of being unable to cope is for many people worse than the reality of coping.

The Executive has the opportunity to remove the burden of fear—the sword of Damocles that hangs over our elderly citizens. It also has the opportunity to relieve the pressure of having to cope in the most difficult, and sometimes degrading, circumstances. Both of those can be achieved at a stroke by implementing the Sutherland recommendations in full. As passionate, caring individuals, we cannot afford not to do that. As a country, we can afford to do it, and we must do it.

11:52

**Hugh Henry (Paisley South) (Lab):** I am from that generation that benefited from the struggles of our elderly people in their lifetimes and from those of the generations that came before. They fought through the labour and trade union movement for a decent health service, and decent education and housing, to give opportunities in life to people who had been denied them. I firmly and fundamentally believe that we have a debt to repay to that generation.

I do not disagree with some of what Nora Radcliffe said: we should examine how we provide support, including nursing and personal care, for our elderly, but I also firmly believe that there are issues that need to be addressed immediately. I want there to be a health service that is based on need—not ability to pay—and free at the point of use. I want to hear the Executive telling us again and again that that is what will happen in Scotland, because I am alarmed by some Conservative proposals. No matter what the Conservatives say here, they would be hit by the consequences of their proposals at Westminster for cutting public expenditure and introducing private insurance.

As I came into the chamber, I was amused to see a Conservative member being interviewed for

television along with pensioners who were holding a placard that said, "Free care for the elderly." I believe that the cameraman was experiencing technical problems because of the light coming off the brass neck of that Conservative.

**Ben Wallace** *rose*—

**Hugh Henry:** David McLetchie's press release of 21 September said that

"a lot can be done to repair the damage that has been caused to date."

I agree—it is time to undo the damage that was done by 18 years of Conservative government, which drove many of our pensioners into abject poverty. I am glad that David McLetchie is admitting the consequences of the Tories being in power.

**Mary Scanlon:** Will Hugh Henry give way?

**Hugh Henry:** No thanks.

We should give the Tories credit: they are at least consistent in wanting the process of undoing that damage to start with the better-off in society. That has always been a Tory aspiration.

**Shona Robison:** Will Hugh Henry give way?

**Hugh Henry:** No thank you.

They would start with the 7,000 who, in the long term, need support.

**David Mundell (South of Scotland) (Con):** On a point of order. Is Hugh Henry aware that this is the Scottish Parliament, not the Labour party conference?

**The Deputy Presiding Officer:** That is not a point of order.

**Hugh Henry:** That pathetic comment is in keeping with some of the other comments that we have heard from the Conservatives.

We will have to start the process of undoing the damage somewhere. I agree with Nora Radcliffe that we should help those who are paying for care, but thousands of pensioners are living in poverty.

The Tories have told us what they would do. Sutherland made a contribution to the debate and most of the commission's reports are being implemented by the Scottish Executive, so it is unclear what the Tories are talking about. John Scott said that they would solve the problem by reducing bedblocking, but Mary Scanlon failed to reply to the question, put to her by Iain Gray, about bedblocking meaning the removal of beds. The Tories have still not come up with an answer to that.

**David McLetchie:** Will Hugh Henry give way?

**Hugh Henry:** No thanks.

John Scott also failed to take up David McLetchie's point about the Tories taking the money from the funding that is allocated to the health service this year. Perhaps John Scott was singing slightly off key, as he spoke about savings coming from a reduction of the bureaucracy that was created by the Conservatives, whereas David McLetchie said that they would take it from the money that has been allocated—from the £173 million—including the £8.3 million for doctors and nurses; the £30 million for cancer treatment and medical equipment; the £60 million for shortening waiting times and tackling bedblocking; the £12 million for the implementation of Arbutnot's recommendations and to help Scotland's poorest areas; and the £26 million for the biggest ever drive to implement public health initiatives. That is where the Tories say the money would come from.

I ask the minister for assurances that there will be free home care for pensioners on discharge from hospital, including those who do not pay for home care because they cannot afford it, and that there will be improved adaptations for those who need work to be done in their homes. I also want a rationalisation of services. I do not want Parliament to undermine the principle of subsidiarity by taking power away from local authorities, but we must enter the debate over different levels of charging across Scotland. We should engage with directors of social work, the Convention of Scottish Local Authorities and others to ensure that there is fairness and consistency throughout Scotland.

Let us start with the poorest pensioners and move on to repay the debt that we owe to their generation.

**The Deputy Presiding Officer:** I remind members that when they do not take interventions they cannot expect to be given extra time.

11:58

**Shona Robison (North-East Scotland) (SNP):** Iain Gray's amendment talks about fairness and equity in the care of the elderly. I have not heard anything from Labour members about fairness or equity.

Where is the fairness in someone having to use their life savings or to sell their home to pay for their personal care? Where is the fairness in someone who is confused and diagnosed with dementia having to pay for their care when others do not? Iain Gray has made his position clear: there will be no funding of personal care. He has tried to justify that by minimising the number of people who are involved. Are our policies being dictated by numbers rather than by what is right?

**Iain Gray:** Our policies are dictated by the need to ensure that we get the maximum benefit for the

maximum number of people and use resources most effectively to improve the lives of Scotland's people. In what sense does the motion contribute to that?

**Shona Robison:** Thousands of pensioners will hear Iain Gray's words and act accordingly in the months to come.

How can it be right that someone is compelled to sell their home or use their life savings to pay for personal care? Margaret Smith made it very clear that that fear permeates Scotland's elderly. Old people have told me of their fears that, in later years, their bank books will be checked or that they will be scrutinised to see whether they have any money under the bed. I have sometimes had to explain to elderly people that the money they have saved throughout their adult working lives is going to be taken away from them. Perhaps the minister would not have made his comments if he had had to sit in front of someone who had tears rolling down their face when they realised what was going to happen.

**Mary Scanlon:** Will the member give way?

**Shona Robison:** No—I do not have much time.

Labour members have tried to portray this section of the elderly population as rich pensioners.

**Iain Gray:** Will the member give way?

**Shona Robison:** No, I have given way to the minister once.

Those so-called rich pensioners have scrimped and saved all their lives, paid their taxes and probably bought their council homes. Are they the rich pensioners Hugh Henry was talking about? I think not. They have built a nest-egg, often for their funeral, and it is disgraceful that the Executive should want to take it away from them. Its arrogance knows no bounds.

Furthermore, I have been astounded by the Executive's arrogance in dismissing the clear view of all the organisations that have had an input into the Sutherland report and the Health and Community Care Committee. I take it that those organisations are all wrong and that the Executive is right. So much for the listening Government—which did not listen to its own party about pensions and is not listening to Scotland's elderly or the organisations that represent their interests.

Nora Radcliffe made the astounding suggestion that the SNP should renege on its responsibilities and wait to see what Westminster does. She should raise her sights; it is every MSP's responsibility to make this decision today. We cannot pass the buck. This is our opportunity to make a real difference. If we do not take it, we will never be forgiven.

This could be either the Parliament's finest hour or its most disgraceful. That choice rests with every MSP in the chamber. The Scottish Executive has made its position very clear and I have no doubt that it will not budge. It is time again for this Parliament to assert its authority and I implore members to look to their consciences and support the motion.

12:03

**Donald Gorrie (Central Scotland) (LD):** I am happy to support the amendment; I have two points to make. First, as Nora Radcliffe said, we are committed to implementing the full Sutherland report and, at a UK level, have set out a time scale of about five years to do so. However, her remarks have been misinterpreted in the normal style by other members. We have not said that we should not implement the full Sutherland recommendations; we have said that it would be more helpful to do so at UK level. If funds were disbursed at such a level, the Scottish Parliament could use its own limited funds in other ways. It is possible that, after the next election, there will be a Westminster Parliament with a different attitude to the issue.

**Ben Wallace:** Given that the Secretary of State for Health for England and Wales has introduced a plan that does not follow the Sutherland recommendations—which obviously shows Labour's intentions on the matter—and has therefore not provided a satisfactory UK-wide answer, should we not take our own direction?

**Donald Gorrie:** The next Westminster Parliament can take a different direction if it wishes. Similarly, the Scottish Parliament can also take a different direction. I should point out that Scotland has a coalition—not a Labour—Government and it is up to us to ensure that that coalition reflects the views of the Parliament. The Liberal Democrats are committed to the fulfilment of the personal care aspect of the Sutherland report.

**Christine Grahame:** By when? The amendment does not say by when. It does not commit to personal care, which is the first problem; the second is that it does not have a time scale.

**Donald Gorrie:** I would ask Christine Grahame where the time scale is in the motion that she supports. There is no date in the motion and there is no date in the amendment. There is no difference on that point.

**Christine Grahame:** Come on.

**Donald Gorrie:** My point is that we are voting on a motion that uses English words in the English language and it is plain to see that the motion does not mention a date.



The Liberal Democrats are committed to delivering. However, as Malcolm Chisholm and others have said, there is a question of priorities. We feel that, at the moment, the money available can be used to benefit more pensioners in a better way if it is used on a range of priorities such as better housing, better transport arrangements and so on. I am sure that some of the priorities that Mrs Margaret Smith mentioned will be included in the minister's statement next week.

The question is one of priorities. We are not reneging in any way on our commitment—we are saying that the Sutherland report will be implemented.

Some members have cast aspersions on the amendment but, unfortunately, it is a fact of coalition government that amendments are not always felicitously phrased. However, if English means anything, the amendment's words:

"to continue, over time, to work towards fulfilling the Royal Commission's objectives of fairness and equity in the care of the elderly"

quite clearly include the personal care issue. That is the basis on which we support the amendment.

**Mr Rumbles:** I understand that our group has not yet taken a decision to support the amendment. Does Donald Gorrie accept that, in answer to my intervention, the minister refused to confirm that the issue of personal care was included in the amendment?

**Donald Gorrie:** The minister did not answer Mr Rumbles's question. Ministers have a regrettable habit of not answering questions, but that is how life is. The minister does not have a monopoly on knowledge of the English language.

We interpret the amendment as giving a commitment that—when funds permit and after the other priorities have been delivered—we will deliver on the personal care issue. Neither the motion nor the amendment says when that will be delivered. However, we will continue to press within the coalition to deliver on that issue as soon as resources permit.

12:08

**Nicola Sturgeon (Glasgow) (SNP):** If I may sabotage a well-known political quotation, Donald Gorrie's summing-up was the longest excuse in history.

I welcome today's debate and confirm the SNP's support for the Conservative motion. It is good to see that, at long last, the Tories have decided to campaign for full implementation of the Sutherland recommendations. To be honest, I am not sure why it has taken that party 18 months since the publication of the report to do so, but it is better late than never. I commend the Conservatives for

getting it right, albeit belatedly.

On the evidence of Iain Gray's speech, it is not hard to see why the Government is in dire straits. He described today's debate as "a real treat". What utter arrogance. People will see today's debate not as a treat, but as a testament to his and the Government's failure to deliver on pledges for older people. On that subject, as on fuel tax, pensions and the exams crisis, ministers say that they are listening, but they refuse to hear. They refuse to hear Sir Stewart Sutherland, the British Medical Association, Age Concern Scotland, Help the Aged, the Carers National Association and Richard Simpson, who, in the latest edition of *Holyrood* magazine, calls for free personal and nursing care to be paid out of general taxation. They refuse to hear the vast majority of older people and their families, who want the central recommendation of the Sutherland report to be implemented as soon as possible.

Eighteen months on from the Sutherland report being published, the Executive will only next week respond. Back in 1997, when the royal commission was given a very tight time scale in which to report, it was stated that that was because

"the present unsatisfactory state of affairs should not be allowed to continue, and the government has a clear willingness to formulate policy and to act."

What has happened to that clear willingness to act for it to turn so quickly into desperation to dodge responsibility?

It seems that the real insult and the real slap in the face, if Iain Gray is to be believed this morning, will turn out not to be the delay, prevarication, ducking and diving, or even the refusal on the part of the Government to listen, which ministers are demonstrating as I speak, but next week's announcement that the Scottish Executive intends to follow meekly the Westminster example by refusing to make personal care free at the point of use.

It seems that that recommendation, which the minister tried ably to downplay this morning but upon which, according to the Carers National Association, the integrity of the royal commission's report depends, will be rejected out of hand by a Government that is woefully out of touch.

Des McNulty said that few people would benefit from implementation of that recommendation. He refused, however, to answer the point about the thousands of elderly people who are languishing in hospital because local authorities cannot afford to pay for their personal care.

**Iain Gray** rose—

**Nicola Sturgeon:** No, just sit down and listen for once in your life, Mr Gray.

I agree with Shona Robison that Hugh Henry's comments, when he referred to better-off pensioners, were an insult. Those to whom he was referring are elderly people whose only asset might be their home, or elderly people who, belonging to a thrifty generation, might have managed to save a pound a week over the course of their lives. Those are the people whom Hugh Henry has insulted this morning.

The Executive's cry is, "We can't afford it," the challenge for the Opposition is, "How would you pay for it?" Let us reflect, as David McLetchie and others have done, on the fact that the cost of implementing the Sutherland recommendation would be less than the underspend in the health budget last year. That is what the people of Scotland understand from the Executive's position, so let us have none of it. This is a question not of money, but of political will and priority—of whether Labour has that political will.

I conclude with a direct appeal to Liberal Democrat members. Their party has a long-standing, honourable commitment, reaffirmed in March, to support full implementation of Sutherland, and I respect that. Charles Kennedy rightly criticised Westminster's refusal to recommend the central recommendation of Sutherland. I ask the Liberal Democrats to withstand the pressure that I know they will be coming under; to do what they know is right; to do what their party and the public want them to do. They have heard Iain Gray rule out implementation of the personal care recommendation and refuse to confirm to Mike Rumbles that that was included in the amendment.

The Executive has no intention of implementing Sutherland's central recommendation, and we as the Scottish Parliament have a duty to force a change of mind. I ask the Liberal Democrats to support the motion. Let us secure a parliamentary majority for what people in Scotland know is right.

12:14

**Iain Gray:** At the start of the debate, I posed some questions about the Tories' promise behind their motion—and we should remind ourselves that this is a Tory motion. The Tories therefore have to answer those questions—I have listened to all the speeches, and the questions remain unanswered.

Many Opposition members reiterated the arguments of the royal commission. The power of the commission, its analysis and its principles is not at issue. We commissioned that report, we have welcomed it and we have implemented many of its recommendations. Almost every Opposition member has used today's debate to lambast the Executive, to attack the partnership and then to

hide behind a complaint that we brought politics into the debate. How dishonest is that?

When we announce our immediate plans for care of the elderly next week, they will demonstrate how we intend to invest resources in reducing delayed discharge—

**Shona Robison:** Will the minister give way on that point?

**Iain Gray:** No.

We intend to invest resources in allowing more people to access home care, in helping people to live longer at home, and in helping people to return home from hospital rather than entering residential care. We will invest in more respite for more people, and—yes—the plans will outline how we will address greater consistency and fairness in charging for services, which, as Hugh Henry and Margaret Smith rightly said, vary across Scotland.

**Ms White:** Will the minister give way?

**Iain Gray:** No.

Not one Tory member has addressed those issues. Not one of them has explained how their commitment on personal care will expand care or improve its quality. I appreciate that Nicola Sturgeon is new to her brief—I welcome her to it—but she should understand that the recommendation that we are discussing today would not unblock a single bed in Scotland.

**David McLetchie:** Does the minister accept that blocked beds in hospitals arise because of the state of conflict between social services and health services about whether a patient should leave hospital to enter a residential home? That happens all over Scotland. That is what blocks beds. If the remedies are implemented, it will help to solve the problem.

**Iain Gray:** Absolutely. Better working between health and social work services is one of the things that will contribute to unblocking beds. So is increasing resources to local authorities for community care. However, the recommendation in today's motion would not address those issues.

**Kay Ullrich:** Will the minister give way?

**Iain Gray:** No.

No one on the Tory benches has admitted to us how many acute sector beds they will close and what other cuts they will make in the health service to pay for their promise. Malcolm Chisholm was right. Not one of the Tories has had the nerve to set this in the bigger Tory picture.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** Will the minister give way?

**Iain Gray:** No.

The Tories have argued disingenuously all morning for an extension of state-funded care, while the bigger Tory picture is of a Tory party committed to privatising all but an emergency service NHS.

**Ben Wallace:** Will the minister give way?

**Iain Gray:** No.

How can the Tories seriously argue that personal care will be provided free by the NHS, while William Hague and Liam Fox are saying that hip replacements and cataract operations will have to be paid for under the Tories?

**Ben Wallace:** That is the English Tories' position.

**Iain Gray:** Let me come to that point. Are Tory members really saying that Westminster Tories will make £16 billion of cuts and leave public services in Scotland untouched? Are they saying that a Conservative Government at Westminster would allow tax breaks for private health insurance in Scotland and, at the same time, allow Scottish Tories to fully fund the NHS from taxation? That is not devolution; it is simply unbelievable.

**Ian Jenkins:** Does Mr Gray understand that what we need to hear is that his amendment commits to the idea that, within a foreseeable time scale, personal care will be free at the point of use when it is needed? If not, we are in difficulty.

**Iain Gray:** I will come to that later.

Both Tories and SNP members have raised important issues about care of the elderly, but the motion does not address them. Would it unblock beds? No. Dorothy-Grace Elder spoke about the principle of means testing; the royal commission recommendation would mean the continuation of means testing. Would the motion end means testing? Would it improve or extend care? No. The truth is that the motion is an empty promise, because it would not deliver what many believe it would.

Many members said that older people want to keep their houses. The royal commission makes a number of recommendations on that, and we will respond to them next week. The best way to keep one's house is to go on living in it; that is what people want to do. That has to be a priority, because recent research has shown that as many as 45 per cent of people in residential care could live independently with the proper support. They are in residential care because the care system has failed them, not because they want to be or need to be. That is the most urgent area of need, and the motion misses it altogether.

That is not the only urgent area of need. When we announce our plans for care of the elderly, we will acknowledge that, as our amendment does. I

say to Ian Jenkins that we will keep on seeking ways to improve care of the elderly, with improved quality, greater innovation and greater equity over time. This is not the final word on any aspect of long-term residential care of the elderly—but government is about priorities.

Many members enjoined me to listen to older people, and I do. One thing older people say to me is that I will be old one day. I know that. Not so long ago, Christine Grahame recited a well-known poem about growing old disgracefully. I want to do that, too. I want to live my own life in my own way, in my own home, going to my own pub and sitting in my own seat at Easter Road on a Saturday. I want to turn up at my local Labour party branch and noise up the local MSP—especially if he or she is a minister. I want the services to let me do that—the motion would not help me. I want that for my parents, too. I want them to be at home. That has to be our priority now in the long-term care of the elderly.

I say to Christine Grahame that the motion would not help the woman in the poem to live how she wants to. The amendment holds out the hope of continuous improvement in the provision of long-term care for the elderly.

12:22

**Ben Wallace (North-East Scotland) (Con):**

Those of us who are members of the Health and Community Care Committee know why we are here today. The Executive amendment, which is woolly, rambling and incoherent, illustrates the problems of the care sector. Both are confused and muddled by lack of common purpose and commitment.

Sir Stewart Sutherland chose Rubik's cube as a symbol for his report because it represented the interdependency of the different factors involved in long-term care and because "some of the squares" were already in position. I congratulate the Executive on the squares that are already in place. It has accepted nearly all the report's recommendations: the national care commission, the establishment of benchmarks and practical efforts to work jointly, such as are happening in Perth, which go a long way to solving the puzzle. However, there are no prizes for not completing the cube's riddle. I remember how frustrated I was when I tried to work out Rubik's cube, and the same colours with one out of place was all I could achieve. That is what we face today.

Although Iain Gray talked about growing old, his responses are juvenile. He has been saying that because the Tory party initiated the debate, it is not worth supporting. My grandfather and my great aunt are not Tories. Will he tell them that they will not get the support they need because the motion

came from the Tories? Iain Gray said that four out of five people will not need long-term care—but four out of five people do not mind paying for the other person's long-term care to cover the risk of the lottery that long-term care has become.

The minister took many of his points from the "Note of Dissent" in the Sutherland report; it is a pity that in doing that he undermines a sterling report. He forgot to say that the "Note of Dissent" introduces the option of private insurance for care of the elderly. I suspect that although Des McNulty lectured us on private insurance, he had not read the "Note of Dissent". It is an old joke—what is the difference between Des McNulty and a shopping trolley? A shopping trolley has a mind of its own.

Has Malcolm Chisholm heard of devolution? That is what we are carrying out today. I suggest that Malcolm Chisholm read the Sutherland report too, and the report of the Audit Commission.

**Ms Margaret Curran (Glasgow Baillieston) (Lab):** Has Mr Wallace heard of Mrs Thatcher?

**Ben Wallace:** I was eight when Mrs Thatcher came to power, and my generation has something to say. It is my generation's future that we are planning for.

When people ask where we will get the money from, perhaps they should read the Audit Commission's recommendations and the rest of the Sutherland report, which identify considerable savings in the United Kingdom budget, including the Scotland budget.

Does it really stick in Hugh Henry's throat that the Tories want to do something good about long-term care? It sticks in our throat when people such as Hugh Henry talk about issues such as the private finance initiative or privatisation—people from the old Militant Tendency but now in a party that has abandoned socialism, abandoned clause 4, and is going all out for privatisation. I hope that what we are doing sticks in Hugh Henry's throat. What he will be judged on is the way that he votes on the care of the elderly. It will not matter whether the motion came from the Tories or not.

**Tricia Marwick:** Does Mr Wallace agree that we have heard a lot of spinning in the chamber today from the party of spin, but that the real spinning that is going on is that of socialists such as Aneurin Bevan, who are spinning in their graves because of what Labour members have said today?

**Ben Wallace:** That is a valid point. Labour members and trade union members did not believe the argument about wealthy pensioners when it was made by Tony Blair at his party's conference yesterday. Hugh Henry should look at the details.

If we accept the vital notion that personal care is

about the care that a person receives, and not about whom he or she receives it from, we can remove from the process a splinter that for too long has meant that we endure the problems that dual funding streams and dual commissioning lead to. We will, at last, be able to complete the cube.

In England, "The NHS Plan" has opted to fund nursing care and ignored the alternatives. Sutherland states implicitly that personal care is at the core of the issue. In his recent paper, Dr Richard Simpson argues that the adoption of nursing care, as in "The NHS Plan", will only increase the lottery of care for those in need. I say to Iain Gray that, if he ignores what Richard Simpson says in his report, he will be a worse man for it. All of us on the Health and Community Care Committee know that Richard Simpson works hard, in a non-party political way, to ensure that we—who often do not have the medical expertise—can have balanced arguments. The minister does himself a disservice.

I urge the Parliament not to adopt nursing care, but to adopt what is at the heart of our motion—personal care. If we do not, I fear that we will need to commission another report in years to come. There have already been some trails to that effect, but I hope that they are not accurate. Those are not my words, but Malcolm Chisholm's.

**Robin Harper (Lothians) (Green):** Does Ben Wallace agree with me—as a representative of one of the other parties in the Parliament—that the question of personal care is so deeply embedded in the Sutherland report that if it were not accepted, it would be clear that the Sutherland report as a whole had not been accepted? Does he further agree that I should vote for a Tory motion for the first time in my life?

**Ben Wallace:** I thank the member for that comment—he has obviously taken the time to examine the full details of the Sutherland report and has identified one of the key issues. I wish some Labour MSPs had done the same.

I know that all parties want the report to be fully implemented—even Labour members. We have declared our intentions. The Liberal Democrats, I know, have been working towards a common way forward in the implementation of the report. The number of members who signed Christine Grahame's motion in February shows that the issue has all-party support. For once, this Tory can say that he is not in a minority.

Today, the Executive has focused on the aspects of the report that it has made a start on. We do not hold back from saying, "Well done," but we ask the minister to go that little bit further. He must understand that, without the correct recognition of appropriate definitions of care, and without a commitment to central, single funding,

the report will not be able to tackle head on the issues that we desperately need it to tackle.

We hope that everyone will rally round the motion. Our health team fought to ensure that the debate was above party politics, and was for all who needed long-term care. In response to a point raised by Donald Gorrie, we chose not to put a time limit in our motion, so that policy would not be inappropriately railroaded into legislation. If the motion is backed, we hope that the coalition partners can take the time to work out a timetable for full implementation.

Unlike the Executive's amendment, our motion is a clear statement of commitment. The Executive's amendment is ambiguous, shifty and long-winded. It is full of intent, but has no commitment. Today, we have a chance to act for the good of Scotland and for the many who seek the reassurance of stability in their old age.

In his submission to the Health and Community Care Committee, Sir Stewart Sutherland says that the commission has done its job, to the best of its ability and on time, and that it is the Government's duty to respond. Sir Stewart finishes his introduction to the report with Hubert Humphrey's famous words, but as Christine Grahame has already reminded us of them, I will not repeat the quotation. However, I should point out that it was the Deputy Minister for Community Care who previously used them in a debate.

**Dr Richard Simpson (Ochil) (Lab):** Will the member give way?

**Ben Wallace:** I am sorry, but I am winding up.

Sir Stewart concludes his introduction to the report by saying:

"It is this spirit which has informed our task, and it is in that spirit we hope our Report will be received."

However, the real question for Labour and Liberal Democrat MSPs is whether Iain Gray's amendment gives that commitment, or whether it wriggles to avoid the issue with fancy, flowery words. If the amendment satisfies members, so be it. I will simply disagree. However, if the amendment does not satisfy members and they feel that, come 5 October, we will lose personal care to the realms of nursing care for ever, I urge them to support the Conservative motion. Let us make a change from tomorrow.

## Business Motion

**The Deputy Presiding Officer (Mr George Reid):** The next item is consideration of business motion S1M-1220, in the name of Tom McCabe, on behalf of the Parliamentary Bureau, setting out the business programme.

**The Minister for Parliament (Mr Tom McCabe):** It might be useful for members if I offer some clarification of the business motion, as some slots have not been identified fully.

Two ministerial statements are planned for next week. The first, by Mr Finnie, is on the integrated administration and control system appeals mechanism. Members might feel that that does not cast much light on the subject, but I can tell them that the statement relates to the appeal mechanism for agricultural grants. The second statement, by Susan Deacon, is on care for older people.

Next week also features a non-Executive debate on behalf of the SNP, which has been good enough to inform us of the subject for debate. There will be a one-and-a-half-hour debate on fuel duty followed by another one-and-a-half-hour debate on proportional representation in local government.

On Thursday afternoon, there is an Executive business slot that has not been specified. There will now be a Sewel motion debate concerning United Kingdom legislation. The legislation in question is the Criminal Justice and Court Services Bill, and the clauses that we will deal with concern the treatment of sex offenders.

I move,

That the Parliament agrees the following programme of business—

Wednesday 4 October 2000

2.30 pm	Time for Reflection
followed by	Ministerial Statement
followed by	Justice and Home Affairs Committee Debate on the Carbeth Hutters
followed by	Standards Committee Debate on Register of Members' Staff Interests
followed by	Parliamentary Bureau Motions
5.00 pm	Decision Time
followed by	Members' Business - debate on the subject of S1M-1140 Patricia Ferguson: 25 <sup>th</sup> Anniversary of Establishment of Local Health Councils

Thursday 5 October 2000

9.30 am Scottish National Party Business  
 followed by Business Motion  
 2.30 pm Question Time  
 3.10 pm First Minister's Question Time  
 3.30 pm Ministerial Statement  
 followed by Executive Business  
 followed by Parliamentary Bureau Motions  
 5.00 pm Decision Time  
 followed by Members' Business - debate on the  
 subject of S1M-1132 Tricia Marwick:  
 Multiple Sclerosis in Scotland

**The Deputy Presiding Officer:** The question is, that motion S1M-1220 be agreed to.

*Motion agreed to.*

12:33

*Meeting suspended until 14:30.*

14:30

*On resuming—*

**The Presiding Officer (Sir David Steel):** Before we begin this afternoon's business, members will be aware that this week the 46<sup>th</sup> annual conference of the Commonwealth Parliamentary Association has been meeting in the conference centre in Edinburgh. I know that members would like to welcome about 100 Commonwealth parliamentarians to the gallery today to watch our proceedings. [*Applause.*]

I welcome the president of the CPA and retiring Speaker of the House of Commons, the Rt Hon Betty Boothroyd. [*Applause.*]

## Question Time

### SCOTTISH EXECUTIVE

#### Rail Transport

**1. Tricia Marwick (Mid Scotland and Fife) (SNP):** To ask the Scottish Executive whether it will reconsider, in the light of the current fuel situation, the advice it gave to the shadow strategic rail authority about the franchise bids for the east coast main line between Edinburgh and Aberdeen. (S1O-2289)

**The Minister for Children and Education (Mr Sam Galbraith):** We have no plans to do so.

**Tricia Marwick:** I thank the minister for his most electrifying answer.

In response to my letter of 28 June, Sarah Boyack stated that diesel engine trains were a serious competitor with electric trains

“especially with regard to cost”.

Bearing in mind that, even in the short time since my letter was written, the cost of a barrel of oil has increased by \$1.21, will Mr Galbraith support the recommendation that electrification of the east coast main line between Edinburgh and Aberdeen is a necessity?

**Mr Galbraith:** Sarah Boyack was correct when she said that diesel technology is now a serious competitor with electric trains.

We should not base judgments on short-term fluctuations in oil prices. We are looking at long-term commitments—franchises of between 15 and 20 years. I will conclude by saying that if members consider what is happening, they will see that the journey time between Edinburgh and Inverness has been cut by half an hour because of diesel technology. With improvements in tracks we will get similar results on the Aberdeen line. This is an

old story from an old party.

**Lewis Macdonald (Aberdeen Central) (Lab):** Does the minister recognise that the best diesel or electric train in the world will not run any faster on a track that is as inadequate as sections of the east coast main line are? Will he advise the strategic rail authority to address the issue when considering the franchise bids? Will he ask Railtrack to assess the costs and benefits of double-tracking the section of single track on the line halfway between Aberdeen and Dundee?

**Mr Galbraith:** Part of the advice that we gave on that matter to Railtrack was on the necessity for faster trains. The electrification issue then becomes redundant because of the development of diesel technology. [MEMBERS: "Rubbish."] That was a very sophisticated comment.

The issue is about matters such as the track; there are difficulties on the track to Aberdeen because of the number of bends and double bends. We have given Railtrack that advice. We look forward to Railtrack taking it and doing something about the problem.

### Skye Bridge

**2. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** To ask the Scottish Executive whether it has reviewed the effects of the discounted scheme for local users on the Skye bridge in accordance with the commitment to do so contained in the partnership agreement. (S1O-2311)

**The Deputy Minister for Rural Affairs (Mr John Home Robertson):** It is a special pleasure to hear Mike Rumbles endorsing both the principle and the practice of partnership. The answer to his question is yes. More than 80 per cent of commercial vehicles and 75 per cent of cars—outwith the tourist season—benefit from the higher discounts that were introduced in January 1998.

**Mr Rumbles:** Thank you, but I am not sure whether the minister answered the question. I asked whether the Executive had reviewed the scheme. There is concern over the discounted scheme for local users. People welcome the fact that VAT will not be added to it. John Farquhar Munro has lodged a motion to address that issue. Will the minister consider bringing the matter forward for debate?

**Mr Home Robertson:** I am grateful to John Farquhar Munro for drawing my attention to the problem. He will know that the discounts—whereby frequent users in cars pay £1.34 instead of £5.70—are funded by a subsidy of £1.75 million from Sarah Boyack's department, which will be welcome to his constituents. Date-stamping of tickets that expire at the end of 12 months is controversial and difficult to understand. The

matter is being raised with the Skye Bridge company by officials of Sarah Boyack's department. They will consider it presently and I hope that we will be able to make some progress.

### National Health Service

**3. Kay Ullrich (West of Scotland) (SNP):** To ask the Scottish Executive what overspend there has been in each of Scotland's acute hospital trusts in the first four months of the current financial year. (S1O-2295)

**The Minister for Health and Community Care (Susan Deacon):** As at 31 July 2000—[Applause.] What a disappointment—I thought that I was getting a spontaneous round of applause from the SNP—in fact it was for John Swinney entering the chamber.

As at 31 July, the acute NHS trusts together reported that they had spent £5.235 million more than their profiled budget. That figure does not include the recent additional allocations that have been made, but refers only to money that has been invested in the service. I will publish a table to be placed in the Scottish Parliament information centre setting out the details for individual trusts, and intend to do that in future on a quarterly basis.

**Kay Ullrich:** I will assist the minister and the chamber. It appears that 13 out of the 14 acute trusts are already in deficit—Lothian University Hospitals NHS Trust by £4.8 million, Highland Acute Hospitals NHS Trust by more than £1 million and North Glasgow University Hospitals NHS Trust by almost £1 million. The total deficit for the first four months of this financial year stands at £11 million. Given that, will the minister assure members that funding that is meant for patient care, including that which is to be redistributed under Arbutnott, will not be used by the trusts to address their spiralling budget deficit?

**Susan Deacon:** I will miss these exchanges with Mrs Ullrich. I wish her well in her new post as chief whip—I only hope that her arithmetic in that job will be better than it has been during her time as health spokesperson, or there could be some interesting results of votes in the chamber.

I have a sense of déjà vu about this question, because last year I listened to Mrs Ullrich and her colleagues saying time and again how large the deficit was going to be in the NHS in Scotland. Figures of £50 million were quoted regularly. The real year-end deficit figure last year was some £20 million, which was accounted for by fewer than half the trusts in Scotland—in fact, half of the amount was accounted for by one trust. We are not even halfway through the financial year, but already bizarre predictions are being made about the figure at the end of the year.

Perhaps Mrs Ullrich would care to acknowledge the facts, which are that almost £500 million more is going into the health budget this year than did last year and—as Jack McConnell announced a couple of weeks ago—a further £400 million will go into the health budget next year. That is real investment for real patients, with real results based on real facts.

**Ben Wallace (North-East Scotland) (Con):** On another matter on which the minister failed to listen last year, is she aware that a number of health boards in Scotland are experiencing early winter pressures on their beds and would like to spend some of the new money that she allocated on relieving that pressure? As a result of that pressure, they will not have enough contingency money for any future winter crises.

**Susan Deacon:** I am struck by the appearance of the prophets of doom and gloom who predict crises before they happen and who are already talking about winter pressures although it is only September.

The additional resources that have been invested in the NHS have been targeted towards the areas of greatest need, including dealing with pressures that occur at different times of the year, but especially in winter. There has been not only additional investment, but additional preparation and planning. The NHS is a big and complex service, but it is rising to the challenge and we are fulfilling our commitment to provide real investment.

### Water Authorities

**4. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** To ask the Scottish Executive, further to the answer by Sarah Boyack to question S1W-8819 on 25 August 2000, whether it intends to review the level of water authority chairmen's salary packages. (S1O-2306)

**The Minister for Finance (Mr Jack McConnell):** We have no plans to do so.

**Fergus Ewing:** Is Mr McConnell aware that the salary of the boss of East of Scotland Water is £160,000? Does he believe that a quango boss is worth three times as much as a First Minister? Is he aware of section 116 of the Local Government etc (Scotland) Act 1994—what one might call the Galbraith section—which says that the Executive may give

“directions of a general or specific character”

and that

“it shall be the duty of the authority to comply with those directions”?

Will the minister use that power of direction to rein in the salaries of quango bosses? If not, is that

because quango bosses get paid big bucks in exchange—

**The Presiding Officer:** Order.

**Mr McConnell:** I would have been delighted to answer a supplementary question on the subject of the water authority chairmen's salary packages, which is what Mr Ewing thought he was asking about. However, he is referring to the chief executive rather than the chairman. He should get his facts right before he comes to the chamber.

**Dennis Canavan (Falkirk West):** How can the minister justify a salary of £27,000 for a part-time job? Is it significant that the two chairpersons who are members of the Labour party are paid £2,000 more than the one who is not?

**Mr McConnell:** I thank Dennis Canavan for asking a question on a topic that was on the agenda. When those people were appointed to those positions, Dennis Canavan was a Labour MP and I was not a Labour MSP, so perhaps he knows the answer to that question better than I do. He might even have voted for that salary package in the House of Commons.

During the term of this Labour Government, all those positions have had their salary packages reduced from the packages that were put together by the previous Conservative Secretary of State for Scotland, Mr Michael Forsyth, at the time of the institution of the new water authorities. That is right and proper. Compensation is also much more closely related to the duties for which those who hold the positions are responsible—that should be welcomed by all members. We must ensure that people do their jobs properly.

### Young Offenders

**5. Mr John McAllion (Dundee East) (Lab):** To ask the Scottish Executive what discussions it has had with reporters to children's panels with regard to the availability of secure places for young offenders. (S1O-2312)

**The Minister for Children and Education (Mr Sam Galbraith):** Regular discussions take place with the Scottish Children's Reporter Administration on a variety of issues, including the availability of secure places.

**Mr McAllion:** I thank the Executive for its approach in seeking to develop community-based alternatives to secure residential placements for young offenders and I warmly welcome the £148,000 that has been allocated to Dundee City Council to develop such alternatives.

However, does the minister agree that the need remains for a certain number of secure residential places? If so, is he satisfied with the current number, given that children's panels regularly place secure orders on young offenders, only to



find that there is no available secure place to send them to?

**Mr Galbraith:** John McAllion has highlighted an important issue that concerns many of his constituents who are troubled by the consequences of the problem that he has described. There are 91 secure places in Scotland and work that has been carried out suggests that that number is appropriate. What are lacking are alternative, close-contact but non-secure placements for young offenders—places such as Freagarrach and Cue Ten.

However, there is scope to increase the number of secure places. Dundee City Council is close to having another four places and I hope that we can approve them fairly soon. Aberdeen City Council is considering six places, as is Kerlaw in Ayrshire, which is the responsibility of Glasgow City Council. Although the number of places is probably about right, there is scope to enhance provision. However, we should not assume that increasing the number of secure places is the solution. Too many people have been in secure places for too long or should not have been in such places at all. As a result, we must develop proper community placements that are tough options, so that offenders can confront their criminal activities. Such a dual package is the way forward.

**Mary Scanlon (Highlands and Islands) (Con):** Given that the children's panel in the Highlands currently refers young offenders who are in need of drugs rehabilitation treatment to Lincolnshire, will the minister also consider a care and rehabilitation package in Scotland for young offenders whose offences are associated with drugs?

**Mr Galbraith:** There are many rehabilitation packages in Scotland and over the years we have increased funding significantly in that area. It is open to local authorities in Scotland to make their own choices; I am not here to determine them. We should always be careful about trying to second-guess or take powers away from local authorities.

That said, more can be done. I hope that there will be announcements in the near future about additional expenditure on the important area of drug abuse, not only on its prevention, but on rehabilitation of those who are unfortunate enough to become involved with drugs.

**Scott Barrie (Dunfermline West) (Lab):** Does the minister agree that, when we review the number of secure places that are available for children's hearings, it is important to ensure that children are appropriately referred from such hearings and remain in secure places for as little time as possible? Furthermore, does the minister agree that children's hearings have often requested places for secure accommodation over

many years and that those requests have always exceeded demand for such places?

**Mr Galbraith:** The question of the number of places was reviewed several years ago by the secure accommodation advisory group, which is now re-examining the matter. That group highlighted the two issues that Mr Barrie has raised. Sometimes, people are inappropriately placed in secure accommodation or stay there too long, which blocks a place for someone who really needs it. However, the solution is not necessarily to provide more secure places, but to provide alternative placements such as Freagarrach and Cue Ten that make the offender confront what they have done wrong. I hope that we will be able to solve the problem with a package that includes some extra secure places.

### Rape Allegations

**6. Dr Sylvia Jackson (Stirling) (Lab):** To ask the Scottish Executive what consideration it has given to the use of statement validity analysis in allegations of rape, as developed by Chris Few. (S1O-2310)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** I assume that the question relates to research work that is being carried out independently by Mr Few. Mr Few has not submitted his research to the Scottish Executive, although I have read newspaper reports that he intends to do so. If and when he does that, we will obviously consider the matter.

**Dr Jackson:** Following the press reports on the issue and the very real concerns of women's organisations—most notably Rape Crisis, whose representatives are in the gallery today—will the minister assure the chamber that women's organisations, and particularly Rape Crisis, will be consulted at all stages if and when the work is developed?

**Mr Wallace:** I recognise the concerns that have been expressed, not least by Rape Crisis. As we would need to be reassured of the value of the research before considering any proposals, I can reassure Sylvia Jackson that we will consult those who work with the victims of rape. It is a matter of supreme importance that victims of rape feel that they can come forward with utmost confidence in the system.

**Mr Gil Paterson (Central Scotland) (SNP):** I am disappointed by the minister's comments and seek some assurances from him. I am particularly concerned that rape has been singled out for such analysis. Does not that send a strong message out to women, who might complain that barriers are being put up? Furthermore, will psychiatrists or trained police officers carry out such work?

**Mr Wallace:** I am sorry that Mr Paterson is

disappointed by my answer. The problem is that no research has yet been made available to the Scottish Executive so I cannot explain, on the basis of a newspaper report, why a person doing independent research is following the route that he follows.

I hope that what I will say will reassure Mr Paterson: I am determined that victims of rape should have complete confidence in the system and be treated with the proper sensitivity and tact when they report an incidence of rape. They deserve no less.

### Royal Burghs

**7. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** To ask the Scottish Executive what plans it has to restore the historic rights and titles of Scotland's royal burghs. (S10-2319)

**The Deputy Minister for Local Government (Mr Frank McAveety):** We have no plans to change the legal status of the royal burghs but we recognise the continued existence of the burgh charters, which provide much civic pride by facilitating the traditional and ceremonial roles that local communities can undertake.

**Mr Stone:** I have always believed that Scotland's burghs and communities have tremendous untapped potential. Does the minister agree that it might be fruitful for the Scottish Executive to consider ways in which Scotland's communities could be encouraged and enabled to provide certain services and carry out local improvements themselves?

**Mr McAveety:** If Mr Stone would furnish us with some ideas in that regard, we will deal with them in due course.

We support the Association of Scottish Community Councils. In some parts of Scotland, community councils have been significant players in maintaining civil and local community distinctiveness. We want to recognise that with our continued support.

We need to include community councils in the wider agenda of modernisation of Scottish local government. However, not everything requires to be modern. If there are good ideas that incorporate inherited traditions in those communities, I welcome any such suggestions.

### Genetically Modified Organisms

**8. Brian Adam (North-East Scotland) (SNP):** To ask the Scottish Executive whether it has any plans to bring forward legislation, or to make representations to Her Majesty's Government, to legislate for mandatory consultation with local communities and other interested parties prior to

consideration of applications for GM crop trials. (S10-2292)

**The Minister for Rural Affairs (Ross Finnie):** We have no plans to bring forward legislation until the current revision of the governing European directive on deliberate release of genetically modified organisms into the environment is complete.

I have expressed my concern that neither the directive nor the UK legislation contains provision for mandatory public consultation. I am therefore pleased to say that, within the revision discussions, the Scottish Executive, in tandem with the UK Government, supports moves to ensure that the revised standard will include a requirement for mandatory public consultation.

I am sure that the directive will require primary legislation to come into force.

**Brian Adam:** I am sure that the minister is aware of two draft bills on the matter that are before the Parliament. Given what he has just said, will he support Winnie Ewing and John Munro in ensuring that their bills make progress?

**Ross Finnie:** My undertaking is to pursue actively the implementation of the directive. As Mr Adam will be aware, section 29 of the Scotland Act 1998 requires us to comply with EU legislation.

My difficulty with those bills is that they would both amend the planning legislation. Lawyers and experts will have to consider whether that is the appropriate method, or whether we require either to pass another piece of Scottish legislation or amend part IV of the Environment Protection Act 1990, which currently implements the requirements of EU directive 90/220.

**Dorothy-Grace Elder (Glasgow) (SNP):** Further to that and to the minister's admission to me in June 2000 that a rogue harvest of GM contaminants that was gathered in 1999 is now in the human and animal food chain—I had practically to get that admission out of him using forceps—can the minister give me an update on what steps have been taken to trace those harvest fields?

**The Presiding Officer:** That is not in order. The question is about mandatory consultation.

### Further and Higher Education

**9. David Mundell (South of Scotland) (Con):** To ask the Scottish Executive what steps it is taking to ensure that every student in further and higher education develops appropriate information technology skills. (S10-2314)

**The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen):** The Executive announced that the funding that is

allocated to the Scottish Higher Education Funding Council will increase by £88 million over the next three years to a record £697 million. The Scottish Further Education Funding Council's budget will rise from £358 million to £436 million over the same period. Those are significant real-terms increases.

Both councils will be asked to earmark some of that additional funding for further development of information and communication technology. For this year, the funding councils have allocated some £22 million to support information and communication technology initiatives.

**David Mundell:** Extra funding is always welcome, but have both the Scottish Higher Education Funding Council and the Scottish Further Education Funding Council been asked to make information technology a compulsory component of every course that students take?

**Nicol Stephen:** We have great sympathy with the notion that every student in further and higher education should develop appropriate IT skills through their courses of study. We want that to happen; we have had discussions on the matter and we have allocated funds, with £22 million being spent this year and more to be spent in the future.

Parliament's taking of powers to direct our universities on how to educate their students would, however, be a hugely controversial step that many—if not all—members would oppose. If David Mundell and his colleagues were to reflect on that, they would have concerns about statutory powers being taken by ministers to make such directions to universities and colleges.

**Elaine Thomson (Aberdeen North) (Lab):** Is the minister aware that Robert Gordon University in Aberdeen makes all its students take the European Union computer driving licence and that that is a very good example of the activity that is going on in further and higher education? Does he also believe that it is something that the Scottish Parliament might consider for its members and staff?

**Nicol Stephen:** I am aware of the good work that is being done at Robert Gordon University, which happens to be in my constituency. Not only does the university do what Elaine Thomson has outlined, but it has a virtual campus, which it thought initially would be of interest only to students living outside the city of Aberdeen—in other parts of Scotland or all around the world. I believe that the virtual campus is currently being accessed from 56 countries. There has been such a demand for it that every student in the university has access to it.

We want that type of initiative to gather momentum in our universities. We want to lead by

example, but it would be inappropriate and certainly outside our statutory powers to direct universities.

### **Carrick/City of Adelaide**

**10. Irene Oldfather (Cunninghame South) (Lab):** To ask the Scottish Executive what steps it is taking to secure the future of the Carrick/City of Adelaide, which is currently owned by the Scottish Maritime Museum in Irvine. (S10-2301)

**The Deputy Minister for Culture and Sport (Rhona Brankin):** The future of the Carrick is primarily a matter for its owners, the Scottish Maritime Museum. The Scottish Executive is aware of the efforts that the museum is making to raise funds to restore the vessel.

**Irene Oldfather:** The minister will be aware that the future of the ship will be placed in further jeopardy by the fact that the Scottish Maritime Museum is set to close its doors on Saturday, with the loss of eight jobs. Will the minister pledge to take urgent action to rescue the museum, and will she agree to investigate the possibility of a funding package for the Carrick, taking advantage of the interest that has been expressed by the Australian Government and by Sunderland City Council?

**Rhona Brankin:** I am sorry to learn of the closure of the museum site at Irvine, with eight staff redundancies. As Irene Oldfather knows, non-national museums, including industrial museums, are the responsibility of those who create and operate them.

However, as part of the national cultural strategy, we will undertake an audit of the Scottish museums sector, with a view to setting up a restructuring fund. We have committed £250,000 of funding this year and £3 million over the next three years. I am aware of the discussions that are taking place on the financial rescue package. I have had discussions with Mrs Oldfather on the matter, and I am aware of the attempt to put together a package from a number of funding sources within the UK, the Australian Government and the New South Wales State Government. I cannot provide any further details at this stage, because the proposals are still being discussed and funding sources have not yet been confirmed.

**John Young (West of Scotland) (Con):** Is the minister aware that the Carrick was removed from the River Clyde with the express agreement that its removal would give it a sustainable future, whether in a maritime museum or elsewhere? It seems that that decision, which was taken a good number of years ago, was mistaken, but it was an attempt to preserve a unique vessel for posterity.

**Rhona Brankin:** Industrial museums will be given priority in the national audit. I am aware of the difficulties that the Scottish Maritime Museum

has had and that the future of the Carrick is irretrievably bound up in what happens to the museum. As I have said, I am aware of the discussions that have taken place on a financial rescue package for the Carrick. As part of our audit of industrial museums, we will consider the Scottish Maritime Museum as a matter of urgency.

**Michael Russell (South of Scotland) (SNP):** Will the minister consider being part of the solution for Scotland's industrial museums rather than part of the problem? The museum in Irvine will close on Monday. A great deal of hard work is being done and I pay tribute to Mrs Oldfather, who is deeply involved in that work.

**Members:** Oh.

**The Presiding Officer:** Order. I want to hear a question.

**Michael Russell:** I am sorry that the chamber does not agree with me. The museum will close its doors this weekend. That will throw the issue of the Carrick into stark relief, as the museum will not be able to do anything. The minister has the power to ask the heritage lottery fund to reconsider the conditions and to start to help industrial museums. Her cultural strategy will not do that; it is too long term. I ask the minister to save Scotland's heritage.

**Rhona Brankin:** The whole point of the national cultural strategy is to create a sustainable funding framework for the future. We have a short-term problem with the Carrick and the Scottish Maritime Museum. Funding has been put into the museum by the Scottish Executive. I have said that we will continue to have discussions. I will be delighted to meet Lord Maclay to discuss the museum and have agreed to such a meeting.

### Orthoptic Screening

**11. Patricia Ferguson (Glasgow Maryhill) (Lab):** To ask the Scottish Executive what guidelines exist for the screening of the vision of children by an orthoptist. (S10-2318)

**The Deputy Minister for Community Care (Iain Gray):** The British Orthoptic Society advises that the guidelines for the screening of children's vision by orthoptists are in the process of being updated. A revised set of guidelines will be available within the next few weeks.

**Patricia Ferguson:** I will be interested in the outcome of that revision. Given that many of the visual impairments that occur in children are best rectified before the children reach maturity and that such impairments can impact on their future life and job opportunities, does the minister agree that it is important that the training and recruitment of orthoptists in Scotland is maintained at a level that allows all Scotland's children to be screened?

**Iain Gray:** I agree with Mrs Ferguson. We continue to monitor Scotland's need for orthoptists as well as their availability and access to training, in particular at two universities in northern England. Current vacancy levels indicate no recruitment difficulties. The importance of early screening is exactly why the national screening committee's child health sub-group has prioritised the matter and guidelines will be issued soon.

### Highland Council (Roads)

**12. Mr John Munro (Ross, Skye and Inverness West) (LD):** To ask the Scottish Executive what steps are proposed to ensure that Highland Council is allocated sufficient resources to maintain the area's roads infrastructure. (S10-2320)

**The Minister for Finance (Mr Jack McConnell):** The spending plans that I announced last week will deliver an extra £1.2 billion in total grant support for local government services over the next three years. That is an increase of 10.5 per cent above inflation. Those resources will enable Highland Council to invest in infrastructure across its range of responsibilities, but the precise level of investment in the local road network is a matter for the council.

**Mr Munro:** The minister will be aware that Highland Council's geographic area is larger than the landmass of Wales and bigger than Belgium. Much of the area is served by substandard roads and bridges. Will the minister consider allocating a ring-fenced sum of money to Highland Council roads and transport department so that it can begin to address its difficulties in maintaining and improving the roads infrastructure?

**Mr McConnell:** I do not think that that would be appropriate. The system of grant-aided expenditure, which we are reviewing, is sufficient for that purpose. If there is a problem with investment in roads in the Highlands, the starting point for dealing with that problem would be for Highland Council to decide to spend up to its GAE level on roads maintenance, which it does not currently do. I would welcome that as a step in the right direction.

### Olympic Games

**13. Mr Kenneth Gibson (Glasgow) (SNP):** To ask the Scottish Executive whether it supports Scotland entering a team in the next and subsequent Olympic games. (S10-2298)

**The Minister for Children and Education (Mr Sam Galbraith):** No. [*Interruption.*]

**The Presiding Officer:** Is that it?

**Mr Galbraith:** Scotland is, and will remain, part of the United Kingdom. There is only one

recognised Olympic committee for each nation state; in our case that is the British Olympic Association.

**Mr Gibson:** Is not the minister saddened that the 199 nations that are represented in their own right at the Olympics do not include Scotland? Is he aware that the Olympics is one of the few major sports events left at which Britain is favoured over Scotland? Do the minister and his colleagues accept that, as a Scottish Government, they should stand up for Scotland and argue for Scotland to take its place at the top table of world sport—or would a Scottish team expose the neglect of sport under this and previous unionist Governments—[*Interruption.*]

**The Presiding Officer:** Order.

**Mr Gibson:** That neglect places us far behind smaller, newly emerging, independent nations such as Latvia, Lithuania and Slovenia—

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

**Mr Galbraith:** If there was an Olympic sport of ranting, the nationalists would win. The previous time that they raised a similar issue was so that we could have a separate entry in the Eurovision song contest—how nations are made.

I will take the opportunity to congratulate all the outstanding performances by every member of the British Olympic team, including the Scottish members of the rowing and other teams. [*Applause.*] As an oarsman myself, albeit not a very good one, I convey the gratitude and commendation of the Parliament to Steve Redgrave, who at the age of 38, with diabetes, achieved a fifth gold medal. That is an exceptional achievement.

I also send my best wishes to all the competitors at the paralympics, a large number of whom are Scottish. Rhona Brankin will accompany them and I know that she will take the best wishes of the majority of members of the Parliament to our competitors in the paralympics.

**Phil Gallie (South of Scotland) (Con):** I thank the minister for offering those congratulations. Will he be specific—[*Laughter.*] Will he be specific and offer congratulations to those Scots who have gained their medals through participation in Great Britain and Northern Ireland team events and does he agree that their success comes from the strength of the union bond? [*Interruption.*]

**The Presiding Officer:** Order.

**Mr Galbraith:** The only thing that Phil Gallie failed to say was “Stronger together, weaker apart.” I mentioned the Scots; the two quadruple scullers, the individual in the eight who performed magnificently—as I said, I am especially interested

in rowing—the cyclists and others. They were successful because they were part of an outstanding British team, and that is the way we are going to keep it.

### Rural Filling Stations

**14. Alex Fergusson (South of Scotland) (Con):** It seems a shame to come back down to earth.

To ask the Scottish Executive what steps it is taking to ensure the survival of rural filling stations. (S10-2313)

**The Minister for Rural Affairs (Ross Finnie):** We are providing assistance for rural petrol stations through our rural petrol stations grant scheme.

**Alex Fergusson:** I thank the minister for that short answer, but as far as people who own and use those filling stations are concerned, the scheme is not enough. Rural filling stations are closing at the rate of five a week. Unless the petrochemical giants can be persuaded to review their policy of passing on the increased fuel prices to independent distributors, our rural filling stations will have to pay more per litre for their supplies than motorists in towns pay. Is the Executive prepared to oversee the closure of virtually every rural filling station in Scotland?

**Ross Finnie:** I am surprised that Mr Fergusson should talk about the closure of “every” filling station. Thirty-four stations have applied to the grant scheme that I referred to earlier. They have done so because the scheme is likely to enhance their ability to survive the conditions to which Mr Fergusson referred.

I thought that Mr Fergusson might have alluded to the fact that take-up of that aid is rather mixed throughout Scotland. The Executive is concerned that the rural transport funding package is not being taken up evenly. We have therefore been doing research to evaluate the package and we will get the results in October. The current package includes rate relief support for rural stations, but the research may lead to a review of the package.

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** Is the minister aware that, in many cases, the oil majors will supply small private stations only at a higher price than they will supply neighbouring stations that belong to them and that retail petrol to the public? Will he consider making representations to the Office of Fair Trading on that practice?

**Ross Finnie:** Mr Morgan will be aware that the OFT has examined that issue. Somewhat disappointingly, it has simply stated the obvious—that the reason for the price differential in petrol

was lower volumes and higher supply costs. The only area of Scotland for which the OFT has sought further information on possible exploitation is the Western Isles. I was disappointed by the OFT's response; but the very question that Mr Morgan put to me was one of the questions that were put to the OFT.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** I want to tell the minister briefly about a conversation that I had with the Gunn family, owners of the Highland petrol station, which is 12 miles west of Stirling. The station's survival is threatened. Since the fuel crisis, the Gunns have seen petrol prices rise once and diesel prices rise twice. Nothing comparable has happened just a short distance away in Stirling. That situation is similar to the cases that Alasdair Morgan mentioned.

**The Presiding Officer:** Order. We must have a question.

**Mr Raffan:** The oil companies must be forced to realise that they must treat everybody fairly, in rural and urban areas.

**Ross Finnie:** I am not quite sure what the question was. If there was one, I think it should have been directed at the chairmen and managing directors of the oil companies.

The support that the Scottish Executive gives came about as a result of two studies—one into petrol stations in rural Scotland, and one into car dependence in rural Scotland. It was clear that the most effective policy for the Executive to follow was to give support for capital expenditure, without which those stations would simply fail.

## First Minister's Question Time

### SCOTTISH EXECUTIVE

**The Presiding Officer (Sir David Steel):** We are three minutes late, so I will extend First Minister's question time by three minutes.

#### Scottish Executive Priorities

**1. Mr John Swinney (North Tayside) (SNP):** To ask the First Minister what the Scottish Executive's main priorities currently are. (S1F-561)

**The First Minister (Donald Dewar):** I will start by congratulating John Swinney on his election as leader of his party. I look forward to what may be the rather unusual experience of exchanging views in a reasoned and reasonable fashion in the months ahead. The very fact that Mike Russell praised Irene Oldfather suggests that some strange chemistry is at work.

The Executive's priorities, as John Swinney will know, were set out clearly in "Making It Work Together: A Programme for Government", which was published last September. We will shortly publish a report on the achievements delivered against that programme. I think that 47 priorities were to be completed by October 2000; when the report appears, I know that John Swinney will be impressed and pleased to endorse the progress that has been made.

**Mr Swinney:** I welcome the First Minister's remarks, and his welcome to me in my new office. I would like to carry on in the reasoned, considered and rational fashion that he would expect of me, by continuing with some of the political consensus that I have been creating in the Parliament.

May I congratulate the Labour party—

**Christine Grahame (South of Scotland) (SNP):** What?

**Mr Swinney:** Yes—I congratulate the Labour party on arriving at a sensible policy on pensions, a policy that my party also arrived at last week. Will the First Minister assure us that, when he next goes to the joint ministerial committee, he will argue for the restoration—supported and secured by the Labour party conference—of the link between pensions and earnings? Does he support the Barbara Castle position, which earned her a standing ovation, or that of Gordon Brown, which delivered abject humiliation?

**The First Minister:** If John Swinney thinks that a four-minute standing ovation for Gordon Brown was "abject humiliation", he is setting very high standards for his party conference.

The Labour party has a strong commitment—in both the Scottish Administration and the UK Government—to tackling the problems that are faced by older people in our society. Mr Swinney will be aware of the evidence of that: the minimum income guarantee has increased to £90, and the credit for pensioners of middle and lower income, which tackles the great irritation and understandable aggravation of those who cannot benefit because they have savings that tip them over. All those things are coming through and will lead to a good deal for older people, especially when taken in conjunction with the announcements made by Wendy Alexander about central heating for pensioners and council tenants. A substantial community care package is to be announced shortly. A lot is happening, and I hope that that will be warmly welcomed by everyone.

**Mr Swinney:** I think that means that the First Minister supports the chancellor.

The First Minister knows that I am a man of my word, just as I know that he is a man of his word. I remind him of the firm commitments that he made when he was shadow minister for social security. At that time, he expressed his anger, which he shared with the pensioners, at the breaking of the link between earnings and pensions. Does he still hold that anger in his soul? Will he argue for the restoration of the link between earnings and pensions when he attends the meetings of joint ministerial committees? Will he stand up for Scotland on that point?

**The First Minister:** I hope that no one will object if I say to John Swinney that I hope he will not parade his honesty at every question time—it would become rather repetitive.

I have always been the strongest possible adherent to the national minimum income guarantee. It is the best way in which to help the poorer pensioner and to boost pensioner incomes at the bottom of the scale. I have given Mr Swinney a substantial list of the improvements that we are introducing. If Mr Swinney had listened to the chancellor during what he described as the chancellor's "abject humiliation", he would know that the promises that have been made on pensioner credit and the increase of the minimum income guarantee mean that we are spending more on poorer pensioners than they would have received as a result of the earnings link.

**Mr Swinney:** The First Minister will not be surprised to hear that I parade my honesty every day of the week.

We have been told that, having got it all so badly wrong, all Labour ministers are listening to the public. If the First Minister has been listening, why cannot he give us an absolute commitment that he will argue for the restoration of the link between

earnings and pensions, as he has argued in the past? Why was it right then, but not right now? Whether one is a Scottish motorist, school pupil, pensioner or farmer, Labour is not listening and is not delivering for the people of Scotland.

**The First Minister:** John Swinney should have listened to what I said. When I was Labour party spokesperson on social security in another place, I was a very strong supporter of the minimum income guarantee for the reasons that I have just given: it is the best way to help those who are on the bottom of the income range in retirement. I was strongly in favour of that and I hold to that opinion.

### Prime Minister (Meetings)

**2. David McLetchie (Lothians) (Con):** I echo the First Minister's welcome to Mr Swinney as the newly elected leader of the Scottish National Party, although his questions might have been directed more appropriately to the Prime Minister in the House of Commons.

To ask the First Minister when he next intends to meet the Prime Minister and what issues he intends to raise with him. (S1F-557)

**The First Minister (Donald Dewar):** I saw the Prime Minister this week at a very enjoyable and successful Labour party conference. I was there and David McLetchie was not, which gives me a considerable advantage in judging the event.

We see each other regularly and discuss matters of relevance to this Parliament and to the United Kingdom as a whole. One of the topics that we often touch on is the successful launch of the Scottish Parliament and the progress that it has made.

**David McLetchie:** I hope that when the First Minister next meets the Prime Minister, he will discuss with him the Executive's response to the recommendations of the Sutherland commission, which we debated this morning. Will the First Minister confirm that in Scotland we can dare to be different, that we can implement the Sutherland commission's recommendation on the funding of personal care, and that his Executive is not hamstrung in any way—constitutionally or politically—by the rejection of that recommendation by the Prime Minister for England and Wales?

**The First Minister:** The Prime Minister for England and Wales?

**David McLetchie:** No, the Prime Minister's rejection of the recommendation for England and Wales.

**The First Minister:** I thought that that was an interesting definition of the Conservative party's constitutional position, but I see that I was making

the mistake of actually listening to what Mr McLetchie said.

Of course we can dare to be different. When the announcement is made about community care, Mr McLetchie will see that we have dared to be different in the sense that we have applied a rigorous, but sensible, approach of trying to ensure that the significant amount of money that we have been able to find is used to raise standards of care for the vast majority of those who are in residential care. That is what is important, and it is a test that everyone will want to apply.

Of course, I am very conscious of the Sutherland report. I welcomed it when it was published and congratulated Sir Stewart on his work. I am glad to repeat that, but obviously we will have to look at the return on the resources that we have to try to ensure that we have an exciting and innovative package that will make a difference to those who are infirm in old age, and also, in many cases, to their carers.

**David McLetchie:** I thank the First Minister for correcting my slip of the tongue. Of course, I hope that the Prime Minister will remain the Prime Minister of the United Kingdom, albeit—[*Laughter.*]

**The Presiding Officer:** Order. Let us hear the question.

**David McLetchie:** Some members are easily amused. To finish my sentence: albeit that the remaining tenure will be short.

To return to the original subject—and dismissing the hilarity for the moment, because this is a serious point—will the First Minister tell me, given that the Deputy Minister for Community Care singularly failed to answer the question this morning, whether, in the words of the Executive amendment, working

“over time . . . towards fulfilling the Royal Commission’s objectives of fairness and equity in the care of the elderly”

means the same as working “over time” to implement the key recommendation of the Sutherland report on the funding of personal care? Do those statements amount to the same thing, or not?

**The First Minister:** Mr McLetchie looks at me quizzically—and he started so well.

The important point is “fairness and equity”. We have to ensure that we do everything possible with the funding and resources that are available to raise quality of life, provide facilities, and provide support, both physical and emotional, to those who are surviving in difficult circumstances and who have to face the infirmities of old age. I do not think that David McLetchie would disagree with that. Later, we may have an argument about the

best way of doing that, but that is an argument about means.

On the matter of ends, one has to look only at the list that I mentioned a few minutes ago to see the commitment of this Government to the older generation: the concessionary fare scheme that will be announced shortly; the warm deal; the community care package, which will be generous; the income guarantee; and the credit for those who are just above the social security limit. That does not include previous work on, for example, eye tests, television licences and so on. A great deal has been done. We have to keep up that pace of progress, and I hope that that is something we can all join in doing.

### Central Heating (Funding)

**3. Fiona Hyslop (Lothians) (SNP):** To ask the First Minister what the sources are of the £220 million public funding recently announced by the Minister for Communities for the installation of central heating systems. (S1F-569)

**The First Minister (Donald Dewar):** I am not absolutely clear about where Fiona Hyslop gets her £220 million from. We announced that the total programme will involve investing £350 million over five years. That will be fully fundable through new money, support from Scottish Homes and the warm deal, obligations on new landlords and important support from Scottish Gas, Scottish Power, Scottish Hydro-Electric and Transco. That is a major investment in the infrastructure of our housing stock. It will take scores of thousands of pensioners out of fuel poverty and will mean a more sensible and effective approach to the problems of thermal efficiency and the dangers of hypothermia.

**Fiona Hyslop:** I thank the First Minister for his answer, but I think that he may be confusing private and public funding.

Will the source of the funding affect entitlement to the scheme? Will the First Minister say whether all our pensioners will be entitled to central heating? Will pensioners in the seven local authorities that are considering whole stock transfers, including pensioners in Glasgow and Galloway, be entitled to central heating, or will that be conditional on stock transfer? Are all pensioners entitled to apply to the scheme, as the press release implies, or will tens of thousands of Scottish pensioners remain in fuel poverty and be excluded because of their postcode and their landlord?

**The First Minister:** I may drop the odd stitch in that long list, but I will try it. As I understand it, there is £210 million of new money and about £40 million that is a transfer from the new housing partnership.



**Fiona Hyslop:** So it is new housing partnership money?

**The First Minister:** Yes, but that is because our abjectly humiliated Chancellor of the Exchequer has made such savings on debt repayments. That is why we can make that transfer without any cost to the programme that was envisaged.

The scheme will affect all council tenants and all pensioners who are in homes that do not already have central heating. There are no traps or clever escapes and there will be no fodder in this scheme for the paranoia of the Scottish National Party. The scheme will work and it will make an enormous improvement in the quality of life. I hope that it will be widely welcomed by the lady. It is unconditional. The private money is about £10 million—a comparatively small but very important contribution, which should be welcomed as an example of the kind of partnership that this Administration is building with the private sector.

#### Adult Education and Training

**4. Mrs Mary Mulligan (Linlithgow) (Lab):** To ask the First Minister what measures are being taken to support and encourage adults with poor basic literacy and numeracy skills to access education and training. (S1F-566)

**The First Minister (Donald Dewar):** This week Henry McLeish announced £22.5 million over the next three years to raise literacy and numeracy levels and to back up the recommendations of the adult literacy 2000 team when it reports in December. He also announced recently £1.5 million this year to increase the number of trained literacy workers by more than 200. Those represent real boosts, which give real impetus to the need to tackle the problems of adult literacy.

**Mrs Mulligan:** Will the First Minister join me in congratulating West Lothian Council, which next Monday will launch a video and website to inform people what adult basic education is available and to encourage them to take it up? Does he agree that those who are involved in adult basic education should be innovative in opening up avenues for people to overcome their natural nervousness and reluctance to take up those opportunities?

**The First Minister:** I agree entirely that there are often inhibitions and a fear of the unknown. Adequacy problems can inhibit people who could greatly benefit from adult literacy help. I am glad to congratulate West Lothian Council on an innovative attempt to overcome those difficulties.

The important point is that in the past, adult literacy has been very much on the fringes of the education world. It has not been given a high priority. We are putting that right.

**Fiona McLeod (West of Scotland) (SNP):** Does the First Minister concede that a major barrier to access to education and training this year has been the 1 September start date for individual learning accounts? Can the First Minister say how many Scottish students have been disadvantaged by that start date, given that most Scottish courses started in mid-August?

**The First Minister:** I am not aware of that difficulty. I will inquire of colleagues who specialise in this field and write to the member if a problem exists. The matter has certainly not been drawn to my attention and I do not think that it commands a great deal of sympathy on the Executive benches. However, I will certainly look into it.

#### Deportees

**5. Dennis Canavan (Falkirk West):** To ask the First Minister what action the Scottish Executive intends to take following the arrival in Scotland of convicted criminals deported from elsewhere. (S1F-571)

**The First Minister (Donald Dewar):** Persons convicted abroad and deported back to the UK will no longer be serving any sentence and will normally have committed no offence in this country. Therefore, it is unlikely that there will be legal grounds justifying intervention by authorities in Scotland or the rest of the UK following their arrival. If such an attempt to intervene were made, there might be genuine legal difficulties in relation to the European convention on human rights and other matters.

**Dennis Canavan:** In view of the concern that has been raised about the case of the Wood brothers from Canada, will the First Minister consult the Home Secretary about the possibility of some kind of parole conditions or supervision orders for convicted murderers and other serious offenders who are deported to this country? I ask the First Minister to bear it in mind that when our mutual friend, Henry McLeish, was a Scottish Office minister, he said that he was seeking Jack Straw's support for appropriate legislation.

**The First Minister:** There are genuine problems with this issue and quite extensive discussions have taken place on the best way forward, although solutions have not been easy to find. For example, there is a proposal to amend the convention that covers such movements, in order to allow people to be brought back to this country shortly before they complete their sentences; it would then be possible to impose on them conditions of supervision and other controls. However, that would be a substantially difficult undertaking, which would take some time to implement and which would require the agreement of Governments in many countries.

We take the matter seriously and we have been trying to assist with it.

May I make one further comment, Presiding Officer?

**The Presiding Officer:** I have another supplementary question.

**The First Minister:** I will still continue.

We should not forget that we are talking about two-way traffic. There may be big spurts of publicity over a particular case of someone who comes into this country, but the best figures available to me—which may be open to a little questioning as to their total accuracy—suggest that, since 1995, we have exported, if that is the right word, from this country prisoners on completion of their sentences to their country of origin who far outnumber the number of prisoners who have come to us. I make that point to try to encourage a sense of perspective.

**Phil Gallie (South of Scotland) (Con):** I listened carefully to the First Minister's comments. He seems to have moved away from the position that was stated by Henry McLeish almost two years ago.

Will the First Minister take on board the wording of motion S1M-1214 and ensure that further consultation takes place on the issue with the Home Secretary, as it is important to everyone who lives in Scotland and the United Kingdom?

**The First Minister:** I made it clear that there has been a lot of discussion on this matter, and I do not regard that discussion as one that has been concluded. In particular, I mentioned the possibility of alternations to the convention.

I repeat: if, in relation to cases such as the Canadian case, we said that we would not take this man, as some of the popular prints would urge upon us, we might be in danger of finding that a large number of people have to stay in the United Kingdom who otherwise would leave it promptly. We might also find that, on a head-count basis, which I accept may be misleading but is still of some interest, we would be very much the losers.

## Transport Expenditure

**The Presiding Officer (Sir David Steel):** Our next item of business is a statement by Ms Sarah Boyack on transport expenditure. The minister will take questions at the end of the statement and therefore there should be no interventions during it.

We have a busy afternoon ahead, and I ask members to settle down and listen to the statement.

15:35

**The Minister for Transport and the Environment (Sarah Boyack):** I wish to make a statement on the Executive's transport spending priorities to 2004.

Two years ago, the new Labour Government set out a new vision for transport in the white paper "Travel Choices for Scotland". That vision is of a modern, integrated transport system that is the equal of any in Europe; that fully reflects our commitment to social inclusion, to the environment and to the economic well-being of Scotland; and that recognises Scotland's geographical diversity. There will be new ideas, new powers and a new approach to transport.

The vision is now becoming a reality, with 33 major public transport projects across Scotland. More than 350 new or improved rural transport services have been introduced. More than 8 million lorry miles per year have been moved from Scotland's roads on to rail. Thirteen motorway and trunk road schemes have been delivered and major repairs have been made throughout the network. There is a two-year programme of 49 motorway and trunk road schemes, delivering safer, modern roads. We are building for the long term.

The Transport (Scotland) Bill currently before Parliament marks another step towards that long-term vision. It will deliver major improvements to bus services, improving journey times and reliability and allowing improved joint planning across local authority boundaries. It will provide the powers to put in place a national minimum level of concession for pensioners and people with disabilities, and powers to enable local authorities to introduce charging schemes to tackle congestion. Those new powers will equip Scotland's transport system for the 21<sup>st</sup> century.

We know that the demand for travel will increase. Road traffic is likely to grow by more than 50 per cent in the next 30 years. Rail travel is likely to grow by the same amount, but over 10 years. Those projections have huge implications

for the way we live and work and for our environment. We have made our commitments on reducing carbon dioxide emissions over the next decade. Transport must be part of that picture and we need to plan now for rational and sustainable ways to manage demand and offer people real transport choices. We have new policies, new powers and now new resources.

We inherited a public transport system that suffered from decades of underinvestment and a total lack of vision. Too little was spent for too long. Tory underinvestment and fragmentation has left us with huge bills to improve these vital public services. Jack McConnell's statement of 20 September provided the total figure for transport. I now want to set out the detail of how we intend to invest in transport.

We will increase resources to local authorities by around £200 million in the period to 2004. The public transport fund is already supporting transport innovation throughout the country. All types of transport have benefited, but there have been too few cycling and walking projects, so I have decided to give more prominence to cycling, walking and safer streets in allocating the fund. We have committed £58 million to the fund for 2001 and we will increase that fund to £150 million over the next three years. The priority for future investment must be projects that will do most to alleviate congestion, our most intractable urban problem, giving people real travel choices. I will announce more successful projects next month.

I do not need anyone in this chamber to tell me about the appalling state of our local roads and our bridges. Years of neglect have led to a backlog of repairs and we will make £70 million available over the next three years to enable authorities to begin to tackle it. I expect local authorities to build on this year's level of current and capital expenditure on roads and bridges. Those new resources must not displace existing provision, but must be genuinely additional. The detail, including the expected outputs, will be worked up in partnership with the Convention of Scottish Local Authorities.

Transport is also about accessibility for people and about delivering on social justice. Last year, we delivered concessionary travel for blind people. This year, the spending review settlement means that I can go further, and I am delighted to tell the chamber that the Executive will now extend concessionary travel even further. I want one of the legacies of this Government to be one of the best concessionary fare schemes for pensioners and people with disabilities. From October 2002, all Scottish pensioners—nearly a million people—will be able to benefit from free bus travel.

This Labour-Liberal Democrat coalition will spend around £300 million more in the period to

March 2004. In real terms, that is a 45 per cent increase. We will deliver new resources to transfer more freight from our roads—£36 million more for the freight facilities grant. We will increase our target for transferring freight from our roads from 15 million to 18 million lorry miles a year by March 2002. We will also extend the freight facilities grant to cover short sea coastal shipping.

Delivering new resources means delivering for Scotland's rural communities, to enable people to have access to jobs, family and vital local services. Our spending review decisions will mean an increase in the rural transport fund of £4.5 million over the next three years, an increase of almost £1 million annually to meet the costs of conversion to liquefied petroleum gas, and an increase of around £60 million over the next three years for transport in the Highlands and Islands.

We will also deliver new resources for a modern, strategic road network. We have already announced an investment package of £444 million in the period to March 2002. In the two years following, we are further increasing trunk roads expenditure by £68 million. That investment will deliver vital maintenance and key improvements across the network that our economy needs. However, we need an integrated approach that will deliver improvements in public transport and our roads.

I will deal first with the issue of the M74 completion. I accept the principle of a strategic link between Fullerton Road and west of the Kingston bridge, but I have no intention of negotiating through the newspapers on the scale and nature of that link. That is why I am inviting the leaders of Glasgow City Council, South Lanarkshire Council and Renfrewshire Council to meet me on 10 October to discuss this issue. We need to discuss the best way forward. The road must be sustainable and affordable. There are clearly regeneration benefits to be gained in the area and the contribution that public transport could make to reducing car usage has not yet been fully explored. Let me be absolutely clear this afternoon: this project will be delivered.

I believe that to prepare for the future in a sustainable way we need to examine the transport problems of Glasgow and west central Scotland in the round. That is why I have decided to broaden the transport corridor studies on the A8 and A80 to include the M74 corridor. That has been suggested by many during the first phase of consultation on our studies. Carrying out such studies is not about avoiding action; it is about acting responsibly. I am prepared today to give the Parliament the key commitment that the Executive, directly and with our partners, will implement the decisions flowing from the studies into the needs of the A8, A80 and M74 corridors.

We need public transport and roads investment. The scale of congestion in the west central Scotland area demands nothing less.

Concurrently with our studies, we will begin the necessary preparation for building the road, including the statutory procedures that apply to all routes such as the M74. We will implement with similar urgency the recommendations flowing from the study into the Kincardine bridge. That will deliver a welcome relief for people in Kincardine, who have suffered poor air quality, noise and congestion for long enough.

To help meet those and other commitments, I have established a new integrated transport fund of £75 million over the next three years. That will enable the Executive to support transport initiatives that deliver on widely accepted local or regional transport solutions; that clearly contribute to our vision of a modern, safe, reliable and integrated transport system; that will allow us to consider new opportunities and to lever in private investment; and that will pave the way for the introduction of congestion charging or workplace parking levies. I will meet the cities in October and will discuss with them the new opportunities that this fund presents.

Edinburgh, Aberdeen and Glasgow are beginning to identify coherent and co-ordinated approaches to dealing with their congestion problems. The City of Edinburgh Council, for example, aims to tackle congestion by introducing charging for the use of road space within congested urban areas. Work by external consultants on behalf of the council has shown that, in addition to reducing congestion, £30 million to £40 million per annum could be raised by charging around £1 per vehicle for entering the city. The Transport (Scotland) Bill guarantees that income from charging will be ring-fenced for transport investment. That means that the step change that we need in Scotland to deliver on public transport can be in our grasp within 10 rather than 50 years.

In February, I announced that the Executive would provide grants to assist the development of charging scheme proposals. I will respond to the City of Edinburgh's bid shortly. I want to emphasise that support is also available to other councils developing similar schemes.

New policies, new powers and now substantial new resources: the Executive has delivered the key tools, which begin to meet Scotland's transport needs, but we alone cannot deliver the transport system that Scotland deserves. We need a long-term vision and a genuine partnership between the Executive, local authorities, transport operators and the private sector, working together for the whole of Scotland. I am committed to that. This morning I met an all-party delegation from the

City of Edinburgh. Tomorrow I will meet the south-east Scotland transport partnership and Aberdeen and Aberdeenshire Councils. Next month I will meet Glasgow City, South Lanarkshire and Renfrewshire Councils and the west of Scotland transport partnership. Working together, we can deliver for Scotland.

**The Deputy Presiding Officer (Patricia Ferguson):** The minister will now take questions on the issues that were raised in her statement. I intend to allow around 30 minutes for questions. In view of the number of members who want to ask questions, I ask for them to be brief and to the point whenever possible.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** I look forward to entering into a constructive dialogue with Sarah Boyack on transport issues. I will start that today by accepting that the minister has made a reasonable start, given the resources available to her. I welcome much of what she announced.

I have several questions on delivering an integrated transport system, providing for Scotland's drivers and whether the resources to do the job exist. I will start with the minister's statement that £70 million is available over three years to enable authorities to begin to tackle the backlog of road repairs. That is good spin, but what about the reality? Has the minister heard of an organisation called the Society of Chief Officers of Transportation in Scotland? Is she aware that it has carried out a survey that shows that the backlog in Scotland's roads is £1,500 million and that it has also said that it requires £75 million every year to overcome those problems? On top of that, there is a requirement for £166 million for bridges. That makes £70 million over the next three years look miserly. There is a real danger that Sarah Boyack will become known as the minister for potholes.

Where is Scotland's national transport plan? Where is our 10-year programme to set out the transport vision for the future of Scotland, which we so badly need? John Prescott announced a 10-year plan to spend £148 billion—£14 billion per year. We might have expected £1.4 billion in Scotland each year but, once the capital charges are stripped out, the Executive is spending only £396 million. What has happened to Scotland's missing £1 billion? Do we not have a national plan because we cannot have a plan without the resources?

In her statement, Sarah Boyack recognised the long-term nature of transport planning. I wish she had introduced a 10-year plan to go with it. In the future, will capital charges be allocated to Scotland via the Barnett formula?

Can the minister tell us when she intends to

announce to the chamber that we can expect something to happen on the Borders rail link, when we can expect something to happen on the rail link between Dunfermline and Edinburgh, when we can expect an announcement on the A75—that vital European link—and when we can expect further announcements on the A9?

Does the minister agree with Lex Gold, of the Scottish Chambers of Commerce, who said this week that Scotland's transport system is a disgrace and that its infrastructure would shame a third-world country?

**Sarah Boyack:** I welcome Bruce Crawford to his position as Opposition spokesperson on transport. I look forward to his constructive and consensual contribution to our debates. Not every statement that I make will include an announcement of a major infrastructure project in the region that he represents as a list MSP. The Kincardine bridge project, which he did not mention, will be warmly welcomed in his area.

The Government is listening. I do not underestimate the scale of the challenge that we face to improve our transport infrastructure, but the package that I am announcing this afternoon is a major step change for Scotland. It sets us on the way to delivering high-quality investment across the whole of the country. I do not want to follow exactly the routes that are taken by John Prescott; I want to do what is right for Scotland.

If one takes out the money that is being invested in railways, from which Scotland will benefit through the strategic rail authority, it is clear that the money that we are allocating represents a fair deal for people in Scotland—for motorists, for ferry users, for walkers, for bus users, and for cyclists—and will allow major investment in transport across Scotland.

I know that pleas have been made for local resources. That is why I have listened to local authorities and allocated £70 million over the next three years. That lets us start to deal with the major problems of potholes, crumbling bridges and local roads, about which members from around the country have told me in letters and parliamentary questions—and in lobbying at the back of the chamber. They have all done it. I have listened to members and that is why today we are starting on the major investment that is required for the long term.

We have a long-term plan for transport. Two weeks ago, I said that I would present proposals for a delivery plan for the whole of Scotland which will cover not just our investment in roads, buses and public transport, but rail issues and long-term strategic air issues.

The investment that I have announced today represents a step change in transport investment.

The public transport fund that Bruce Crawford mentioned will be doubled—it will increase by £10 million to £40 million next year, by £20 million to £50 million in the following year, and by £30 million to £60 million in the year after that. That is an opportunity for councils throughout the country to consider major investment in public transport. Next month, I will announce the next round of the public transport fund awards, which will address some of the issues that have been raised. That is when we will deliver a step change in the public transport fund.

**Mr Murray Tosh (South of Scotland) (Con):** I thank the minister for the courtesy of an advance copy of her statement and for many of the announcements that she made, particularly on concessionary fares.

I would like to know more about the £68 million extra that she announced for trunk roads in 2002 to 2004. How much of that money will be spent on construction? Will she confirm that the additional sums cover little more than the carry forward of the strategic roads announcements that have been made in the past year? Will she confirm that that money will allow commencement within that time period of the critically awaited upgrades on the M74, the M8, the M80 and Kincardine bridge? The statement did not make those matters entirely clear.

While we are hearing about not negotiating through the press, could the minister tell Parliament some of the information that her spokesman gave to the press today about the nature, specification, cost and time scale of the M74 upgrade? I think that Parliament is entitled to be included in that partnership. Will she comment on the reaction of Councillor Charles Gordon, of Glasgow City Council, to what her spokesman told the press? He told the press that it appeared that there was more spin than substance in what had been announced today about the M74.

**Sarah Boyack:** I thank Mr Tosh for his welcome of our concessionary travel scheme for pensioners and people with disabilities. It marks a step change in the life chances of pensioners and disabled people across the country.

The £68 million for trunk roads will enable us to make progress on a number of schemes—not just a major trunk programme, but action to address some of the key safety issues that regularly arise in parliamentary questions, such as route accident reduction plans and tackling some of our key accident areas. It will allow us to do more, as it is additional to the £444 million that I have already allocated to be spent over the next two years. That is good news for Scotland's motorists and for other people who use our major trunk roads and motorways.

There are critical upgrades. My statement gives a clear commitment that we will implement the outcomes of the multimodal studies on the A8, the A80 and the M74. That commitment means that we will make progress on the critical routes and the improvements that are required. That work is budgeted for in today's announcement.

We believe that the M74 must be a strategic road. It must be upgraded in partnership with Glasgow City Council, South Lanarkshire Council and Renfrewshire Council if we are to maximise the benefits for west central Scotland. However, it is a major project. When we considered it last year in the strategic roads review, the price tag for the route was £177 million. The paper that I have received suggests that the current preferred route of the three councils would cost £307 million. That is a huge amount of money.

I want to explore with the councils the most sustainable and acceptable route that will deliver the strategic link that business in the west of Scotland is crying out for, but which would be a responsible route. There are specific issues that I want to explore with the councils. For example, a spur that goes back to the Kingston bridge in Glasgow—which is already one of the most congested routes in Scotland—would not make sense. The Executive has spent more than £30 million securing the Kingston bridge and making it safe; the last thing I want is to channel yet more commuter traffic back to it. The strategic link is to Renfrewshire and Paisley, to the key areas where business opportunities need to link back up to the Mossend rail connection and the rest of Scotland.

I want to talk to the councils about the cost of the route, as I think £307 million is not value for money. It would not deliver the benefits the road needs to deliver and it would have an environmental cost that need not be paid. I want to consider a reduced scale for the road and the project that we assessed last year in our strategic roads review. That review talked about the benefits to integration, accessibility and the economy that that route could bring about.

I have read the comments in the newspapers. I want to make it clear that I am not going to negotiate with anybody in this chamber or through the newspapers. We must sit down and talk about this. I believe that consensus can be built. We can work in partnership to identify a funding package that will deliver the safe, sustainable and affordable route that businesses in west central Scotland, the councils and this Executive want. There must be partnership, consensus and agreement—that is how we will get moving on the route.

Mr Tosh asked me to comment on the time scale. This is a major project. The orders that have to be passed for a project such as this need to be

discussed democratically. Regardless of which of the road schemes is chosen, people will have to be able to exercise their right to contribute to that democratic process. We must get going on that and sit down and talk about the detail with councils. There need not be a delay; we must get on and get moving with the route.

**Tavish Scott (Shetland) (LD):** I welcome the minister's statement. I also welcome Bruce Crawford to his new position—I notice that he spent even more money than Kenny MacAskill normally does in a speech on transport.

I welcome the increased allocation for the public transport fund. Will the minister clarify the process through which projects such as the Glasgow crossrail and the Borders railway must go to have a chance of success? I also welcome the additional resources for local authority funding of road maintenance. How does the minister plan to allocate those additional moneys, given the technical nature of the announcement that she made in her statement?

Finally, I echo Murray Tosh's welcome of the announcement on concessionary fares. However, will the minister address the issue of partially sighted people from the islands who have advocated and argued for particular assistance with air travel as an alternative? Furthermore, as the minister mentioned short sea coastal shipping she will not be surprised if I ask about long sea coastal shipping and whether there will be an announcement shortly—more quickly than shortly—on the northern isles service to Orkney and Shetland.

**Sarah Boyack:** I would have been disappointed if Mr Scott had not pushed me on all those issues. I recognise the urgent need to make an announcement on the northern isles ferry service and we are working very hard on the matter. Indeed, Mr Scott will be one of the first people to know when I make that announcement. On the general issue of coastal shipping, we intend to introduce a provision for the freight facilities grant in the Transport (Scotland) Bill, which will give Scotland the necessary competence.

We delivered a voluntary concessionary fares scheme for blind people last year. Nevertheless, I acknowledge Tavish Scott's points. Although I want to go further than the scheme that I have announced today, it will enable people across Scotland to access the local services that every pensioner and person with disabilities needs. They will now be able to visit shops, local areas and their friends and families without needing to worry about the cost. That is a huge step forward for social inclusion.

I want to discuss the precise allocation of the £70 million expenditure on local roads with the

Convention of Scottish Local Authorities. As the organisation knows the problems that exist across Scotland, it must be very involved in the process.

Although we will be able to do an awful lot more with the £170 million than we can do under the current public transport funding arrangements, we must go further. The strategic rail authority and the funds that it will have and the next ScotRail franchise must also be part of the big picture. Although we will give local authorities the chance to make bigger bids for public transport funding to exploit certain rail opportunities, there must be partnership between local authorities to develop strategic routes. Furthermore, local authorities must interact with the strategic rail authority and be involved in the ScotRail franchise.

If we have a long-term vision and can look beyond the three-year horizon, the public transport fund, in association with other available funds, can present major planning and transport opportunities and bring about a real step change in rail services in Scotland that will help to meet the 50 per cent increase in passenger demand that John Prescott announced only a few weeks ago.

**The Deputy Presiding Officer:** As many members wish to ask questions, I would be very grateful if questions could be succinct. I hope that that will also allow the answers to be slightly briefer.

**Elaine Thomson (Aberdeen North) (Lab):** We can only welcome the minister's statement, with its commitment to funding the kind of modern integrated transport systems that we need in Scotland. I particularly welcome the commitment to free local bus travel for pensioners and the disabled. That issue has been raised with me by organisations such as the National League of the Blind and Disabled in Aberdeen and pensioners groups. The minister will be aware that Aberdeen City Council and Aberdeenshire Council have published their draft transport strategies. Does she agree that they are exactly the kind of forward-thinking transport plans that will offer real choice to people in the north-east and that we now need positive discussions about how best to fund and deliver them?

**Sarah Boyack:** I am happy to agree that the work of Aberdeen City Council and Aberdeenshire Council is visionary and strategic and begins to consider how to tackle some of the problems in the north-east. Partnership is the way forward and the extent to which both councils have involved transport operators and the business community is a model for other parts of Scotland. I hope that, in the discussions following today's announcement, I can work with both authorities to find out how to work together to deliver on the vision that they have correctly identified.

**Robin Harper (Lothians) (Green):** I succinctly welcome both Bruce Crawford as SNP transport spokesman and many of Sarah Boyack's comments, particularly about safer streets for cyclists and pedestrians.

Whenever someone mentions in a transport announcement a predicted 50 per cent increase in traffic by 2030, the alarm bells begin to ring. I would like from the minister a commitment that she will not follow policies that predict and provide. I will repeat the old questions that I keep coming back to: does she believe that these policies will help us to meet our Kyoto targets? Will the success of those policies be measured in those terms? When will we get our first report?

**Sarah Boyack:** I want to make it absolutely clear that every time I say we are predicting a 50 per cent increase in road traffic in the next 30 years, I do so to concentrate people's minds. We do not have the road capacity to deal with such an increase and we do not want to suffer the associated problems of poor local air quality and congestion. That is why we need an integrated approach and significant investment in public transport.

The predict-and-provide approach has been utterly and thoroughly discredited. We need to manage the demand. That does not mean that we should not invest in roads—we need to address some key links in Scotland—but we need to do so in an integrated way. I hope that the approach that I have set out this afternoon will reassure members that that is at the heart of our transport spending decisions.

We want to meet our Kyoto targets. Giving people sustainable travel choices, delivering high-quality public transport, ensuring safe streets and building on the work that we are doing already with safer routes to schools are key parts of today's transport statement. The public transport fund is critical to that. It is also critical to ensure that local authorities' work builds on those elements. Today, we have an opportunity to manage those challenges nationally and locally.

**Fiona McLeod (West of Scotland) (SNP):** I welcome the Labour Government's move towards the SNP's long-held policy of a national concessionary fares scheme. However, I want to clarify a few points in the minister's statement.

I want to be assured that councils such as Clackmannanshire Council, which already runs a free concessionary fares scheme for pensioners, will not be financially penalised between now and October 2002 when the Executive intends to introduce the scheme across the country.

Will October 2002 also be when the concessionary schemes for the disabled and teenagers are introduced? I remind the minister

that 16 and 17-year-olds have to pay full fares at the moment, yet they are not eligible for benefit.

**Sarah Boyack:** The SNP talks, but it is Labour and the Liberal Democrats that deliver.

I want to send a message to councils that I want to talk to COSLA about how we allocate resources and deliver our concessionary travel scheme for pensioners and people with disabilities. We need to do that in consultation with the transport operators.

I am happy to reassure people that councils that have delivered concessionary fares schemes for many years—Fife Council is the best example that I can think of—will not be penalised by our scheme. We want to raise the levels of resources across Scotland, not bring them down.

The point about teenagers is important and it is why we have carried out research in advance of the Transport (Scotland) Bill that will be presented to Parliament later this year. The powers that I want the bill to grant the Executive will enable us to help people with disabilities and pensioners. I know that many other important groups in society experience social exclusion, but we have to set priorities. We have carried out research and are discussing its findings with the bill team as we consider amendments to the bill.

**Scott Barrie (Dunfermline West) (Lab):** It seems that this is another afternoon of warm congratulations. I, too, welcome the minister's statement. I particularly welcome what she said in response to Fiona McLeod about the position of local authorities such as Fife Council, which has invested heavily over the years in concessionary travel. Not for the first time, where Fife leads, the rest of Scotland follows.

I want to ask the minister about her announcement on Kincardine bridge, which is the main route west out of the kingdom. Can she give a time scale for the construction of the new bridge, which is long overdue and for which the community has fought for more than 15 years? I am glad that the minister has acknowledged the noise and pollution in the village. I hope that the situation will be resolved soon.

**Sarah Boyack:** The funds that we are allocating in this spending statement enable me to take forward the study on the problems of congestion in Kincardine and how to get the most appropriate bridge and bypass for the village. When I visited Kincardine with Scott Barrie, it could not have been clearer that the volume of lorries using the village as a major strategic link is completely inappropriate. We need to address local people's experience and the safety issues that have been raised. Our commitment is now to move forward. The money is available and we will sort out the orders and address the procedural matters that

need to be completed to make progress on the bridge.

**David Mundell (South of Scotland) (Con):** I am disappointed, because I do not think that the minister has been listening on the A75. If she had, she would have heard the Labour leader of Dumfries and Galloway Council, John Forteath, say that her current proposals will make hardly any difference. Does the minister accept that the A75 is a major strategic route; that the port of Stranraer, which is the second busiest port in the whole of the United Kingdom, is dependent on that route; and that the rest of the Dumfries and Galloway economy is greatly affected by the state of the route? Will she give a further commitment to review the proposal that she announced previously and the lack of proposals today and put more resources into upgrading the A75?

**Sarah Boyack:** David Mundell should recall that I have already announced major investment in the A75. There has been a programme of investment in Dumfries and Galloway. Only last week, my officials visited the area and talked to council officers. Council members were also invited to discuss the future of the A75 with them.

The intention of today's announcement is to set the strategic framework. The A75 is an important route and the new resources that I have at my disposal will allow me to address our priorities across Scotland and to add to what we have already done. I do not want to go through every trunk route in Scotland identifying what our future priorities might be before I have had the opportunity to look long and hard at the key issues of the strategic roads review—accessibility, safety, economy, integration and the environment—that will guide our decisions.

**Rhoda Grant (Highlands and Islands) (Lab):** I welcome the minister's statement, including the additional spending on roads, the additional spending in the Highlands and Islands and the additional spending on council roads, to mention just a few of the measures.

The minister mentioned having discussions with the Convention of Scottish Local Authorities about council road spending. Will she emphasise the need for spending on council roads in the Highlands and Islands? They are badly in need of repair and are essential to the people who use them.

**Sarah Boyack:** I am happy to confirm that every council in Scotland will benefit from the funding. It is intended that every council should be enabled to tackle their particular problems of potholes and crumbling bridges and their need to maintain their roads more effectively. I do indeed wish to discuss with COSLA how we identify outputs so that we ensure that investment is maximised.



The Highlands and Islands and other rural areas such as Argyll and Bute will benefit from the money—it will benefit the whole of Scotland.

**Ms Sandra White (Glasgow) (SNP):** I welcome the minister's U-turn on the completion of the M74. It is not before time. I have concerns, however, about what I would call the downgrading of the project. The minister referred to the Kingston bridge and the M74 as strategic routes, to the fact that they are not yet connected and to there being only three lanes in each direction. How will the east end of Glasgow be affected?

The minister was asked about a start date and a completion date. To be perfectly honest, she did not give an answer. Can she give us some indication of when the work will start and when the work will be completed? Can she confirm that the work will not be funded through a private finance initiative or through workplace charging in Glasgow? The M25 was not funded that way and I do not see why the M74 should be.

**Sarah Boyack:** It is critical that we work together to deliver the route in partnership between the local authorities and the Executive. A question was asked about benefits to the local area: I am sure that people who live around Rutherglen Main Street will feel the benefit of this major new investment.

The time scale is important. The detail of such a major project means that not just the construction stage is important—it is also necessary to ensure that the required procedures and orders are in place. We expect that process to take between seven and eight years in total, regardless of which of the five schemes is suggested by Glasgow.

We have examined the time scales extremely closely. The issue for us is to get started on the route, to do it properly and to do it to the right scale. It is important that the route does not feed congestion back into the M8. The last thing we want in Glasgow is for the M8 and the M74 northern extension to become Scotland's M25. We must plan the project properly. It must be a strategic route, which means that the detail is important.

I want also to consider the environmental impact. The scheme that we considered last year had some environmental downsides. One of the challenges of a major roads project is to minimise the downsides. The process of building such a road is important. I want to get started on that sooner rather than later. That is why I will meet the councils on 10 October to talk about how we can agree on the best scheme for Glasgow and the whole of west central Scotland.

**Ms White:** What about the money?

**Sarah Boyack:** I am sorry. We are clear that

councils do not want to take the proposals forward on a tolled basis. I retain an open mind on the question of drawing in private sector money. I want a roads scheme that is fit for purpose, that meets the needs of the people on the west coast of Scotland, that is affordable and that the Executive and councils can work together to deliver. That is the key issue. That is why I said in my statement that the Executive is prepared to pay some of the money for the route.

**Euan Robson (Roxburgh and Berwickshire) (LD):** In view of the minister's welcome announcement of increased resources for the public transport fund, may I again impress on her the need for favourable consideration of the application to the fund from the Borders railways forum?

**Sarah Boyack:** The member may again impress on me the importance of the route; I will again tell him that awards are competitive. I will listen to people and consider proposals carefully to ensure that we get the right strategic links in the public transport fund. As I said, there will be an announcement on that shortly.

**Janis Hughes (Glasgow Rutherglen) (Lab):** I thank the minister for her statement. I am delighted, as I am sure all members of the Transport and the Environment Committee are, that the M74 is not now a case of if, but of when. However, as the member representing the constituency through which most of the northern extension will run, I have concerns about the length of time the project will take, particularly the planning process. I understand that any differences from the original planning application will take us into a new planning process. Will that add to the time taken to complete the project? Is the minister proposing a reduced scale? If so, I am concerned that that will lead to capacity problems in future. Will she explain?

**Sarah Boyack:** Let me be absolutely clear: giving a green light to the scheme today does not mean that it can be delivered tomorrow. This is a major roads project. The significance of my statement is that it allows the three local authorities and me to work together on the best way to deliver the scheme. Regardless of which scheme we go for, there will be planning issues and roads orders to consider. There is no way to short-circuit a scheme such as this. Individual property owners have rights. The process needs to be gone through properly, as with any major roads scheme. I want to ensure that we do not waste time and that we get on with it. That is why the commitment that I made to start the necessary procedures is important and sends out the message that we are serious about this proposal.

I mentioned the M25. With 50 per cent traffic increases across Scotland, we need to provide

people with proper public transport choices. The M74 must be a strategic route. It will deliver major environmental benefits in Janis Hughes's constituency. The area around Rutherglen Main Street, for example, is bound to benefit. However, we need to ensure that we plug in the public transport opportunities. The issue around the scale of the route is not just whether it adds to congestion in Glasgow, but about getting the scale that is necessary. If we want to open up west central Scotland, we need to link it to the Mossend rail terminal and to that whole part of South Lanarkshire and beyond, right across to Renfrewshire. That is why the scale is important.

If we do not have to go back to Kingston bridge which, I argue, would lead to more problems than we want to contemplate, we should look again at the scheme that was considered in the strategic roads review. That is not about scaling down but about getting the right, strategic road and a scheme that will deliver what the business community and people in Glasgow and west central Scotland want.

**Ms Margo MacDonald (Lothians) (SNP):** As I am probably the only person who has not buttonholed the minister about potholes in their road, will she answer two brief questions? Will she call in the plans for the A701? Will she share with us the result of the all-party meeting she had with City of Edinburgh councillors today? Did they agree with the minister on workplace parking charges and on charging £1 for entry to the city?

**Sarah Boyack:** I am sure it is only a matter of time before Margo MacDonald lobbies me about potholes. I look forward to it. The Scottish Executive has no further role in the planning processes of the A701, as Margo well knows.

The SNP representative was not able to be at my meeting with City of Edinburgh councillors today. I met Liberal Democrat, Labour and Conservative representatives who lobbied me on behalf of the City of Edinburgh transportation committee. I listened. We discussed a lot of strategic issues in detail. It was a very fruitful meeting and I hope it was the first of many consensual discussions in all parts of Scotland. I do not expect that there will be agreement on everything, but there are times when we can agree on the principles and where we are all trying to get to—which is more investment in transport throughout Scotland, more public transport and more investment in the strategic roads network. My statement today opens up real opportunities.

**Mr David Davidson (North-East Scotland) (Con):** Further to the minister's welcome pledge to fund projects that relieve congestion, will she agree to support the Aberdeen city bypass despite the Labour council's decision not to implement congestion charges? She commented on support

for crumbling bridges. Will she revise her view on the funding of the Montrose road bridge, which she wrote to me about?

**Sarah Boyack:** I am allocating £70 million partly because, over the past year and a half, members have raised with me their local roads infrastructure and bridges. The £70 million is designed to help local authorities put more money into local transport, in addition to the grant-aided expenditure that they have allocated to it. I hope that every local authority in Scotland will now spend up to the maximum they can. That will enable them to tackle all sorts of local roads projects.

I want to stress that the work in Aberdeen and Aberdeenshire is exemplary. It raises the issue of long-term vision and the need for creative thinking and partnership, for everyone to consider what they can bring to the table. That is why I have allocated resources in the transport fund to enable us to talk to local authorities and look at how we enable them to deliver, using the full powers in the Transport (Scotland) Bill. Many opportunities are opened up by my statement. I will work with councils throughout Scotland to fulfil that potential.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** Like others, I very much welcome the minister's announcement on concessionary fares, additional support for rural transport and the continued pledge to get lorries off rural roads and freight on to rail.

In relation to planning for further improvements to roads, the minister mentioned congestion in Rutherglen Main Street and the problems of Kincardine bridge, to which Scott Barrie drew attention. Will she consider paying a visit to the Carrick part of my constituency to see the congestion in Maybole High Street caused by the high volume of heavy lorries, particularly those on the A77 en route to Stranraer? Will she give a commitment that an upgrade of the road or a bypass of the village will be considered?

**Sarah Boyack:** As I said in response to an earlier question, I will not make commitments on how we prioritise our spending in the trunk roads programme, but I will listen to members' arguments.

Cathy Jamieson's point about lorries is important. In her area, a number of awards have been made through the freight facilities grant. I am keen to see more of them, because they let local businesses develop and get their goods across the country in an affordable way that does not cause localised congestion in key communities on the routes. I am keen to do more—both on our trunk roads work and on the freight facilities grant. The commitment to increase from 15 million to 18 million the number of travel miles that are taken off

roads and put on to rail will bring much-needed relief to communities in Cathy Jamieson's area and many other areas.

**The Deputy Presiding Officer:** We must now move to the next item of business, but before doing so, may I apologise—

**Tommy Sheridan (Glasgow) (SSP):** On a point of order. As far as I know, only two members—perhaps only one—are opposed to the construction of the M74 link. Not calling at least one of those members has led to a poor level of debate.

**The Deputy Presiding Officer:** Mr Sheridan, I do not know in advance what members will say, so I do not, and cannot, base my decisions on members' opinions. I called as many members as possible and I extended the time for questions by 10 minutes. When you interrupted me, I was about to apologise to those members—and there are many—whom I was unable to call. We must now move on.

## **Sea Fisheries (Shellfish) Amendment (Scotland) Bill: Stage 3**

**The Deputy Presiding Officer (Patricia Ferguson):** The next item is stage 3 of the Sea Fisheries (Shellfish) Amendment (Scotland) Bill. The procedures that we will follow are more straightforward than previous stage 3 considerations as we have only one amendment before us. We will debate and come to a decision on that amendment, and then move to a debate on the question that the bill be passed. Members should have copies of the bill and the marshalled list. The electronic voting system will be used should there be a division when the question is put on the amendment, and I will allow an extended voting period of two minutes.

### **Section 1—Permitted fishing implements in several fisheries**

16:28

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I was a co-signatory to Tavish Scott's amendment bill. I congratulate him on the bill; I support it, as does the Scottish Conservative party. My intention is only to improve the bill.

Tavish Scott's bill seeks to address a problem that has existed since shellfish aquaculture became popular. The Parliament should actively encourage shellfish growing off the west coast of Scotland. It is an extremely clean and environmentally friendly industry, the product of which is very similar to shellfish that are found in the wild. The product is excellent, and a valuable export, bringing much-needed money and employment to remote areas off the west coast. So far, although around 30 applications for several orders have been made in Scotland, only eight have been granted. That is due mainly to opposition from fishermen who would not be able to continue fishing in their traditional areas.

Tavish Scott's amendment bill would decriminalise creel fishing in several order areas. That would resolve a great deal of the opposition to several orders, and it is therefore vital that we get that decriminalisation right. That is the point of my tiny amendment.

Oysters, king scallops, queenies and mussels can all be grown in west coast bays and sea lochs. They do not require intensive feeding. I do not have to remind the chamber of the problems that scallop growers are having with amnesic shellfish poisoning. It is imperative that the causes of the toxic algal blooms that have been plaguing the west coast of late are discovered.

To grow shellfish, it helps greatly to have a several order for a specific area which prevents types of fishing—such as trawling or dredging—that damage growing shellfish. At the moment, only mid-water fishing with line or net is allowed. However, Tavish Scott's amendment bill will allow the use of static gear, such as lobster, prawn and crab creels, for fishing in those areas.

Many years ago, I fished for lobsters in a small way on Coll, and I know the irritation that creel fishers experience when they are excluded, because of the granting of a several order, from waters that they had previously fished. Some friction has therefore grown up between the shellfish growers and the creel fishers. Tavish Scott's amendment bill will, I hope, bring peace and harmony to the different parties. That is why it is so commendable.

16:30

I come now to my reason for wishing to amend slightly the wording of the amendment bill. If the bill goes ahead as it is, creel fishermen must be aware that they will face criminal prosecution if their creels damage the shellfish. It refers to

"an implement of a type specified in the order and so used as not to disturb or injure in any manner shellfish of the description in question."

However, that provision would not protect creel fishermen from the repercussions of accidental damage. Marker buoys mark mussels, which hang on ropes; other shellfish sit on the bottom and it may be difficult to know their exact location. One cannot see the sea bed from a boat.

I know that the Scottish Executive rural affairs department says that the phrase

"knowingly does any of the following things"

in the Sea Fisheries (Shellfish) Act 1967, would protect creel fishermen, but I have taken legal advice which disagrees with that view. Members should bear in mind the fact that shellfish growers want creel fishers in the several order areas, because they catch many of the crabs that predate on the young shellfish. The last thing anyone would want is for fishermen to be prosecuted for events that are beyond their control.

A fisherman knowingly—that is the key word—puts a creel over the side of his boat. He has no intention of damaging what is on the sea bed, but he cannot see the sea bed. Accidents could happen for a variety of reasons. For example, if a storm rose and the creels dragged, damage could be caused even if the fisherman was using the equipment in a manner intended not to disturb or injure. He has, however, knowingly used the equipment that has caused the damage.

No matter what precautions fishermen take,

some matters are outwith their control. That is why intent must be brought into the question, which is what the amendment seeks to do. Fishermen doing everything in their power to ensure that they did not disturb or injure shellfish might none the less do so for reasons beyond their control. If it were not the fishermen's intention to disturb or injure in any manner a shellfish grower's product, they should not be punished. The amendment would help the very people whom the Sea Fisheries (Shellfish) Amendment (Scotland) Bill is trying to help by showing that fishermen, given that they do not intend to disturb or injure shellfish, are not committing a criminal act.

I repeat that the purpose of Tavish Scott's bill is to decriminalise the activity of creel fishing in several order areas. The amendment intends to aid the decriminalisation of that activity. I hope that members will recognise the importance of changing the wording of the bill and vote for the amendment, which cannot do any harm, and can only improve an excellent bill. The amendment simply clarifies the point; it ensures that those fishermen who knowingly and intentionally disturb or injure shellfish in any way will be prosecuted and that those who do not have such intentions are not punished unnecessarily.

I move amendment 1.

**Richard Lochhead (North-East Scotland) (SNP):** After some careful thought, the SNP has decided not to support Jamie McGrigor's amendment. In a few moments, Tavish Scott will outline the reasons for opposing the amendment and we concur with him.

The Rural Affairs Committee was contacted by 16 organisations regarding the bill and not one raised the point made in the amendment. Jamie McGrigor lodged similar amendments at stage 2, which were withdrawn. I recognise that those amendments were not identical to the amendment that we are discussing today, but they referred to the same point of argument.

The amendment would not make a material difference to the bill, but it introduces some ambiguity, which might lead to legal challenges. Given that the whole purpose of the bill is to avoid legal challenge and unnecessary conflict, we intend to oppose the amendment.

**Dr Elaine Murray (Dumfries) (Lab):** I will speak against the amendment and I want to make a similar point to that made by Richard Lochhead. It is fairly easy to prove damage, but it is very difficult to prove intent to damage. That difficulty could be used as a get-out clause when damage occurred because of carelessness or other activity. Mr McGrigor makes the point that creel fishers might not see the bottom of the sea and that weather conditions and so on could result in

unintentional damage. However, I imagine that the fishermen working in the vicinity of the shellfish would have a responsibility not to fish in such circumstances.

**Mr McGrigor:** When a boat puts out creels it does not sit around and wait to pick them up; it leaves them there overnight and goes back the following day to retrieve them. If a storm got up in that time it is possible that the fisherman would not be able to bring out the boat to retrieve the creels and the damage would be done.

**Dr Murray:** I imagine that the fisherman concerned would consult the weather forecast to find out whether any storms were expected in the vicinity, but that does not detract from the legal argument that intention is difficult to prove. Agreeing to Mr McGrigor's amendment would weaken Tavish Scott's bill, so it should be opposed.

**Tavish Scott (Shetland) (LD):** I thank Jamie McGrigor for the comments at the start of his speech, but my reaction to his amendment is broadly as Richard Lochhead and Elaine Murray have described.

There are three objections to the amendment. First, I am not completely convinced by the argument, that the aims of the amendment are already fully dealt with by the word "knowingly" in the Sea Fisheries (Shellfish) Act 1967. Secondly, the argument is that with the amendment the wording would be repetitive—that is unimportant. The third objection is important: it is that the amendment inadvertently—and I believe that it is inadvertent, because I do not think that Mr McGrigor has any other purpose in moving the amendment—weakens a subsection of the Sea Fisheries (Shellfish) Act 1967.

In his opening remarks Mr McGrigor made a point about legal advice. As is always the case, the legal advice cuts both ways. The existing act already allows fishing with nets when

"so used as not to disturb or injure in any manner shellfish".

My bill adds another subsection for creels or whatever, and uses exactly the same phrase:

"so used as not to disturb or injure in any manner shellfish".

Jamie McGrigor's amendment was drafted to add the concept of intention to cause damage so that a fisherman could not be blamed if his creels, landing on the seabed, accidentally damaged a scallop. The aim of the amendment is worthy, although it is arguable whether it is needed.

If the word "intended" is added to the new subsection in my bill, it will be argued that the omission of "intended" from the subsection dealing with nets implies that intention is specifically

excluded from that subsection. A fisherman whose net accidentally drops and damages a scallop could be given that legal interpretation.

Jamie McGrigor's well-meaning amendment to protect creel fishermen from a possible, but unlikely, interpretation of the wording of the bill inadvertently leaves net fishermen more vulnerable than they were before. For that reason I ask him to consider withdrawing his amendment. If he decides to put it to a vote, I ask members to oppose the amendment. I do so with some regret, because I believe that the amendment is constructive in motivation, but I regret that what is proposed is unhelpful and will cause a problem while trying to solve what is probably an imaginary problem.

**The Deputy Minister for Rural Affairs (Mr John Home Robertson):** The point of principle has been discussed already in the Rural Affairs Committee. In common with Tavish Scott and members from all parties, the Executive shares Jamie McGrigor's concern that fishermen should not face the threat of prosecution for honest mistakes about the kind of gear that they can use, but our officials and lawyers have carefully considered the amendment and the effect of the net gain of four words to what is a commendably brief bill, again and again. We have come to the conclusion that the amendment would not do anything, except possibly insert some confusion and introduce some potential for mischief in the future.

I refer Parliament to section 7(4) of the act that we are amending, the Sea Fisheries (Shellfish) Act 1967, which includes the word "knowingly", to which Jamie McGrigor referred. The act already carries a specific safeguard to ensure that people cannot be convicted for doing something inadvertently.

If we agreed to the amendment, the provision would say that people commit an offence if they knowingly use banned gear in a way that is intended to damage shellfish. To achieve the purpose of the bill's amendment to the existing legislation, it is sufficient to say that banned gear was knowingly used. I fear that putting intention on top of knowledge will encourage mischievous defence tactics in court. It is sufficient to demonstrate that someone has knowingly used banned equipment in a several order area. I urge the Parliament to reject the amendment.

**Mr McGrigor:** I have listened to what has been said and I take on board members' feelings. However, I have not changed my view that the amendment would clarify the bill. The word "knowingly" is not enough. It must be shown that people intended to cause damage. A person may knowingly use a piece of equipment without intending to injure or damage.

**Mr Home Robertson:** Well, exactly.

**Mr McGrigor:** The point that I am trying to clarify—

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** If somebody were to act carelessly or recklessly in that regard, would it not be the case under the bill as it stands that they would be caught, whereas if the member's amendment were to be applied they would be off the hook, so to speak?

**Mr McGrigor:** That is a good pun.

The amendment is intended to protect fishermen and to redress the situation. The bill is intended to help fishermen. The amendment is not intended to protect shellfish growers. While I think that shellfish growers should be protected, the amendment would clarify the position—I stick to it on principle.

**The Deputy Presiding Officer:** Mr McGrigor is therefore putting his amendment to the chamber. The question is, that amendment 1 be agreed to. Are we agreed?

**Members:** No.

**The Deputy 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)  
Johnstone, Alex (North-East Scotland) (Con)  
McGrigor, Mr Jamie (Highlands and Islands) (Con)  
McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
Mundell, David (South of Scotland) (Con)  
Scanlon, Mary (Highlands and Islands) (Con)  
Scott, John (Ayr) (Con)  
Tosh, Mr Murray (South of Scotland) (Con)  
Wallace, Ben (North-East Scotland) (Con)  
Young, John (West of Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
Alexander, Ms Wendy (Paisley North) (Lab)  
Brown, Robert (Glasgow) (LD)  
Campbell, Colin (West of Scotland) (SNP)  
Canavan, Dennis (Falkirk West)  
Chisholm, Malcolm (Edinburgh North and Leith) (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, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
Ewing, Mrs Margaret (Moray) (SNP)  
Fabiani, Linda (Central Scotland) (SNP)  
Finnie, Ross (West of Scotland) (LD)  
Gibson, Mr Kenneth (Glasgow) (SNP)

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)  
Harper, Robin (Lothians) (Green)  
Home Robertson, Mr John (East Lothian) (Lab)  
Hyslop, Fiona (Lothians) (SNP)  
Ingram, Mr Adam (South of Scotland) (SNP)  
Jackson, Dr Sylvia (Stirling) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lochhead, Richard (North-East Scotland) (SNP)  
MacAskill, Mr Kenny (Lothians) (SNP)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
MacKay, Angus (Edinburgh South) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
Marwick, Tricia (Mid Scotland and Fife) (SNP)  
Matheson, Michael (Central Scotland) (SNP)  
McAllion, Mr John (Dundee East) (Lab)  
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
McGugan, Irene (North-East Scotland) (SNP)  
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
Morrison, Mr Alasdair (Western Isles) (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)  
Peattie, Cathy (Falkirk East) (Lab)  
Radcliffe, Nora (Gordon) (LD)  
Robison, Shona (North-East Scotland) (SNP)  
Robson, Euan (Roxburgh and Berwickshire) (LD)  
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
Salmond, Mr Alex (Banff and Buchan) (SNP)  
Scott, Tavish (Shetland) (LD)  
Smith, Elaine (Coatbridge and Chryston) (Lab)  
Stephen, Nicol (Aberdeen South) (LD)  
Sturgeon, Nicola (Glasgow) (SNP)  
Swinney, Mr John (North Tayside) (SNP)  
Thomson, Elaine (Aberdeen North) (Lab)  
Ullrich, Kay (West of Scotland) (SNP)  
Wallace, Mr Jim (Orkney) (LD)  
White, Ms Sandra (Glasgow) (SNP)  
Wilson, Allan (Cunninghame North) (Lab)  
Wilson, Andrew (Central Scotland) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 17, Against 66, Abstentions 0.

*Amendment 1 disagreed to.*

## Sea Fisheries (Shellfish) Amendment (Scotland) Bill

**The Deputy Presiding Officer (Patricia Ferguson):** We now come to motion S1M-1222, in the name of Tavish Scott, which seeks agreement that the Sea Fisheries (Shellfish) Amendment (Scotland) Bill be passed.

Members who wish to speak should press their request-to-speak buttons. Before I call Tavish Scott, I advise members that they are not required to speak up to the time limit imposed earlier.

16:45

**Tavish Scott (Shetland) (LD):** I thank you for that pointed remark, Presiding Officer.

Today sees the end of a long saga of attempts to make a minor amendment to an act and to remove an unnecessary source of friction between shellfish growers and creel fishermen.

As might be expected, I would like to place on record my thanks to many people. First and foremost, I thank Doug McLeod of the Association of Scottish Shellfish Growers, who worked long and hard to achieve what I hope we will achieve today.

Doug McLeod first took the matter to Westminster, where, with the help of my colleague Jim Wallace in the House of Commons and Lord MacKay of Ardbrecknish in the House of Lords, a bill very similar to the Sea Fisheries (Shellfish) Amendment (Scotland) Bill was introduced. Were it not for the actions of a maverick MP, that bill would have been passed successfully. Alas, that single MP blocked the bill, which fell. I am far too polite to remember of which party he was a member.

Doug McLeod saw the establishment of the Scottish Parliament as a chance to try again. He was seeking help before the Queen had made her trip north to open the Parliament. I hope that the chamber will be happy to offer him that help today.

Things started to move, and the list of people whom I must thank includes the MSPs from all parties who supported the bill's proposals. The bill is an excellent example of MSPs working together on a small but important measure for an important Scottish industry.

I also wish to place on record my thanks to the many clerks who provided guidance on the wording of the bill and on procedural matters. I know that my parliamentary assistant is particularly grateful for the timely and tactful reminder from the clerks of the need to submit a motion for today's debate.

The lead committee for the bill was the Rural Affairs Committee and I am grateful to Alex Johnstone and his colleagues for the work that they did at stages 1 and 2, to consider the bill and to speed it on its way, particularly in the context of the difficult times that they faced when assessing more controversial bills.

I also thank the Deputy Minister for Rural Affairs and the Executive for their constructive support in progressing the bill, and the many organisations that responded to the Rural Affairs Committee's consultation with supportive and constructive comments.

There is not much to be said about so short a bill, so I will indeed be brief. The bill has one simple aim: to remove an unnecessary source of conflict between shellfish farmers and creel fishermen. The farming of quality shellfish already provides employment in coastal areas of the Highlands and Islands and has the potential to create further jobs. Such farming is environmentally friendly and, as demand outstrips supply from the wild, it has an important role to play.

It is unfortunate that, under the act that I seek to amend, a shellfish farmer who seeks a several order to give him control over his stock on an area of the sea bed can gain that control only at the expense of creel fishermen. The fishermen lose traditional fishing grounds, despite the fact that their operations do not harm the farmer's shellfish and may even help the farmer by removing predators. My short bill provides the means by which the source of conflict is removed, and should allow farmers and fishermen to live in harmony.

My only regret is that the Liberal Democrat group has yet to discuss the bill, so I have no idea which way it will vote. However, I hope that the rest of the Parliament will recognise that the bill makes a difference on an issue that is important to a small group of people and to an important Scottish industry. I ask members to give the bill their full support.

I move,

That the Parliament agrees that the Sea Fisheries (Shellfish) Amendment (Scotland) Bill be passed.

**The Deputy Presiding Officer:** Before I call John Home Robertson, I ask members to keep down the general background noise, as other members are still contributing to the debate.

16:49

**The Deputy Minister for Rural Affairs (Mr John Home Robertson):** I congratulate Tavish Scott on achieving not only the passage of the Sea Fisheries (Shellfish) Amendment (Scotland)

Bill, but on achieving what is likely to be the first enactment by the Scottish Parliament of a member's bill. *[Applause.]*

The bill is a little bit of Scottish history in the making. It is just 93 words long, despite Jamie McGrigor's best efforts to add another four and get it a bit nearer to the 100-word threshold. Perhaps it should be carved on a tablet of stone and erected at an appropriate point on the island of Bressay. Seriously, I congratulate Tavish on introducing the amendment bill, which, as he said, has been repeatedly thwarted in Westminster. Its progress shows what we can do here in the Scottish Parliament. It is an excellent example of how the new Scottish Parliament can address small issues as well as big ones and tackle problems affecting different groups of people in different parts of Scotland.

**Robin Harper (Lothians) (Green):** Will Mr Home Robertson give way?

**Mr Home Robertson:** As I was speaking of small parties, yes.

**Robin Harper:** Speaking of big issues, I hope that the minister agrees that there is not much point in making these quite important but quite small technical changes to assist shellfish farmers and creel fishermen if the marine environment is seriously threatened. Will he assure us that he will take tent of the World Wide Fund for Nature report that states quite clearly that our marine environment is seriously threatened at present? Does the Executive intend to prepare an action plan for Scotland's marine environment?

**Mr Home Robertson:** That question goes a long way wide of the bill that we are debating this afternoon. However, Robin Harper is quite right to say that we should take seriously the evidence of things going wrong in our marine environment and the need to tackle those problems. That is something that I work on with Sarah Boyack and other colleagues in the Executive; it is an important matter.

Returning to the bill, the Executive is working closely with all parts of the fishing industry, not least the Scottish inshore fisheries advisory group, to develop sustainable fishing opportunities. We are happy to give our whole-hearted support to the constructive amendment bill.

At the stage 1 debate in Glasgow on 18 May, we discussed the very real technical problem that has thwarted 22 out of 30 applications to promote shellfish farming projects under the provisions of the Sea Fisheries (Shellfish) Act 1967. Several orders under that act have the effect of severing areas designated for scallop or oyster farmers from the general right of fishermen to fish in the sea. The problem is that those orders do not distinguish between mobile gear, such as trawls,

which would damage shellfish stocks, and creels, which would not damage them. Scallops, oysters and the rest are truly remarkable creatures, but they are unlikely to be harmed by the presence of creels that are set for crabs, lobsters or prawns. I have yet to see a mature scallop that could find its way into a prawn creel.

Under the current legislation, several order restrictions must apply to all fishing gear, including creels, so it is understandable that creel fishermen frequently object to the making of several orders that would shut them out of traditional fishing grounds for no constructive reason. That is one of the reasons why only eight applications have succeeded. That difficulty obviously obstructs the development of a valuable industry that could create and sustain jobs in some very remote coastal and island areas.

This simple bill is the solution to that problem. It will make it possible to exclude specified non-damaging fishing gear—creels—from the ban on fishing in waters covered by several orders. We should be able to develop shellfish farming without imposing unnecessary constraints on other fishermen. A number of detailed points have been considered by the Rural Affairs Committee and elsewhere, and I am glad that we have been able to achieve mutual agreement on all but the narrow drafting point that Jamie McGrigor raised earlier in our proceedings.

I conclude by congratulating Tavish Scott and thanking him for the way in which he has worked to bring the amendment legislation forward. I thank all members of the Rural Affairs Committee for their handling of stages 1 and 2 of the bill, and I thank representatives of the fishing industry—the Scottish Fishermen's Federation and the Association of Scottish Shellfish Growers—for their participation. Everybody has worked together and we welcome that constructive approach to the initiative. The Executive strongly supports the bill.

**The Deputy Presiding Officer:** Before calling Richard Lochhead, I remind members that I asked earlier for background noise to be decreased, rather than increased.

16:55

**Richard Lochhead (North-East Scotland) (SNP):** I will keep my comments brief, because I sense that members are looking forward to decision time.

I congratulate Tavish Scott, who will go down in history as the promoter of the first member's bill to go on the statute book in the first Scottish Parliament for 300 years. Members' bills are an essential part of the democratic process in our new Parliament. The bill may not be controversial, but it is very worth while and has travelled through



the system smoothly. Let us hope that the Parliament treats all members' bills in an even and fair manner.

Thankfully, in this Parliament there are few tricks or underhand tactics that can be used to stop members' bills. That is more than can be said for that clapped-out, draconian place in London. It is pathetic that an uncontroversial bill such as this, which can help remote communities in northern Scotland, was stopped in Westminster on more than one occasion by an MP standing up and shouting "Object." If that happened here, our Presiding Officer would step in and tell the member to sit down and shut up.

The bill is also an illustration of how good the Parliament has been for fishing, although the Government's record has been rather more disappointing. At Westminster there has been no time to discuss fishing priorities in Scotland or members' bills.

I do not want to go over the detail of the bill, because Tavish Scott has done that adequately. I welcome the fact that there was widespread support for the uncontroversial bill. Indeed, the Rural Affairs Committee spent less than 20 minutes discussing the bill at stage 2. Any measure that reduces conflict between our fishing organisations must be welcomed. I ask Parliament to support the bill.

16:56

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Despite the failure of the amendment, I thoroughly support the bill and congratulate Tavish Scott on introducing it. I hope that it will put an end to the disputes between the shellfish growers industry and the creel fishing industry.

**The Deputy Presiding Officer:** One member who was not directly involved in the passage of the bill has indicated that she wishes to speak. I will call Rhoda Grant, if she promises to keep her speech to one minute.

16:57

**Rhoda Grant (Highlands and Islands) (Lab):** I would argue that I was involved in the passage of the bill. I signed it and sat on the Rural Affairs Committee which considered it. However, I will keep my comments short, because it is very difficult to find something new to say about such an excellent bill.

The bill may set a few records. First, it is likely to be the first member's bill to be passed by the Parliament. Secondly, for a long time it will probably hold the record of being the shortest bill considered by the Parliament. Thirdly, the smallest amount of parliamentary time will have been spent

on it. It will be very difficult to beat those records.

The bill shows that the Parliament can work. Following two failed attempts to take the bill through Westminster, the Scottish Parliament—after just over a year of existence—will approve it. That shows that back benchers can change the law, which is important and should be welcomed by all members.

**The Deputy Presiding Officer:** I thank the member and apologise for getting her involvement wrong. I call Tavish Scott to wind up the debate.

**Tavish Scott:** I have nothing to add.

## Membership of Committees

**The Deputy Presiding Officer (Patricia Ferguson):** The next item of business is consideration of Parliamentary Bureau motions. I ask Mr Tom McCabe to move motion S1M-1225, on membership of committees.

*Motion moved,*

That the Parliament agrees that the following members be appointed to committees—

Alex Neil to the Enterprise and Lifelong Learning Committee

Alasdair Morgan to the Justice and Home Affairs Committee

Donald Gorrie to the Transport and the Environment Committee.—[Mr McCabe.]

## Decision Time

16:58

**The Deputy Presiding Officer (Patricia Ferguson):** There are seven questions to put as a result of today's business. The first question is, that amendment S1M-1216.2, in the name of Alasdair Morrison, which seeks to amend motion S1M-1216, in the name of Mr David Davidson, on Scottish tourism, be agreed to. Are we agreed?

**Members:** No.

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

### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 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)  
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)

Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

### ABSTENTIONS

Canavan, Dennis (Falkirk West)

Sheridan, Tommy (Glasgow) (SSP)

**The Presiding Officer (Sir David Steel):** I am sorry that we started decision time a little early, thanks to Tavish Scott's lack of verbosity. I hope that not too many members were caught out. The margin is clear.

The result of the division is: For 64, Against 50, Abstentions 2.

*Amendment agreed to.*

**The Presiding Officer:** The second amendment falls, because it is inconsistent with the one that has just been approved.

The third question is, that motion S1M-1216, in the name of Mr David Davidson, on Scottish tourism, as amended, be agreed to. Are we all agreed?

**Members:** No.

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

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)

McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)

Sheridan, Tommy (Glasgow) (SSP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 69, Against 52, Abstentions 0.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament acknowledges that tourism has had a difficult year, but recognises and supports the Executive's on-going implementation of the New Strategy for Scottish Tourism, published in February this year.

**The Presiding Officer:** The fourth question is, that amendment S1M-1215.1, in the name of Iain Gray, which seeks to amend motion S1M-1215, in the name of Mary Scanlon, on long-term care, be agreed to. Are we all agreed?

**Members:** No.

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

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Mr Alex (Banff and Buchan) (SNP)

Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)

**The Presiding Officer:** The result of the division is: For 65, Against 55, Abstentions 1.

*Amendment agreed to.*

**Members:** Shame.

**The Presiding Officer:** Order.

The fifth question is, that motion S1M-1215, in the name of Mary Scanlon, on long-term care, as amended, be agreed to. Are we all agreed?

**Members:** No.

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

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Dewar, Donald (Glasgow Anniesland) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 MacLean, Kate (Dundee West) (Lab)

Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McLeish, Henry (Central Fife) (Lab)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (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)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Elder, Dorothy-Grace (Glasgow) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (South of Scotland) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnston, Nick (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Munro, Mr John (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Russell, Michael (South of Scotland) (SNP)

Salmond, Mr Alex (Banff and Buchan) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

Harper, Robin (Lothians) (Green)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine)  
 (LD)

**The Presiding Officer:** The result of the division is: For 66, Against 53, Abstentions 2.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament notes the report and recommendations of the Royal Commission on the Long Term Care of the Elderly; welcomes the Commission's emphasis on the importance of older people in our society; welcomes their concentration on issues related to the quality of care, the balance between residential care and care provided in the home, and the value of joint management and resourcing of services for older people; welcomes the additional resources announced in the spending review for the care of older people, and calls upon the Executive to ensure that these additional resources are used to deliver significant improvements in care for the largest possible number of older people, particularly those in greatest need and to continue, over time, to work towards fulfilling the Royal Commission's objectives of fairness and equity in the care of the elderly.

**The Presiding Officer:** The sixth question is, that motion S1M-1222, in the name of Tavish Scott, which seeks agreement that the Sea Fisheries (Shellfish) Amendment (Scotland) Bill be passed, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Sea Fisheries (Shellfish) Amendment (Scotland) Bill be passed.

**The Presiding Officer:** The seventh question is, that motion S1M-1225, in the name of Mr Tom McCabe, on the membership of committees, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the following members be appointed to committees—

Alex Neil to the Enterprise and Lifelong Learning Committee

Alasdair Morgan to the Justice and Home Affairs Committee

Donald Gorrie to the Transport and the Environment Committee.

## Body Piercing

**The Presiding Officer (Sir David Steel):** The final item of business today is a members' business debate on motion S1M-994, in the name of Dr Sylvia Jackson, on body piercing. It will be a half-hour debate.

*Motion debated,*

That the Parliament notes that body piercing carries a risk of hepatitis, HIV, cellulitis and wound infections; further notes that local authorities have introduced very different ways of regulating the industry; recognises the potential dangers of this situation; believes that an enforceable national regulatory framework to govern body piercing should be introduced, and urges the Scottish Executive to bring forward legislation to cover this industry.

17:05

**Dr Sylvia Jackson (Stirling) (Lab):** I welcome to the gallery representatives of the body piercing industry and local authority officers, who have supported this motion to introduce more regulation to the industry.

I thank the many members who have given cross-party support to the motion. Over the past year, Margaret Ewing and I have asked parliamentary questions on the regulation of body piercing. Thanks go also to the Scottish Parliament information centre, which provided a useful briefing document many months ago.

As body art in general, and body piercing in particular, become more popular, it is essential that body piercing procedures are carried out safely, in terms of the equipment that is used, disinfection and sterilisation, and the quality of the jewellery that is used. It is essential that a client who walks into a body piercing studio knows that it is operating to standards that are set by experts. If it is not operating to those standards, there can be serious consequences, as has been reported.

At its national congress this year, the Royal College of Nursing voted unanimously to lobby the Government to regulate body piercing outlets. Earlier this year, a survey in Rochdale revealed that 95 per cent of general practitioners have had to deal with medical complications arising from body piercing. Those range from the scarring of tissue and disfigurement, to damage to internal organs, and the risk of hepatitis, particularly hepatitis C, HIV, cellulitis and wound infections.

It is clear that there is a groundswell of opinion that it is time to introduce more regulation for body piercing outlets. For instance, the City of Westminster Council, with support from other local authorities in London, campaigned for changes to the London Local Authorities Act 1995. Those changes gave local authorities in London

discretion to introduce licensing. Most of the local authorities in London have brought in a licensing system.

The environmental health department of the City of Edinburgh Council has drawn up draft licensing conditions for cosmetic skin treatments. It has been helped by the work of a PhD student on the topic.

The Scottish Centre for Infection and Environmental Health, which is a national health service body that is based in Glasgow, has produced a guidance note for local authorities on body and skin piercing. The note sets out standards for good practice and sets out the legal position.

The London group of infection control nurses is working with the London consultants in communicable disease control to develop guidelines for control of infection in tattoo parlours, body piercing studios and acupuncture clinics. The group is developing an audit tool for the inspection of premises to ensure the highest possible standards in disinfection, sterilisation and good practice. In co-operation with piercers and health professionals, the group hopes to publish guidelines in December.

Today the Scottish needs assessment programme published its report, which I believe recommends that there should be more regulation because of the risk of hepatitis C in particular. The Convention of Scottish Local Authorities has made recommendations for amendments to the Civic Government (Scotland) Act 1982 in relation to cosmetic skin treatments. Those include the recommendation that there should be licensing, albeit on a discretionary basis. I suggest that we need to go further than the discretionary provision that exists in London local authorities. Given the facts that are now coming to light about bad practice in some body piercing outlets, it is essential that licensing should be made compulsory.

There is also the issue of the age limit for body piercing. Margaret Ewing will speak on that later, and I support her views on the matter. It would be necessary for the minister to introduce a statutory instrument requiring councils to introduce licensing. In answers that both Margaret and I have received to parliamentary questions to the Scottish Executive, the Executive has expressed willingness to address this issue and to consider a consultation process. However, we do not think that it has got very far with that, and the idea of lodging this motion for a members' business debate was to move the process on a little. I hope that, in his winding-up comments, the minister will give firm details about that consultation process, so that we can make progress on this important issue.

17:10

**Mrs Margaret Ewing (Moray) (SNP):** I congratulate Sylvia Jackson on bringing this important motion before the Parliament. She and I have shared concern over this issue for a considerable time. Although I originally lodged an amendment to the motion, after sensible discussion behind the scenes and with the assistance of our ever-helpful parliamentary staff, we agreed that this motion would remain as it stands. I thank Sylvia for that discussion and suggest to members that sensible discussions behind the scenes can often achieve a great deal.

Sylvia Jackson referred to the fact that I was concerned about the age issue. I shall have a joke at my expense—why not, as everybody else tells jokes about me? [MEMBERS: "Aw."] My mother adamantly refused me permission to have my ears pierced when I was a teenager, on the ground that "If the good Lord had meant you to have holes in the lobes of your ears, he would have given you them." At approximately the age of 45 I decided to challenge both the good Lord and my mother, all in one day, and had my ears pierced. I am sorry that Tavish Scott has left the chamber, as it was in Lerwick that I made that decision—perhaps on the basis that the good Lord and my mother did not seem to be around in Lerwick.

The attitude to fashion among teenagers and younger children has changed considerably since I was a teenager. Ear piercing has been substantially regulated, and anyone who has read documentation about the practitioners will know that they have always exercised extreme caution and have made it clear that there should always be an adult in the presence of any youngster, even over the age of 16, who considers having his or her ears pierced, on the specific grounds of health and hygiene.

This debate is essentially about body piercing. I first asked a question of the Minister for Health and Community Care in March in connection with the minimum age restrictions for body piercing. That parliamentary question arose following the receipt of a letter from a constituent—the constituents in Moray are extremely literate and keep me busy. The letter says:

"I saw something yesterday I just could not believe, a young child no more than 18 months old with an earring . . . There are some things you never think you would need laws against, because you imagine no one would be that stupid. I think this matter needs urgent review before we start seeing babies with studs in their noses or tattoos on their arms."

That letter stimulated my interest. I was grateful that, in response to my question, Susan Deacon said that there would be consultation on the issue of age. I would be grateful if the Deputy Minister for Community Care could advise us how far

advanced that consultation process is with our local authorities, the public health interest groups that are involved and others who might have vested interests.

We seek a balanced and sensible approach to the issue. Neither Sylvia Jackson nor I want to infringe on people's liberty to pursue fashion. After all, there is another saying from my youth: "You might as well be deid as out of the fashion." As we all know, fashion is temporary; however, in seeking the adoption of Sylvia Jackson's proposals, we do not want to restrict the fun of being dedicated followers of fashion. We want only to ensure that fashion followers do not fall victim to health risks or take decisions that they might later regret. The young people are most at risk and we want national regulations that provide a sensible and sensitive framework.

17:15

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

**(Con):** I thank Sylvia Jackson for securing a debate on this subject. Body piercing has existed since ancient times and has certainly become far more popular in the past 20 years. Its popularity stems from the fact that it allows people to differentiate and express themselves; to make themselves look attractive to others; and to adorn themselves in a way that my generation would not have appreciated. However, that said, people should have the right to choose the way they dress. Although I do not care for that fashion and do not recommend it, I would certainly fight for an individual's rights to have their body pierced.

There has been much concern about the health risks associated with body piercing. My research on the topic has not been exhaustive, but I have made a significant search for information and discovered that even though there are certain risks from infection, no one is clear about the actual incidence of those infections. The lack of rigour in the research and the fact that the evidence is anecdotal mean that some effort should be made to gather greater evidence on the incidence and type of infections that occur as a result of body piercing.

After such evidence has been gathered, we should bring together practitioners, local authorities, public health authorities and the British Medical Association to consider the appropriate legislation. We feel that any legislation should be light of touch and devolved out to local authorities. If a licensing system were required, local authorities should have some guidelines about the form of such administration.

Body piercing can carry worrying risks, not least the fact that tongue studs can cause problems for casualty wards in administering life-saving

practices. Similarly, doctors can have difficulties because they do not know how to remove studs when they give help to people. Furthermore, there are risks of different types of infection, depending on where studs, rings or other adornments are placed—I will not visit some of the places where rings or studs go.

For that reason, when deciding whether to impose an age limit on body piercing we should consider the issue along with the lessons that we have learned from the legal situation on tattooing. For example, I have taken my children to many events and found that the people they have been playing with since they were six have earrings or studs about their body. We must be concerned, as this is a growing practice. As adults have studs, they often think that it is appropriate for children to have them as well. That also should be considered.

Once enough information has been gathered, it would be appropriate for Parliament to act in a considered and limited fashion. Local authorities should have the responsibility for ensuring that the practitioner is of the proper standard. That would provide people with reassurance.

17:20

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** In the Highlands 200 years ago, body piercing meant something much more violent and involved dirks or sgian-dubhs.

Only a week ago, my 16-year-old daughter, who has just dyed her hair purple with yellow highlights, announced that she was going to have her nose pierced—she takes after me, one can tell. I said that I was not sure that that was a good idea and she decided to have her belly button pierced instead.

What always sticks in my gullet is the fact that fashion—by definition—is temporary. Someone with a stud in their tongue or their belly button might find that that is deeply unfashionable five years down the line but there they are, scarred for life.

I congratulate Sylvia Jackson on introducing this important debate and I congratulate Margaret Ewing on her speech. I had no idea that she is more than 45 years old—I thought she was far younger. That has come as a surprise to us all.

There should be a licensing system and it is right that it should be compulsory. Brian Monteith is right: it should be the responsibility of local authorities, but the involvement of the medical profession will be absolutely essential. Perhaps the consultation should include the health boards or some similar bodies—Dr Simpson might want to comment.



I had no idea that it was possible to have one's ears pierced in Lerwick, but I know better now. Should the fashion change for males, I know where I will go.

17:22

**Elaine Smith (Coatbridge and Chryston) (Lab):** I congratulate Sylvia Jackson on initiating this debate and recognise Margaret Ewing's involvement in highlighting this matter of public concern.

I signed the motion some time ago. More recently, I picked up a magazine in my dentist's waiting room and happened to read an article on the subject that we are discussing. It certainly took my mind off my teeth.

Realising the implications for individuals and for public health in general, I decided to examine the issues further. As we have heard, body piercing is becoming increasingly popular and is a fashion statement, particularly for young people. For many teenagers, image and peer-group pressure become all important. Often, the body piercing can be done on a whim without any knowledge of the possible dangers or after-effects. It is worrying that it appears that a child of any age can have piercing carried out without parental consent.

I am sure that many parents have been horrified when their child has appeared home with their ears, nose, navel or whatever pierced. They will be even more horrified to learn that the people doing the piercing are not subject to formal regulation or licensing and that anyone can set up a business that enables them to stab holes in the population and insert pieces of metal in our children. I imagine that, as I did, the general public believe such practices to be regulated. Too late, many will realise that that is not the case and will be left to deal with the consequences.

There are many horrific stories of piercing gone wrong—we have heard about blood poisoning, scarring and paralysed tongues. More common problems involve infections, allergies and rejected jewellery. In some cases, the metal becomes embedded in the skin and has to be surgically removed. I talked to a GP recently, who told me that many young people baulk at the idea of having the jewellery removed and think that antibiotics can sort it out. They do not realise the seriousness of the problems.

Many health risks could be avoided if piercing were regulated and proper after-care carried out. Anyone going for a piercing should be asked about their medical history, since some conditions could make the procedure dangerous. Sylvia Jackson mentioned the survey of GPs in Rochdale that shows that dealing with the effects of piercings that have gone wrong is an

unacceptable cost to society.

The use of piercing guns needs to be investigated. I know that we do not have time to do the subject justice today, so I will simply point out that the design of those guns is based on a piece of equipment that was invented for cattle tagging. They cannot be sterilised effectively because they melt when they are run through an autoclave.

I am not calling for the banning of body piercing—there is no doubt that people have a responsibility for their own health and actions—but they can act responsibly when having body piercing carried out only if they are aware of the issues and the possible consequences. In particular, action must be taken to safeguard children. This is a public health issue and a child protection issue. Parliament must take urgent action. We need a requirement for parental consent to be introduced to help protect young people, and some form of regulation and licensing of body piercing studios.

This is not about stopping body piercing, but about ensuring that reputable piercers carry out piercing safely and hygienically and that the full facts about the risk and possible consequences of it are made available to the public.

17:25

**Dr Richard Simpson (Ochil) (Lab):** I congratulate Sylvia Jackson on securing a debate on this topic. My major concerns are about the infections that can occur in association with the process of piercing. Hepatitis C is not a particularly well understood disease, and HIV and hepatitis C were not talked about at all 20 to 25 years ago. If they existed, we do not know where they came from—that is still a matter for debate.

In view of that experience, it is appropriate to ask what other diseases we do not yet know about. Appropriate sterilisation of needles is fundamental. Simple, old-fashioned disinfection with a wipe is not enough. It is vital that either new equipment or a fresh needle is used on each occasion, or that there is an effective system of sterilisation, which can be applied appropriately to equipment—I will not repeat the point that Elaine Smith made on that. That applies to tattooing and acupuncture as much as it applies to body piercing.

The other question is that of informed consent. Young people are quite entitled to make a fashion statement, such as body piercing. Equally, those who inflict—or assist to achieve—body piercing have a responsibility to ensure that the consent that they receive is informed. It is therefore appropriate for there to be indications of the possible consequences of body piercing.

No general practitioner would undertake minor surgery without telling a patient that, for example, a skin operation to remove a blemish carries the risk of infection and of scarring, particularly keloid scarring, which has a red, heaped-up effect, and which tends to occur more frequently among one or two ethnic groups. People need to be informed of such things before they undergo the procedure.

A combination of proper regulation, ensuring informed consent and ensuring, through the licensing process, that the establishments that carry out body piercing have effective sterilisation measures, is important.

17:27

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** I too congratulate Dr Jackson on her motion. I do not believe that this matter should be left to local authorities; there is a need for a national regulatory framework, which should be set by the Department of Health.

The minister may recall that I have regularly raised the issue of hepatitis C. He will be aware that the Scottish Centre for Infection and Environmental Health has estimated that 8,000 people in Scotland suffer from hepatitis C. Unfortunately, there is a little asterisk by that figure to indicate that there is a footnote—which says that it is probably a severalfold underestimate. We simply do not know the situation, but the former general manager of Fife Health Board described it as a time bomb; Interferon or combination therapies can cost up to £10,000 per patient per year. Perhaps the minister can update me on that.

I know that the Minister for Health and Community Care has remitted this issue to the Scottish Executive's special policy unit, which is an indication that she is as anxious about it as I am. Can the minister tell me what the upturn in the HIV figures is?

The Executive has first to get a policy out of the policy unit. It has existed for several months, but this is an urgent matter that requires to be addressed. We do not want suddenly to discover that a huge number of hepatitis C sufferers are not getting treatment. I hesitate to say, "another SQA," but the minister will take my point: we need action.

We also need education, so that there is much wider awareness of hepatitis C, not just among drugs misusers, but among other people who could be affected, for example through body piercing.

17:29

**The Deputy Minister for Community Care (Iain Gray):** I too commend Sylvia Jackson for giving us this opportunity to discuss this important

matter that covers a number of procedures from the relatively innocuous electrolysis and ear piercing to the piercing of parts of the anatomy that many of us, such as Brian Monteith and Elaine Smith, find it hair-raising to contemplate. Personally, I am with Margaret Ewing's mother on the matter, but I cannot speak for everyone in the chamber and in any case others' views may not be obvious at first glance.

Several concerns have been raised, and from different angles, many of them to do with young people—which is right as they tend to be the ones who are interested in this kind of fashion. Parents and their concerns about their children have also been mentioned a number of times. Like Jamie Stone, I have personal experience of this issue. There is understandable worry about the environment in which skin piercing is carried out and about the standards of hygiene being observed.

Sylvia Jackson rightly drew attention to the potential health risks of body piercing in particular. Usually, problems are local and trivial and arise from wound infections, although Richard Simpson pointed out that while we believe that to be true we do not know. Piercing can also result in serious blood-borne viral infections, such as hepatitis B or C. I do not think that I will have time to address Keith Raffan's specific points about HIV and hepatitis C, but that is not to treat them as unimportant. Sylvia Jackson mentioned the SNAP report, which will be published today. It may provide information on the concerns raised by Keith Raffan.

**Mr Raffan:** Will the minister respond to me in writing?

**Iain Gray:** That seems an entirely reasonable request and I undertake to do so. Our knowledge is developing. We will get back to Keith Raffan, who I know takes a proper interest in the matter.

I will say a little about some of the background. Tattooing, particularly of young people, has been mentioned. The Tattooing of Minors Act 1969 makes it an offence to tattoo young persons under 18 years of age. An age limit is in place but, except in Edinburgh, as Sylvia Jackson explained, Scottish local authorities do not have specific powers to regulate skin piercing businesses. Some local authorities have taken an active interest in such businesses. As Sylvia Jackson said, that is reflected in the fact that the Scottish Centre for Infection and Environmental Health has recently produced a guidance note in response to inquiries from councils.

We should not, as Brian Monteith said, assume that those who provide skin piercing services are universally irresponsible. At the UK level, the European Professional Piercers Association and

the Association of Professional Piercers have produced guidelines for their members and would have to be included in any consultation arising from our concerns.

Sylvia Jackson outlined the legal position in England and Wales, which I will not take the time to repeat. The UK Government has concluded that primary legislation should be introduced in England and Wales to give local authorities outside London specific regulatory powers. However, parliamentary time at Westminster has not yet been found.

Consent is a difficult issue, as many parents are content for their children to have their ears pierced and parents will differ from each other and from their children in their belief of what is acceptable at particular ages. The Age of Legal Capacity (Scotland) Act 1991 states that a child under 16 does not have the legal capacity to enter into a transaction unless specifically allowed by statute, so there is some protection, at least in insisting on consent from the parent. One of the two associations to which I referred says that procedures should not be carried out on anyone under the age of 16 without parental consent. The other says they should not be carried out on anyone under the age of 18. I appreciate that that falls short of some of the concerns that have been expressed this evening.

In closing, I return to the key issue raised by Sylvia Jackson: the need to address the possible health risks of body piercing. The Executive recognises the need to assess the effectiveness and adequacy of current arrangements and to consider what different arrangements may be necessary. We are committed to conducting a consultation exercise. I confess that the commitment on that was made some time ago and that this evening's debate has allowed me to return to it. I instructed officials today to prepare the consultation exercise as soon as possible and to set it in motion before the end of the year, at the very latest. I will give Parliament a timetable for it in due course and information on how it will be carried out.

**Mr Monteith:** In his instructions to his officials, will the minister include a request for organisations such as the British Medical Association to provide evidence on the health risks? If there is to be legislation, it would be helpful to have information making a case for it so that people will understand the need for it.

**Iain Gray:** I am happy to take up that suggestion. We will also include councils in the consultation, as they would have to implement any controls needed to provide safeguards. We will also have to address whether there should be exactly the same regulatory regime everywhere in Scotland.

**Mrs Margaret Ewing:** I am concerned that the minister has indicated that a members' business motion six months after a commitment was given to investigate the situation is required before it is acted on. I hope that does not mean that we have to have a members' business motion every time such a commitment is given. We are looking for a very clear time scale for the consultation and the likelihood of implementation of any recommendations.

**Iain Gray:** I take the point—I made my comment as a confession. Given that I instructed the preparation of the consultation today, it would be wrong to make an immediate pronouncement on how long it will take, but when we have a clear idea on that we will inform Parliament.

As several members have said, our consideration of the issue must take place against the background of an increasing fashion for skin piercing. We are rightly concerned and we must ensure that skin piercing is carried out in a safe and hygienic manner. I assure Sylvia Jackson that the debate has moved the matter forward.

*Meeting closed at 17:38.*



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