

# **MEETING OF THE PARLIAMENT**

Thursday 23 November 2000

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## Scottish Parliament

*Thursday 23 November 2000*

[THE PRESIDING OFFICER *opened the meeting at 09:31*]

### Standards Commissioner (Appointment)

**The Presiding Officer (Sir David Steel):** The first item of business today is the debate on motion S1M-1376, in the name of Mike Rumbles, on behalf of the Standards Committee, on the committee's fourth report, which deals with the investigation of complaints, the appointment of a standards commissioner and other matters.

09:31

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** It is with a great deal of pleasure that I am able, on behalf of my colleagues on the Standards Committee, to present the committee's fourth report of 2000. The main recommendations of the report concern the appointment of a standards commissioner and the adoption of a new investigative procedure for handling complaints of misconduct against members. Members will wish to note that, as an interim measure, the committee has appointed a temporary standards adviser, who is responsible for the initial investigation of complaints against members of the Scottish Parliament.

The report represents the findings of a substantial inquiry by the Standards Committee, which lasted nine months. I thank my colleagues on the committee for their endeavour in producing what I think is an excellent report, which sets out complex issues clearly.

As in previous speeches that I have made to the chamber on behalf of the Standards Committee, I am pleased to emphasise the consensual manner in which members of the committee approached the work. The report has the full backing of the whole committee. Its conclusions and recommendations were reached through constructive debate and reasoned argument and without resorting to a vote. I hope that Parliament will also endorse unanimously the recommendations of the report.

The committee addressed elements of the inquiry during nine meetings that took place between January and September this year. Early in our deliberations, we heard evidence from several witnesses who have expertise in disciplinary matters. The committee considered

the manner in which complaints are addressed at Westminster, in the National Assembly for Wales and in Scottish local government. We also considered several issues papers that were prepared by the committee's clerks. The committee—having conducted our initial research and listened carefully to witnesses—considered four principal options: investigation by the Standards Committee; investigation by an independent commission; investigation by a standards adviser; and investigation by an independent commissioner. I will discuss each option briefly.

At the beginning of our inquiry, some committee members favoured investigation by the Standards Committee. Given the committee's remit, it was felt by those members that the committee had sole responsibility for investigation of the conduct of members and that we should do that openly and accessibly. Any departure from that principle could be considered to be a dereliction of the committee's responsibilities under standing orders. However, it became apparent early in the inquiry that that option was not practical, given the potentially time-consuming nature of a substantial inquiry and its subsequent impact on other aspects of the committee's work. Moreover, that option failed to meet a key element of the committee's initial criteria—it did not offer sufficient independence.

At the same time, we were mindful of the committee's remit to report on any matters that relate to the conduct of members in carrying out their parliamentary duties. Therefore, we concluded that the committee should retain a role in the investigation of complaints, to which I shall return later.

Investigation by an independent commission was the second option. The committee was aware of the Ethical Standards in Public Life etc (Scotland) Bill, which was making its way through Parliament at the same time as we were in the midst of our inquiry. That bill, which is now an act of the Scottish Parliament, recommended the establishment of a standards commission for Scotland and the appointment of a chief investigating officer who would have responsibility for complaints against councillors and members of devolved public bodies.

The committee considered closely whether the conduct of MSPs could be included in the commission's remit. We rejected that option on three counts. First, unlike some of the organisations that are covered by the commission, MSPs are subject to separate statutory regulations. Secondly, we did not believe that it would be constitutionally appropriate for the national standards commission to investigate the conduct of members of the body that established

that commission. Thirdly, the committee expressed concern that appointees of the Executive, such as the chief investigating officer and members of the national commission, could have responsibility for enforcing the conduct of members of Parliament.

The third option that was considered was investigation of complaints by a standards adviser. The committee considered whether to recommend the appointment of a standards adviser, but the primary argument against such a recommendation is that an adviser would not have separate statutory powers and would need to rely on the powers of the committee to summon witnesses and compel evidence. We felt that that could impact adversely on the adviser's perceived independence and therefore we did not favour it as an option for the medium to long term.

We then arrived at the fourth option: to recommend the appointment of a standards commissioner. In recommending to Parliament such an appointment, the committee was concerned primarily with ensuring a sufficient degree of independence in the procedure for investigating complaints against members. Although that is not a legal requirement, we felt that it was needed to ensure public confidence in the system.

The principal bulwarks of that independence are the separate statutory basis for the appointment and the proposed powers that the commissioner would have. We recommend that the post of standards commissioner should be created under an act of the Scottish Parliament and that the post should attract independent statutory powers to summon witnesses and compel evidence.

It is hoped that the creation of such a post will allow complaints about the conduct of members to be investigated thoroughly and speedily and that it will assure the Scottish public of their Parliament's commitment to maintaining the highest levels of probity in the conduct of its affairs.

If colleagues express support in principle for the post, the details of the appointment can be addressed at a later date, when we deal with the necessary bill. However, given the relative size of our Parliament and the fact that more serious complaints could involve possible breaches of criminal law—and, therefore, referral to the procurator fiscal—we do not consider that there is a need for a full-time appointment. We recommend that the post should be introduced on a part-time basis.

I will turn briefly to our proposals for an investigative procedure to supersede the procedure that is outlined in section 10 of the "Code of Conduct for Members of the Scottish Parliament". We recommend the adoption of a

clear and simple procedure that will apply to the investigation of all complaints against members, as outlined in the flow chart that is attached as annexe B to the committee's report, which members should have with them. Unfortunately—or fortunately, as some members might think—I do not have sufficient time to go through the procedure in detail; instead, I will address some of the main themes that concerned the committee when it drew up its proposals.

The process would have four stages, although all four stages would be gone through only in more substantial, contested cases. The first two stages would be the responsibility of the standards commissioner, acting in private and independently from the committee. The commissioner would be responsible for deciding whether a complaint warranted further investigation and for carrying out such investigations.

The commissioner would then be required to report to the committee with his or her conclusions on the facts. The third stage would be conducted by the Standards Committee, which would retain its remit—as set out in the standing orders—to recommend whether sanctions were appropriate. The committee might, at the third stage, decide to hold its own investigation or to review the commissioner's findings. The final stage would require Parliament to meet to decide whether to impose sanctions.

We considered also whether a distinction could usefully be made between trivial and serious categories of complaint, as recommended by the Neill Committee on Standards in Public Life. However, we concluded that a complaint that appeared initially to be quite trivial could, on investigation, turn out to be quite serious.

We considered further whether an investigation should be conducted in public or in private. The committee was concerned to balance Parliament's emphasis on openness and transparency with the potential loss of reputation that a member could suffer as a consequence of a malicious or unwarranted complaint. We concluded that the initial stages of an investigation should be conducted in private.

Some cases would not proceed beyond those stages. For those that would, we recommend that the later stages, including oral questioning of witnesses, should be conducted in public, with the usual caveat that the committee reserves the right to meet in private where circumstances demand that. We also recommend that investigations should be carried out as speedily as is consistent with the required degree of thoroughness.

We rejected the idea that the commissioner should be responsible for giving advice or for carrying out an investigation into a complaint

against a member to whom the commissioner might have given that advice. Instead, we propose that the clerk to the Standards Committee should continue to have primary responsibility for giving advice on standards issues.

An appeals procedure was also considered and the committee felt that an appeals mechanism was appropriate. Our procedure would give members the opportunity to appeal against the commissioner's findings on facts at stage 3 of the process, and to appeal against the procedures of the investigation, together with any recommended sanctions, when Parliament met at stage 4.

The issue of standards is important and it is essential that we continue to build on the foundations that have already been laid, cementing the public's confidence in our ability to monitor properly our obligations to carry out our duties with integrity, selflessness and honesty. The proposals that I have outlined are intended to further that aim.

I move,

That the Parliament agrees the recommendations of the Standards Committee, as set out in its 4th Report 2000, on the investigation of complaints, the appointment of a Standards Commissioner and other matters.

09:41

**Mr Adam Ingram (South of Scotland) (SNP):**

As a member of the Standards Committee, I am pleased to speak on behalf of the Scottish National Party in support of the report and its recommendations. Mike Rumbles has outlined clearly the rationale that underpins the model of investigation of complaints that is detailed in the report.

I shall focus on one or two points of contention that were raised by members of other committees. I understand that some members of the Local Government Committee favoured the option of a national standards commission—as established under the Ethical Standards in Public Life etc (Scotland) Act 2000—as the investigatory authority for complaints against MSPs. Questions arose about why councillors and MSPs should not face the same regulatory regime and why MSPs should be allowed self-regulation through the Standards Committee of the Parliament, while councillors are not allowed such self-regulation. Clearly, in asking that last question, the key point—that the Scotland Act 1998 set the standards regime for the Parliament—was missed.

In the Standards Committee's view, the proposal that Parliament should appoint an independent standards commissioner—who would be invested with statutory powers to conduct his or her duties thoroughly and without fear or favour—is a far superior solution to that which would be provided

by a national standards commission that was appointed by the Executive. Above all else, such an appointment should inspire public confidence in the conduct of our affairs and should enhance the reputation of the Parliament.

On investigation and reporting, members will note that the Standards Committee recommends a more open procedure than that which has been adopted by the Westminster Parliament, where all meetings and hearings of the Standards and Privileges Committee are held in private. Members should consider the damage that would have been done to the Scottish Parliament's reputation if the Standards Committee had conducted its lobbygate inquiry in such a fashion. Although it is appropriate that the standards commissioner should conduct investigations in private—not least to protect the reputations of members who are subjected to malicious or unwarranted complaints—it is surely right that, once it has been established that there is a case to answer, an open and public procedure should be adopted as the norm by the Standards Committee. It is also right that members who are found by the committee to be in breach of the MSPs' code of conduct to the extent that sanctions must be applied, should have a right of appeal.

Parliament is the most appropriate locus for consideration of the committee's report on a breach of the code of conduct. It is entirely appropriate that, although members of the Standards Committee may speak to such a report and its recommendations, they should not have a vote that would affect the final decision.

I commend the Standards Committee's report.

09:44

**Lord James Douglas-Hamilton (Lothians) (Con):** Conduct unbecoming has been a phenomenon in Parliaments over the centuries. I recall an allegation that was made against a very colourful member of Parliament called Sir Walter Bromley-Davenport, to the effect that he had allowed his enthusiasm to run away with him. He had been appointed as a whip and was told to prevent any member from leaving the House of Commons before having voted. It was alleged that he had seen a man skulking off in the darkness, had given him a kick in the pants and asked him where he thought he was going, only to be informed that he had just floored an ambassador. I understand that, after that, his sojourn in the whips office came to an end. Today he would be reported to the Standards Committee.

We need to ask whether our procedures are equal to dealing with all the issues that might come before us. I believe that they are and I strongly support Mr Mike Rumbles in his move to create a standards commissioner. As he pointed

out, the Standards Committee has spent a considerable period examining a range of options and considering closely the views of witnesses who have expertise in disciplinary matters and investigation. The committee's primary concern in agreeing to recommend a commissioner was the need to maximise public confidence in the proposals. The committee felt that an independent element was necessary in our investigative procedures. Quite simply, we came to the conclusion that the public would not necessarily trust members to be impartial when investigating their colleagues. We agreed that the level of independence that the commissioner would have could enhance the credibility of the post. He or she would be expected to act independently of the Standards Committee in the initial investigation of complaints and to present a report to the committee on his or her investigation of the facts about whether a breach of the code of conduct had occurred.

We support the creation of the post of commissioner because it would be created by an act of the Scottish Parliament, and the person who was appointed would have the statutory powers to summon witnesses and to compel them to give evidence. It is expected that the post of commissioner would initially be part time, although he or she would need to be flexible in the event of a major inquiry being necessary. The commissioner would not have an advisory role, but the clerks would continue to advise members on standards. There would therefore be a separation of responsibilities and a meaningful division of labour.

The committee felt that it was necessary to have one clear, simple procedure for investigations, appropriate elements of which could be used in all cases. We also agreed that one individual—a standards commissioner—should have the job of sifting complaints, to ensure a consistent approach.

We were concerned about the impact on a member's reputation of unwarranted or malicious complaints. For that reason, we felt that there was justification for conducting the first stages of inquiries in private, to establish whether complaints had any foundation. Moreover, we felt that investigations should be carried out as speedily as is consistent with thoroughness.

We were also influenced by Parliament's commitment to openness and transparency. For that reason, we agreed that the later stages of an investigation should normally be carried out in public. For example, if the committee decided to take oral evidence from the member against whom the complaint was being made and from other relevant witnesses, that would normally be done in public.

I commend the motion to the chamber—I believe that agreement to it will enhance the stature of the Scottish Parliament. Like Caesar's wife, the Parliament—and, I hope, its members—must be beyond reproach.

09:48

**Donald Gorrie (Central Scotland) (LD):** As a member of the Local Government Committee, I was one of those who was attracted by the idea of a single approach to the question of ethical standards—an approach that covered MSPs, councillors, quangoists and others. However, having listened carefully to Mike Rumbles and the other speakers, I accept that the arguments for separate systems are stronger. I am now happy to abandon my initial hope that there should be one overall system.

It is important that an independent person should be involved. The idea that any organisation—whether it is made up of doctors, stockbrokers, members of Parliament or bus drivers—can operate on the basis of self-regulation is a complete fallacy, because people will not be dispassionate. Recently, the troubles of President Clinton have shown that a concerted campaign can be waged against somebody on an acrimonious, party political basis. There is also evidence that even members of a different political party can go easy on the person who is in the dock. In its heyday, the Victorian Liberal party did not, as the Opposition, cover itself in glory during the inquiry into the Jameson raid into Boer territory in South Africa.

A “there but for the grace of God go I” attitude can mean that on some occasions people are too soft on their colleagues and on other occasions they are too hard on them. An independent commissioner is the answer. The Standards Committee has done a good job and I am happy to sign up to its proposal.

**The Presiding Officer:** I call on Tricia Marwick to close this short debate on behalf of the Standards Committee.

09:50

**Tricia Marwick (Mid Scotland and Fife) (SNP):** As Mike Rumbles pointed out in his opening speech, the report is the outcome of a major part of the Standards Committee's work over the past nine months. It is a substantial report that deals with several complex issues, which I and my colleagues on the committee have enjoyed grappling with. Our thanks go to the committee clerks for their guidance and unfailing good humour.

Much of the committee's work to date has been about laying the foundations for the future conduct

of Parliament and its members. The recommendation to create the post of independent standards commissioner is another example of that work. I hope that the appointment of a commissioner would emphasise the Parliament's commitment to the highest level of standards in public life—the public have the right to expect such a commitment. We believe that the report's proposals on the independent and thorough investigation of complaints about members' conduct will go a long way towards convincing the Scottish people of that commitment.

The report proposes a clear set of investigative procedures, which are fair and robust. The committee recognises that, in the interest of fairness, it is essential that members and the public are fully aware of the procedures that should be followed when investigating complaints.

It is fair to say that, when the committee started the inquiry, a number of colleagues shared my view that the Standards Committee should continue to investigate complaints on its own. Having dealt with lobbygate, we felt that we had demonstrated the committee's capacity to carry out an investigation thoroughly, speedily and independent of our political affiliations. However, having taken evidence from several witnesses, we accepted that the investigation of complaints could become substantially time consuming and could compromise the committee's other work. We came to the unanimous view that such a proposal was not compatible with our emphasis on the need for an independent element in our investigative model.

At the same time we were conscious of the committee's remit as prescribed in the Scotland Act 1998 and Parliament's standing orders. The commissioner would therefore report to the Standards Committee and the committee would review the commissioner's conclusions before it decided whether sanctions were appropriate. However, Parliament would make the final decision, on a case-by-case basis, on the extent and duration of any sanctions.

The Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999 (SI 1999/1350) enables Parliament to prevent or restrict a member's participation in proceedings when he or she has failed to register or declare a registrable interest. Certain breaches of the members' interest order on the registration and declaration of interests and paid advocacy could constitute criminal offences. In such cases, the complaint would be referred to the procurator fiscal.

Members will wish to note that the committee has agreed to conduct a review of the members' interests order. As the first part of that process, we will consult colleagues widely. Members will

receive a consultation paper presently. I urge all members to take time to input into the process, because the members' interest order has an important bearing on us all. It is vital that we understand it fully. The Standards Committee's inquiry is aimed partly at improving its clarity.

The Standards Committee remains fully committed to developing procedures that reflect the Parliament's commitment to the highest level of probity in our affairs and to fairness for members. I have no doubt that, in recommending the proposals that are set out in our fourth report on the investigation of complaints and the appointment of a standards commissioner, we will add to the previous building blocks that the committee has recommended.

## Parliamentary Questions

**The Presiding Officer (Sir David Steel):** We now move to the next item of business, which is motion S1M-1382, in the name of Mr Murray Tosh, on behalf of the Procedures Committee, on its report on parliamentary questions.

09:54

**Mr Murray Tosh (South of Scotland) (Con):** The intention underlying the Procedures Committee's 1<sup>st</sup> report 2000 is to ensure that the Parliament's system of written parliamentary questions is working appropriately. The committee believes that this report provides a firm basis for future work on our system of written questions. Its purpose is not to present final conclusions, but to suggest putting in place a monitoring structure to prepare the ground for future improvements.

The committee's starting point was to focus on two aspects of the way in which written parliamentary questions have developed in the short time since the start of the Parliament: how the Executive handles the increasing number of questions and whether the high volume of questions is overworking the system. To date, 11,339 questions have been lodged and 10,541 answers have been given. The large numbers of questions and answers will be of great interest to people in the wider community of Scotland, as well as to the members who asked them. Their processing occupies the time of very many people—members, ministers and officials—and it is important for us to get the process right in all aspects.

Members will have read the summary of recommendations that is set out on the first page of the report; therefore, instead of taking up time in setting those out in detail, I shall focus on a couple of key points. The main purpose of the proposed agreement between the Parliament and the Executive, which is set out in the report, is to assist all those whose job it is to facilitate the questioning process, to help to improve the speed with which questions are answered and to monitor the number of questions.

The committee is confident that all members support those aims. I am pleased that, in its published response to the committee's report, the Executive supports those aims and all the committee's detailed recommendations, and I pay tribute to the co-operative way in which the Executive has worked with the committee in this area.

Before we are able fully to understand how the system is working in practice, to draw conclusions and suggest improvements where they are

necessary, we need to conduct an appropriate analysis with the Executive. It is that analysis that the committee's preliminary report is principally intended to facilitate. The study will include analysis of information concerning the number of questions that are lodged and the speed with which the Executive answers those questions, initially over the period to March 2001. The intention is that the results of the analysis will be set out regularly in the weekly answers report for all members to see.

The committee has committed itself to considering, in March 2001, what conclusions may be drawn from those accumulated statistics and to make a further report and recommendations to the Parliament if it sees fit. Before it does so, it will invite evidence from all those who have an interest in the matter. The committee will then consider a number of associated issues in relation to written and oral questions: for example, the length of question time; inspired questions; what are known in the House of Commons as prior notice questions; and other issues that are highlighted in the report.

Members will be aware that the proposed agreement also recommends several other measures. For example, a seminar is being organised for MSPs' researchers, which is designed to raise awareness among researchers of all sources of information that are available to members. Members' initial response to the proposal of such a seminar has been strong. A further important point is that the internal departmental telephone directories of the Executive will be made available to members, to promote direct access between members and Executive officials in circumstances in which members are simply seeking information. We hope that those measures will highlight the wide variety of sources of information that are available to members, and that that may ease the pressure on the formal questioning system.

The Procedures Committee believes that this report is an important stage in the process of ensuring that the system of parliamentary questions that we operate measures up to the highest standards.

I move,

That the Parliament notes and agrees to the recommendations contained in the 1st Report 2000 of the Procedures Committee *Preliminary Report into the Volume of Written Parliamentary Questions and the Scottish Executive's Speed of Response* (SP paper 169), as set out on pages 1 and 2 of the Report and reproduced below—

(a) to agree the terms of the proposed agreement between the Parliament and the Executive (as detailed on page 1 of the Report);

(b) that a continuing seminar on the resources for obtaining information and the appropriate use of

parliamentary questions, and involving members, the Scottish Executive and Parliamentary officials, be organised by the Parliamentary authorities to assist those involved in the drafting of parliamentary questions, primarily members' researchers and assistants;

(c) that internal departmental telephone directories of the Scottish Executive be made available to all MSPs; and

(d) that to facilitate the tracking of parliamentary questions and the answers submitted, the Parliamentary authorities should investigate now the feasibility of placing the date on which questions are lodged in the relevant Parliamentary publications.

09:58

**The Deputy Minister for Parliament (Tavish Scott):** I acknowledge the work that has been undertaken by the convener and members of the Procedures Committee in producing such a concise and well-balanced report, which has been presented to the Parliament this morning by Murray Tosh. The Executive welcomes the committee's keen interest in the Executive's handling and treatment of parliamentary questions. It responded to the Procedures Committee on 1 November, broadly endorsing the recommendations that are contained in its report.

No one disputes the right of members to ask questions of the Executive, but that must be viewed in the context of what is both reasonable and appropriate. The Executive welcomes the committee's recognition that the monthly average of parliamentary questions that are lodged is very high. Indeed, since the committee produced its report, there has been no significant reduction in the volume of those questions. The Executive is now dealing with around six times more questions than would have been asked of Scottish ministers prior to devolution, and our latest audit of parliamentary questions, which was published on 1 November, shows that, despite that large increase, the percentage of questions that are answered on time rose from 48 per cent in the period that was covered by the previous audit to 54 per cent in the current audit. The Executive therefore welcomes the committee's recommendation of the importance of members both taking responsibility for the quality, quantity and relevance of the questions that they lodge and taking into account the availability of other sources of information. I welcome the points that Murray Tosh has just made in that context.

We endorse the committee's view that the Parliament must ensure that the risk of abuse of the parliamentary questions system is avoided and that all appropriate methods of obtaining information are utilised properly. The Executive supports the objectives set out in the proposed agreement, namely,

"to assist everyone responsible for parliamentary questions to match resources to demand in answering questions that

are lodged; to seek demonstrable improvements in the turnaround time for answering questions; and to monitor the number of questions that are lodged".

Although we do not deny that the large volume of questions has stretched our resources, we have taken—and are taking—steps to improve the position. In particular, we have increased staffing levels within the parliamentary branch and have introduced new monitoring arrangements. Furthermore, we are in the final stages of developing a new electronic system which we expect will prove to be a useful management tool.

**Mr John Home Robertson (East Lothian) (Lab):** I am very grateful to the minister for giving way, although I am a little suspicious of the type of electronic tagging that he has just outlined.

I briefly draw the minister's attention to the sorry story of written question 2072, which was lodged by Richard Lochhead last October. However, although the reply was drafted in the rural affairs department and signed off by me as minister last November, it did not percolate through the Scottish Executive and Parliament system until 26 September this year. I hope that those procedures have been slightly improved.

**Tavish Scott:** Mr Home Robertson makes my previous point for me. The electronic tracking system—which I can assure him has no evil intent—is designed to ensure that such situations will not arise and that the current system will be greatly improved.

The Executive is happy to work constructively with the parliamentary authorities. As Murray Tosh has mentioned, at its meeting on 21 November, the Procedures Committee approved a paper setting out issues to be followed up in its forward work programme. I am pleased to say that officials from both sides have met to discuss how best to progress these matters.

I am pleased to note that there has already been progress on the recommendations set out in paragraph (d) of today's motion. In its response, the Executive has proposed that the date of the holding reply should be shown instead of the date of lodging and I understand that the Procedures Committee took a similar view at its meeting on 21 November.

The Executive looks forward to participating in the proposed seminars and, with the Scottish Parliament information centre, we are currently developing ways in which the Executive's staff directory can best be made electronically available to MSPs.

Some other issues have been identified for further consideration, of which I might usefully mention the proposal to explore options for some limitation of questions during recess. Although we are not suggesting that questions during recess

should be barred altogether, we think that, in the light of the high volume of questions during holiday periods, there is merit in considering whether and how they can be kept to more manageable levels at that time. Some changes to the standing orders might be necessary if agreement can be reached, and we therefore suggest that the committee consider the issue at an early date.

The Executive is happy to support the committee's recommendations contained in the report and particularly welcomes the recommendation that consensus between Parliament and the Executive is the proper way forward on this matter. As a result, the Executive stands ready to assist the Procedures Committee in its further consideration of those recommendations.

10:03

**Mr Gil Paterson (Central Scotland) (SNP):** I want to make some points and observations on the report's recommendations. First, on the issue of the logging of dates, we have found that, by and large, the majority of questions are answered within 14 days and that the speed of answering questions is constantly increasing. However, some questions seem to hang around for a considerable time; for example, I lodged a question in May that has still not been answered. Logging the dates of lodging will help to track questions and the mere fact that the dates will be published from time to time—in other words, naming and shaming—will have a great effect on the longevity of some questions.

As for the quality of answers and the quantity of questions, many members have found the quality of some answers—or their lack of quality—has brought more questions. Any work undertaken in that area should shorten the list of questions and the system can only reap the benefits. The quality of the questions may be questionable, but that is for members to regulate, not the Executive.

I am not convinced by the argument that limiting questions during the recess would be an advantage. The world still turns and life goes on during the recess. However, if there is a structural problem because staff need to take holidays—we should remember that members are not on holiday just because no debates take place, therefore they still need resources—members should recognise that and hold back on questions that could be answered later when the full complement of staff is available. Members should ask questions on current issues. That is for members, rather than the Executive, to regulate.

Should members regulate the number of questions? We need to be careful on that issue. The number of questions depends on the subject

matter and range of topics that members are working on—members work in a number of areas. There is a mechanism for self-regulation. The law of averages is that some people will ask a lot of questions and that others will ask few. It is up to members to regulate themselves by not asking spurious questions for the sake of it.

Lastly, there are parliamentary questions on subject areas that do not fall within ministerial responsibilities. If ministers sit on joint ministerial committees on the Parliament's behalf, they should respond to questions from the Parliament. If they cannot stand the heat in the kitchen, they should get out of the Mondeo.

10:07

**Donald Gorrie (Central Scotland) (LD):** As a member of the committee, I support Murray Tosh's proposal, which is a good, if only a first, step forward. It is not in the interests of any of us that a whole lot of unnecessary questions clog up the system. The steps proposed in the motion will help a bit, as will the seminar. However, there are a number of points that I want to raise.

First, if someone raises with a member an issue that the member does not know much about, but which seems good, it is hard to find out whether anyone else has lodged questions on the same subject, especially if the issue does not fall neatly within the remit of a particular department. A system to make it easier to find questions by subject matter would be helpful.

Secondly, some members ask an awful lot of questions. To them, it is their daily fix—they must have their three or four questions a day. For me it is coffee and my wife is trying to get me to reduce my coffee drinking, so I feel sympathy with them in asking them to reduce their question asking, but it could be done—some members go a bit overboard. As Gil Paterson said, however, members often get enraged by totally evasive, often not even accurate answers to their questions and so lodge 10 more questions. Many civil servants are good, but many of them need to be trained. They still consider our presence as an intrusion into the pleasant life that they had before devolution. We need to explain gently to those civil servants what we are all about. Seminars to promote friendly discussion between civil servants and back benchers would be helpful, as would advising our researchers. If we can work together, we will get on much better. If there is acrimony on both sides—I am sure that civil servants complain about us over coffee just as we do about them—we will not work together better.

The proposals are a good step forward. The Procedures Committee under Murray Tosh works well, although some of my more radical proposals

get a bit lost somewhere—in the Parliamentary Bureau, I think. I look forward to more progress. The proposals today are a useful first step.

10:09

**Janis Hughes (Glasgow Rutherglen) (Lab):** I thank members who have contributed to this short debate.

In its “1<sup>st</sup> Report 1999: Draft Standing Orders of the Scottish Parliament”, the Procedures Committee set out its view that it was of key importance for the Parliament to achieve the highest-quality procedure possible for facilitating the flow of parliamentary questions and answers.

The fact that we have had this debate today indicates the continuing high importance that the committee and members attach to the issue. The committee believes that it is important to examine all aspects of the structure of parliamentary questions continually and that whatever improvements that the Parliament thinks necessary should be made without delay. I assure the chamber that the committee will maintain that issue as a firm and continuing priority in its work plan. We hope that the report will assist members in the process by providing for a rigorous analysis of the system that is at present in operation. The committee looks forward to returning to the Parliament with further recommendations on this issue next year.

Tavish Scott mentioned, on behalf of the Executive, the proposal for an electronic tracking system. That will be welcomed and I hope that it will alleviate problems such as those experienced by Richard Lochhead and other members. Naming and shaming, which Gil Paterson talked about in relation to ministers’ response times, must apply to members as well, in relation to the issue of self-regulation. The committee feels strongly that members must self-regulate. It is difficult to make hard and fast rules about that, but we must all bear some of the responsibility.

**Richard Lochhead (North-East Scotland) (SNP):** On the subject of self-regulation, does Janis Hughes agree that, in the interests of transparency, it might be useful for the Executive to indicate which parliamentary questions have been planted? Perhaps those answers could be segregated in a separate part of the business bulletin or, in the same way that questions that relate to a member’s registered interest have an “R” at the end of them, planted questions could have “SE”.

**Janis Hughes:** I think that it is a legitimate practice to have what Richard Lochhead calls planted questions but which we prefer to call inspired questions. It is useful in that it reduces chamber time. If ministers want to make

announcements or bring a matter to the attention of the Scottish Parliament, there is nothing wrong with having a question asked to elicit that information. Obviously, the SNP likes to play the game of deciding what is an inspired question and what has been thought up by members of the Labour party.

**Michael Russell (South of Scotland) (SNP):** Although they provide us with much fun, I do not think that anyone is arguing that there is anything intrinsically wrong with inspired questions—although I know that inspiration strikes some members more often than it strikes others. While no one—not even Richard Lochhead—is suggesting that the practice will not go on, it is important to know which are inspired questions. It would be a legitimate point of information to inform members which questions are designed to allow ministers to make statements, which is one of the ways in which ministers get information into the public domain. That should be indicated in the list of questions.

**Janis Hughes:** I do not understand why Michael Russell thinks that that is important. It is quite obvious by the noises in the chamber during question time that members know when a minister is responding to an inspired question that was designed to allow the minister to make an announcement. There is no secret. The proposal that Mike Russell and Richard Lochhead have made is unnecessary and would be a needless use of resources.

**Michael Russell:** It would be a waste of asterisks.

**Janis Hughes:** The committee has discussed the issue of the quality of questions and how that affects the quality of answers. Members must be vigilant and ensure, before lodging their question, that it will give them the answer that they want.

With regard to Gil Paterson’s earlier analogy, I am not sure how the Mondeo would get in the kitchen. Perhaps Gil Paterson’s kitchen is bigger than mine.

Donald Gorrie’s point about coffee and questions makes me wonder whether there is an addiction issue at work in this regard. Are certain people addicted to asking questions? That brings me back to the issue of self-regulation. *[Interruption.]* I will allow members to make up their minds about whether they have any addiction issues.

I commend the report to the Parliament.

## Standing Orders

**The Presiding Officer (Sir David Steel):** We move to the debate on the next motion, S1M-1383, in the name of Mr Murray Tosh, on behalf of the Procedures Committee, on its report on private legislation in the Parliament and its report on changes to standing orders.

10:15

**Mr Murray Tosh (South of Scotland) (Con):** In congratulating Fergus Ewing on the impeccable timing of his arrival in the chamber—just when Janis Hughes asked whether certain members were addicted to asking questions—I ought to cover up for my omission in the previous debate; I neglected to thank the clerks of the Procedures Committee and the range of officials who worked hard to produce the report on parliamentary questions. I wish to underscore my thanks in relation to motion S1M-1383, which has involved a collective effort from clerks from a wide range of committees.

The committee's second and third reports of 2000, which motion S1M-1383 recommends that the Parliament note, encompass three important changes to standing orders. The first change, which is contained in the second report, will replace rule 9.17, on private bills, with an entirely new chapter. Private bills are promoted by individuals, local authorities or companies seeking legislative powers or benefits that are in excess of, or in conflict with, the general law. The reason for proposing amendments to standing orders is to ensure that our procedures are clear and comprehensive, and fully up to the task of rigorously scrutinising bills and objections to them. To date, no private bills have been lodged with the Parliament, but we understand that possible promoters are waiting in the wings for the changes to standing orders that relate to private bills.

The report recommends a three-stage process for private bills. At the preliminary stage, the private bill committee will examine such issues as whether the objectives are suitable for a private bill, the relevance of objections and the right to appear before the committee. The consideration stage will involve the consideration of evidence from promoters and objectors, including cross-examination of witnesses, and amendments. The final stage will be the opportunity for the Parliament to consider, debate and vote on the bill.

It may be helpful to members if I discuss briefly the key features of the proposed procedure. First, on the establishment of the private bill committee, I stress that, because of the quasi-judicial nature

of the proceedings of private bill committees, there is a need to ensure that such committees are neutral and impartial. Therefore, the report recommends that any member of the Parliament—whether constituency or list—who resides in, or represents any part of, the area that will be affected by the bill should not be a member of the private bill committee. In proposing members, the Parliamentary Bureau should also have regard to the register of members' interests.

We recommend a departure from the inquisitorial approach to gathering evidence that is used at the moment by parliamentary committees. We concluded that the best way of ensuring that the evidence on the private rights and obligations that are affected by a private bill is rigorously scrutinised is to have a system of cross-examination involving promoters and objectors as well as members of the private bill committee. The promoters and objectors will know the issues that they wish to investigate and explore in the other party's evidence.

We considered two complex issues that are pertinent to the legal representation of promoters and objectors: first, legal representation in the context of human rights legislation; and, secondly, the critical questions of whether an objector should have the right to be represented at a meeting and, if so, who should pay for such representation. The question of legal representation in civil cases is not yet settled in law and article 6 of the European convention on human rights has still to be tested by the courts. In addition, the Executive has signalled its intention to introduce a bill dealing with ECHR compliance, although we do not know what the contents or timing of that bill will be.

We concluded that it would be premature to propose specific procedures to provide a right to legal representation. However, we recommend that the Scottish Executive be invited to consider whether the legal aid scheme should be extended to cover such hearings. The report proposes that, in the meantime, that area should be kept under review.

We recommend that, at the consideration stage, there should be a process to allow committee members to consider amendments that are suggested by promoters or objectors. It is proposed that promoters or objectors should be allowed to submit oral or written evidence to the committee, including support for suggested amendments. However, only committee members will be able to move amendments.

With regard to costs, we recommend that the promoters should be liable for all printing and distribution costs of the bill; for the accompanying documents, which are printed by the Parliament; for the production and printing of the *Official Report* for each stage; for the broadcasting costs;

and, where appropriate, for any accommodation costs. The promoter would also be liable for all the objectors' costs in relation to the foregoing, but not for any legal fees incurred by objectors. We also recommend that the promoter pay a flat fee of £5,000 to offset staff costs in the Parliament, although the report identifies areas where, in certain circumstances, that may be reduced.

Guidance to support the proposed standing orders will be published by the clerks as quickly as possible. Our report proposes a review of those procedures no later than 2004.

Our second report on private legislation sets out a procedure that takes account of the best elements of proven systems in operation elsewhere, but which is designed with the needs of this Parliament and of promoters and objectors in mind.

The Procedures Committee's third report contains the second and third changes to standing orders—an amendment to the remit of the Subordinate Legislation Committee and the extension of the time allowed for members' business. The Subordinate Legislation Committee asked the Procedures Committee to consider a change in its remit, to close what it saw as a loophole in the technical scrutiny of bills.

That committee's current remit is to consider subordinate legislation provisions for bills before Parliament. As members know, those provisions grant ministers the power to make law by statutory instrument, and to state the degree of parliamentary scrutiny to apply. The Subordinate Legislation Committee identified ways in which bills were drafted that simply granted ministers administrative powers to act with no requirement for parliamentary scrutiny. The purpose of our recommended change is to bring all such actions into line with the broad thrust of committee and parliamentary scrutiny.

I will abbreviate much of what I was going to say on that, as I am mindful of the time.

The third change in standing orders relates to the provision of time for members' business. A study by the Parliamentary Bureau has identified a considerable number of disappointed members who have been unable to speak in members' business debates starting after 5 o'clock, simply because of the time limit. We considered that that problem was best addressed by extending the time allowed from 30 minutes to 45 minutes. We hope that that will lead to greater satisfaction and to the inclusion of more members in those debates.

Those are important and, I trust, welcome amendments to the standing orders.

I move,

That the Parliament notes

(a) the terms of the 2nd Report 2000 of the Procedures Committee *Private Legislation in the Scottish Parliament* (SP Paper 204) and agrees to amend the Parliament's standing orders in terms of the amendments set out in Annex B to the Report;

(b) the terms of the 3rd Report 2000 of the Procedures Committee *Changes to Standing Orders of the Scottish Parliament* (SP Paper 205) and agrees to amend the Parliament's standing orders in terms of the amendments set out in Annexes A and B to that Report; and

agrees that these amendments come into force on 24 November 2000.

10:22

**The Deputy Minister for Parliament (Tavish Scott):** I am grateful to Murray Tosh and to the Procedures Committee for the way in which they have set out their reports. He fairly reflected on the work that the committee's staff have done, and I also pay tribute to that.

The Executive fully supports the work of the Procedures Committee in its consideration of the latest proposed changes to standing orders, which form an essential framework within which the Parliament can function and carry out its day-to-day business.

The committee's report on private legislation is a thorough, sensible piece of work. I am pleased to offer the Executive's support for the approach that the committee proposes. The second report essentially recommends a Parliament-led system, operating through standing orders and guidance. The Executive would therefore not be directly involved in the private bill procedure, although it would be able to give guidance in the same way as would any other interested party. The report also proposes that the new procedures retain the essential elements of the pre-devolution arrangements for dealing with Scottish private legislation, as set out in the Private Legislation Procedure (Scotland) Act 1936, while making appropriate modifications to bring those arrangements up to date and to reflect procedures in the Scottish Parliament.

It is agreed among all parties that the approach set out in the Procedures Committee's report is the right way forward, and that it will ensure that a new private bill procedure is up and running as quickly as possible. I congratulate the committee and its officials on the considerable work that clearly went into the report, on a detailed area of policy.

I will pick up a point that Murray Tosh made on the second report, which calls upon the Scottish Executive to consider whether the legal aid scheme should be extended to cover legal representation at private bill committee inquiries.

We will consider that, and will write to the committee in due course, when we have reached a decision. I can give no assurance that it will be possible or appropriate to extend the legal aid scheme in the way proposed, but I note Murray Tosh's point that that area must be kept under review.

The Procedures Committee has also considered a proposed change that the Subordinate Legislation Committee wishes to make to its remit. The Subordinate Legislation Committee wants to be able to consider whether proposed delegated powers that do not take the form of order-making powers ought to take that approach. It is at present unable to do so, strictly speaking. The Executive sees the logic in the change that the Subordinate Legislation Committee has suggested, and we are content with the terms of the proposed amendment.

As I said, the Executive commends the work carried out by the Procedures Committee and is happy to support its recommendations. We are particularly pleased with the co-operation over many of the details. I understand that this is only the first tranche of around 30 procedural issues to be considered by the Procedures Committee over the next few months. As always, the Executive is ready to assist the work of the committee. I look forward to working with Murray Tosh and his colleagues.

10:25

**Michael Russell (South of Scotland) (SNP):** I recently stopped being a member of the Procedures Committee. I miss the Tuesday morning meetings—the discussion and the brief meetings, which I see are even briefer now that I am no longer a member. The most recent meeting lasted only 18 minutes. I pay tribute to the clerks for a substantial piece of work on an important issue.

It recalls the great days of the 19<sup>th</sup>-century railway bills—recalled, I am sure, by Tavish Scott, who has an interest—

**Mr John Home Robertson (East Lothian) (Lab):** Railways in Shetland?

**Michael Russell:** Very important public works take place as a result of private bills. Mr John Home Robertson, from a sedentary position, wants to talk about railways.

**Mr Home Robertson:** A light railway for Bressay?

**Michael Russell:** In Bressay—no. This is in danger of getting out of control. I was about to refer to the Lerwick Harbour Order Confirmation Act 1974, but I will desist.

The issue of objectors and their rights, raised by Murray Tosh, should be looked at again by the committee. There are strong reasons, given in the written evidence from the Convention of Scottish Local Authorities and the Scottish Consumer Council, among others, why no barrier should be raised to objections. That is an issue of principle for this Parliament that arises out of the founding principles of the Parliament. The Parliament is open and accessible. Individuals who have their rights questioned or affected by private legislation should have the right to come to the Parliament and make sure that they are heard.

There is a financial barrier. The barrier of £20 in the report is neither here nor there in terms of the costs that the Parliament will have to bear. It is a token sum, although it may be a significant sum for some individuals. I am sorry that we did not get a firmer commitment to legal aid for full legal costs. There is also a strong psychological barrier in that the Parliament is not open and accessible in these procedures to any individual who wishes to object. There is a severe danger that the proposal is not ECHR compliant. I hope that the Executive will consider that very seriously.

It is important for the Parliament to be seen to be open, transparent and accessible. A barrier of any sort in any legislative process in the Parliament would not be welcomed by any of us and would go against the founding principles of the Parliament.

That said, the proposals are excellent. Private bills are likely to become of great interest in the Parliament. We should not forget the overall impact of private bills. One example is the Western Isles Council (Bernaray Causeway) Order Confirmation Act 1996. It allowed a whole new chain of transportation and communication in the Western Isles. It is a pity that the local authority has to bear the cost of private legislation, but I accept that somebody has to bear that cost—which is circular, in a sense, in that it comes from the grant to the local authority.

Private bills can be extremely important. I ask the committee and the Executive to consider the issue of objection to private bills. We should return to it and consider it speedily, as the first private bills come along.

10:29

**Donald Gorrie (Central Scotland) (LD):** It is important to emphasise, in case anyone listening thinks that we are talking about private members' bills—members' bills in this Parliament—on warrant sales or hunting or whatever, that we are not. These are bills to improve docks, railways and so on.

Unless I have been conned—which is always

possible—it seems to me that the consultation procedure on the proposals was excellent. They are very technical. Other members of the Procedures Committee and I were pretty confused at the outset, but there was good discussion among interested parties, leading to the proposals.

Increasing the time for members' debates by a quarter of an hour is a small but significant step in the right direction, allowing members more time to speak. I suffer—if that is the right word—from two Parliaments. At Westminster, members go on for far too long; here, the speeches are too short. I do not think that four minutes is long enough to make a point—especially if the speaker is interrupted and not allowed injury time. The Parliament has to consider how it can have better debates. I think that that would mean fewer, but longer, debates. Many members do not even request to speak during debates because they know that they will not be called; the record of disappointed speakers is therefore totally fallacious. It would be better if members had more time to develop their arguments and if we reduced the number of debates on piffling points.

When the bill that led to the setting up of this Parliament was going through Westminster, I greatly welcomed the proposal that the Parliament's business should be decided by a committee, rather than by using the arcane Westminster procedures. I had thought that the committee would be a committee for the Parliament and for the back benchers. One of my disappointments is that that is not so: the whole thing is a stitch-up by the Parliamentary Bureau.

I have nothing personal against Tavish Scott; he is one of the MSPs in whom I have the most confidence. However, he is now enmeshed in a very bad system. MSPs must reclaim ownership of their time, which at the moment is entirely dictated by the bureau. From my point of view, the bureau is "them" and not "us". I welcome today's debate as a small step in the right direction towards addressing the question of how the Parliament can do its job better.

**The Deputy Presiding Officer (Patricia Ferguson):** Janis Hughes will close the debate for the Procedures Committee.

10:32

**Janis Hughes (Glasgow Rutherglen) (Lab):** I thank members for their contributions to the debate. The two reports that we have been discussing represent part of the Procedures Committee's main function—to propose improvements to the way in which parliamentary business operates. As Murray Tosh said, the report on private legislation is the result of several months of consideration of issues relating to the

processing of private legislation.

The committee has considered at length many things that are required to provide a rigorous and effective system of private bill scrutiny. The committee is grateful to the organisations whose representatives have contributed to the process—those who submitted written evidence and, in particular, those who took the trouble to appear before the committee at our meeting on 24 October. Those contributions have proved very helpful. I would like to pay particular tribute to the external members of the working group of officials—who drew up the original proposal very quickly indeed—and to the clerks.

The procedures that are set out in our report are designed to be accessible to all parties to private bill procedures. We have endeavoured to ensure that the relevant standing orders are written in straightforward and easily understandable language. The new procedures will require to be tested with the experience of not one but several bills going through the system. As members have heard, a review in 2004 is built into the process. We are, however, confident that the proposed procedures will allow for a full and effective private legislation procedure.

In committee, we discussed the fact that we did not know how many private bills we would receive. It is obviously difficult to predict how many bills will go through the system before 2004.

**Michael Russell:** I raised a point on an issue that was in Murray Tosh's opening speech, and I would ask Janis Hughes to mention it again in her closing speech. Will she give a commitment to discuss it again before 2004? We are talking about the core function of this Parliament in Scotland, and a barrier to access to democracy is a bad thing.

**Janis Hughes:** I intended to sum up at the end of my speech. However, as Mike Russell has brought up the issue, I will address it just now. We have said that the review of the new procedures will happen no later than 2004. Tavish Scott has said that the Executive is willing to come back to the committee, having considered the matter. The committee has discussed the issue. I can give the member an assurance from the committee that the review will take place no later than 2004. If problems arise as the bills begin to go through the Parliament, the committee will consider the issue before 2004.

Although the proposed change of the remit of the Subordinate Legislation Committee is small, it seeks to close a gap in the technical scrutiny of legislation by that committee. I trust that as the agreement of the two committees concerned as well as of the Executive has been obtained, the proposal will secure the consent of Parliament.

Members' business has established itself as a valuable mechanism through which members can secure time to raise local issues and matters of wider—frequently cross-party—concern. The Procedures Committee was happy to concur with the recommendation to extend members' business, which seeks to improve the chances of members being included in the more heavily subscribed debates.

Those changes are only the first of many that the committee will bring to the Parliament over the coming year. I commend the reports to the Parliament.

## **Salmon Conservation (Scotland) Bill: Stage 1**

**The Deputy Presiding Officer (Patricia Ferguson):** The next item of business is a debate on motion S1M-1361, in the name of Ross Finnie, on the general principles of the Salmon Conservation (Scotland) Bill.

10:36

**The Deputy Minister for Rural Development (Rhona Brankin):** The business before us is to debate the Salmon Conservation (Scotland) Bill, but before I outline the main provisions in the bill, I would like to deal with a procedural matter in relation to Crown consent. For the purposes of rule 9.11 of the standing orders, I wish to advise the Parliament that Her Majesty, having been informed of the purport of the Salmon Conservation (Scotland) Bill, has consented to place her prerogative and interests, so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

Scotland is fortunate in being among the top four producers of wild Atlantic salmon in the world. We have nearly 400 rivers that support populations of that magnificent fish and we have fisheries that are truly world famous. Rivers such as the Tweed, Tay, Dee and Spey are synonymous with salmon and salmon fishing. However, the importance of that resource to Scotland does not stop at those rivers. Throughout rural Scotland, many businesses—large and small—benefit directly or indirectly from the income generated by salmon fishing.

The bill must be considered in context. As members know, there has been a consultation exercise on the protection and promotion of Scotland's freshwater fish and fisheries and we are examining closely the implications of that. However, there is one issue relating to the management of our salmon fisheries that everyone acknowledges needs urgent attention. It is for that reason that we must act now.

The plain fact is that salmon stocks have declined to an all-time low—that is what all the evidence tells us. Much of the evidence comes from catch figures. Those are not precise indicators of stock status but, when factors such as changes in fishing effort are taken on board, catch figures can accurately reflect the underlying picture. The bottom line is that fewer fish are surviving the marine phase of their life. Results of investigations by our fisheries scientists indicate that if the number of fish returning to the rivers continues to decline, there is a real danger that there will be too few spawning fish to ensure that

juvenile production is maintained at safe levels. I am afraid that the picture is bleak.

Given that all the evidence indicates that the greatest threat to salmon is in the sea, why bring in a bill that addresses only those things that happen in our backyard? We know that a range of factors affects the survival of salmon. Respondents to the consultation exercise that preceded the bill highlighted that point in their written responses and in oral evidence to the Rural Affairs Committee. Issues that were raised included high seas fisheries, predation, the impact of fish farming, drift netting and changes in the marine environment. I will deal with each of those issues in turn.

Fisheries for salmon on the high seas have been subject to regulation for many years now, via the annual meetings of the North Atlantic Salmon Conservation Organisation, and in recent years catches have been so low as to be almost negligible.

The Scottish Executive has sponsored a great deal of research into the significance of predation by birds and seals on salmon populations. Where cases can be made for serious damage to fisheries, licences are issued to fishery managers to control predators. I expect to receive shortly the latest scientific advice on seal population sizes from the special committee on seals.

Since 1994, the Scottish Executive has invested more than £2 million in research into the biology and impact of sea lice on salmon and sea trout, and into the impact of fish farming on the marine environment. Work continues to examine the possible genetic implications that escaped farmed fish might pose for wild populations. Working groups at national and international level have been established to develop guidelines on containment that can be applied throughout the north Atlantic.

Drift nets were banned in Scotland in 1962, and that ban remains in force. The drift net fishery that has most impact on Scottish salmon takes place off the north-east coast of England. Discussions about that fishery have taken place for many years, and they continue. The fishery is being phased out. The number of licensed fishermen, at 71, is now 50 per cent of what it was when the phase-out started in 1993.

**Brian Adam (North-East Scotland) (SNP):** Can the minister indicate when the north-east of England drift net fishery might come to a conclusion? Given that that is the ultimate aim, what is the time scale?

**Rhona Brankin:** Discussions are taking place at the moment. I have already said that the size of the fishery is 50 per cent of what it was when the phase-out started in 1993. We take the matter

seriously, and we are in discussions with the Ministry of Agriculture, Fisheries and Food about it. The independent salmon and freshwater fisheries review group recommended an accelerated phase-out. A key element of the recommendation was that the Government should provide substantial pump-priming funds to launch the arrangements for the phase-out, but we are not in a position to decide on any particular recommendation until all the recommendations involving additional public expenditure have been clarified. As I said, the matter is important and we are discussing it with MAFF.

I talked a bit about global concerns. Now I must talk about issues and factors over which we can exercise some control, and actions that we can take to ensure that our fisheries will be sustainable in the future.

We are strong supporters of the precautionary approach to fisheries management, which tells us that we must not allow the lack of adequate information to be an excuse for doing nothing, or for postponing action that is likely to help. I can see no benefit in waiting until we are able to describe precisely why the last salmon died.

The bill provides greater scope for the effective management of salmon fisheries by inserting five new sections into the part of the Salmon Act 1986 that deals with the regulation of salmon fisheries. The bill recognises the importance of local management bodies, and does nothing to alter their composition. It provides powers to Scottish ministers to introduce conservation measures for the purposes of better fisheries management, either in response to an application from local fishery managers or on ministers' own initiative. The aim is to reduce the number of salmon killed, but only where and when that is necessary.

In Scotland, we are strongly tied to the ideal of river-by-river management. We expect the district salmon fishery boards, which know the local situations best, to initiate new management programmes where appropriate. However, we are certain that ministers should have the power to act where and when the situation is so grave that the future of salmon may be in danger. Whether regulations are made as a result of application to ministers or by ministers themselves, full consultation with all interested parties will be essential.

The bill also requires ministers to consider the views of people or groups that have an interest in fishing or in the environment. It would be arrogant, and possibly dangerous, to dismiss out of hand any observations made by such groups. Nevertheless, the weight given to representations will obviously depend on the quality and relevance of the submissions. The consultation process also requires that boards, interested groups, the

Subordinate Legislation Committee and, of course, Parliament all have the opportunity to comment before regulations are made.

Whether regulations controlling exploitation are made in response to an application or on the ministers' initiative, the intention is to make them time-limited. There is no doubt that the bill provides for the time limitation of regulations. In practice, it would be five years—the time from egg to adult salmon—before we saw the effect of any conservation measure. It is important that the effects of the regulations are monitored throughout the process. Good management requires that the measures be in place only as long as they are needed.

Questions have been asked about the bill's compliance with the European convention on human rights. The bill is compliant. It merely introduces a power to make regulations in the interests of conservation of salmon. It is in the exercise of that power that the convention will require to be observed. The bill contains no provision for compensation, because there is no intention to exercise the power so as to deprive anyone of property.

Concern has been expressed about the implications of the bill for the Border rivers. The powers in the bill cover the whole landmass of Scotland, but to ensure that the whole catchment is covered in any management plans, any new salmon conservation measures needed will be taken through an order in council made under section 111 of the Scotland Act 1998. However, that does not mean that Scottish ministers would never feel it necessary to introduce measures to cover all Scotland, so provision has been made for that.

Regulations are of no value if they cannot be enforced, so the bill gives appropriate powers to water bailiffs, police officers and the courts.

The salmon fishing industry is of great importance to Scotland, and it is right that we should examine it to ensure that it continues to contribute to our economy and heritage. The bill will secure the long-term future of wild salmon fisheries. Fishery managers have asked us for more powers to enable them to balance conservation and exploitation. The bill delivers what they and the wild salmon need.

I move,

That the Parliament agrees to the general principles of the Salmon Conservation (Scotland) Bill.

10:47

**Richard Lochhead (North-East Scotland) (SNP):** I congratulate the minister on her first speech to Parliament in her new role as Deputy

Minister for Rural Development. I am sure that she will find the freshwater fisheries portfolio almost as challenging as the sea fisheries portfolio.

After one and a half years of our new Parliament, I welcome the fact that we have finally got round to debating freshwater fisheries, and particularly the fate of the Atlantic salmon. The Atlantic salmon is part of Scotland. When people around the world think of the Atlantic salmon, they think of Scotland. Our rivers and lochs have for centuries provided some of the finest salmon, sea trout and brown trout fishing in Europe, if not the world.

The importance of salmon to Scotland has long been recognised. A few weeks ago, I went to Pictavia, the visitor attraction in Angus. I discovered that the Picts had carved salmon on 18 of their most important stones. The salmon also features on Glasgow's ancient coat of arms.

The protection of salmon was probably the subject of legislation before the 11<sup>th</sup> century, and was first recorded by the Scottish Parliament in 1318. Here we are in 2000, at it again in the reconvened Scottish Parliament. Once again, we are considering legislation to protect salmon, to ensure that it continues to have an association with Scotland.

Our motivation for being here today is to recognise not only the historic role of salmon, but its economic and environmental role in modern Scotland. Angling tourism is a multi-million pound business. Given that in recent years our rural communities have not had their problems to seek, the last thing they need is for the salmon to disappear from the rivers and to lose all the benefits that angling brings. It would be a financial and a national loss if the salmon were to decline in the rivers to which they have returned since time immemorial.

The Scottish National Party supports the general principles of the bill because of the urgent need to adopt new conservation measures. We welcome the constructive stage 1 report from the Rural Affairs Committee and congratulate the committee and the clerks on that useful report—I do not say that just because I am a member of the Rural Affairs Committee.

The Scottish National Party expresses severe disappointment, however, at the complete disinterest shown by Westminster and, so far, by the Scottish Executive in Scotland's rich freshwater fisheries and in the fate of the Atlantic salmon in particular.

The bill is a flimsy, reactionary response that will merely scratch the surface of the problem. It is reactionary because it reacts to the catch figures, which, as outlined by the minister, are the lowest since records began in 1952 and which have been

in constant decline since 1973.

The bill is also a reaction to international pressure. David Dunkley, who gave evidence to the Rural Affairs Committee, said:

"The scientific advice that we have received from the International Council for the Exploration of the Sea has related to reducing the exploitation of multi-sea winter fish. In the past, the view has been that, compared even with our colleagues south of the border, we have been rather short on regulations addressing that issue."—[*Official Report, Rural Affairs Committee*, 19 September 2000; c 1142.]

That quotation speaks for itself.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** As Richard Lochhead is aware, I am also a member of the Rural Affairs Committee. Why did he not raise those objections in the Rural Affairs Committee?

**Richard Lochhead:** Mike Rumbles should read the *Official Report* of the Rural Affairs Committee's meetings. He would see that I am reiterating some of the concerns that I expressed in the committee. The SNP does not oppose the principles of the bill, which is what we are debating today.

To be frank, the bill is also a reaction to the Government's embarrassment at the fact that, for three years, the Nickson report has been sitting on the shelf at St Andrews House, gathering dust. The Nickson report was produced in 1997, yet the bill to implement its proposals will not be on the statute book until 2001.

The bill scratches at the surface, because, while it will give powers to fishery boards and ministers to conserve salmon and sea trout stocks in our rivers, for example to encourage spawning, it does not address many of the wider issues. I appreciate that some of those issues were addressed by the minister in her opening speech. The bill must be the beginning, not the end, of the Government's response to the decline of the salmon. It will have a limited impact only on salmon stocks, and unless the bill is accompanied by action, it will not be effective.

A number of other issues must be addressed, which the minister touched on and which the Rural Affairs Committee's stage 1 report covered. For example, we need more research into what is happening to the salmon's food supply at sea, the impact of industrial fishing, the role of climate change and the predation at sea of young salmon. We also need research into the impact of fish farming, about which many people have expressed concern. Thankfully, the Scottish Parliament's Rural Affairs Committee and the Transport and the Environment Committee, using their initiative, are setting up an inquiry into some of those issues. The minister must give us an assurance today that the freshwater fisheries

laboratory will burn the midnight oil until we have answers to some of those problems.

Drift netting was banned in Scotland in 1962, yet it continues in England. London has international commitments, just like the rest of us, and it has a moral responsibility to address that issue. I ask the minister to take the matter seriously and to go down to speak to the minister in London to try to get some results. All we get from the Executive is vague statements about what has happened so far, but we do not know whether Scottish Executive ministers have met the ministers in London to discuss that matter. The minister must give us a commitment to do more.

What can be done in the international community? Given that we have our own Government in Scotland, the home of the Atlantic salmon, now is the time to lead. We must not become passengers in the conservation of salmon.

The Rural Affairs Committee's report refers to the need to gather information, and we welcome the fact that the bill will give powers to do so. However, in order for the Government to have a proper policy, we need not only catch figures and scientific figures for the rivers, but basic information, such as the economic value of the fishery to Scotland. The most recent study on that was conducted in 1991 and was based on 1988 figures. We also need basic information on who owns fishing rights in Scotland.

Earlier this year, I asked a number of written questions. I asked the Executive to tell me

"how many (a) public and (b) private owners of fishing rights derive income from angling."

The response from the Executive was:

"This information is not held centrally."

I also asked

"how many (a) public and (b) private owners of fishing rights there are and where this information is publicly available".

Again, the response was:

"This information is not publicly available."—[*Official Report, Written Answers*, 2 August 2000; Vol 7, p 503-4.]

That that information is not publicly available and that it is not possible to find out who owns fishing rights in Scotland is despicable.

Last month, I asked the Executive whether it would

"list the membership of each District Salmon Fishery Board."

The response from the Government was:

"This information is not yet held centrally."—[*Official Report, Written Answers*, 18 October 2000, Vol 8, p 295.]

Surely those answers speak for themselves—the Government is completely disinterested in Scotland's salmon fisheries.

**The Minister for Rural Development (Ross Finnie):** Richard Lochhead is taking an unbelievable line of attack. If information is not available publicly, what are we supposed to do? What powers do we have to force a private person to come to the Government to tell us who owns what, where they own it and what they do with it? If the information is not held publicly, can Mr Lochhead tell us what draconian measures in the police state that he is suggesting will force that information into the public domain?

**Richard Lochhead:** That is an interesting response from the minister, but I think that perhaps he should speak to his civil servants, because the last sentence of one of the responses that I received from the former Deputy Minister for Rural Affairs, Mr John Home Robertson, said that the department intends to compile a database of that information now. Clearly, the Executive feels that that information can be gathered and made available. I am trying to highlight the fact that the Executive has not done that until now.

**Ross Finnie:** It is not publicly held.

**Richard Lochhead:** The Executive is going to create a database—

**Ross Finnie:** It is not publicly held.

**Richard Lochhead:** In answer to parliamentary question S1W-10237, the minister said—

**The Deputy Presiding Officer:** Order. Members will refrain from shouting at one another across the chamber. Please proceed, Mr Lochhead.

**Richard Lochhead:** I apologise, Presiding Officer, but it is not often that members catch ministers out and it can be enjoyable.

I should mention the need for the decentralisation of fisheries policy in the freshwater sector and the role of district salmon fishery boards. The SNP welcomes the fact that the Executive adheres to the principle of devolved management. Ministers need powers to act in the national interest, but the SNP fully supports the principle of decentralised fisheries management, as does the Rural Affairs Committee, which acknowledges that support in its report.

Parliament must not shy away from developing or reviewing the role of the district salmon fishery boards. We know that they come in all shapes and sizes and that there are tensions within the boards—between upper and lower proprietors, for instance. We must seek best practice and widen representation on the fishery boards. Some have taken positive steps by inviting local authority

representatives and angling interests on to their membership, which is welcome. When making policy decisions, ministers must use the experience and knowledge that currently exist on fishery boards.

It is one thing to have active and interested proprietors playing a constructive role, but I have heard of London-based property developers buying up fishing rights to help them sell riverside developments. Should not we now be considering incorporating fishing rights into the right-to-buy legislation as part of the Government's plans for land reform? Surely it would be better to have community trusts or non-profit-making organisations, such as angling associations, running our fisheries, rather than London-based property speculators who are out to make a quick profit.

Salmon legislation in Scotland is massively complex. It is mind-boggling, and the Rural Affairs Committee report highlights that aspect of the problem. Things could get even worse and it could become even more complicated to run our freshwater fisheries. The 1997 Nickson report mooted the idea of area fishery boards. The Angling for Change consortium submitted to the freshwater fisheries review the idea of area fisheries councils. The EU water framework directive wants river basin management plans for Scotland. Everyone accepts that we must move towards a more holistic approach to the management of whole river systems, given that we have multi-species rivers and given the link between fish stocks, habitat and the general environment. However, the minister must address the many layers of management that are in the pipeline. We must simplify salmon legislation and freshwater fisheries management.

The SNP supports the bill. Although the bill amounts to little more than a panic measure, it does, for the first time, sow the seeds of a national policy on salmon and sea trout. It also acknowledges for the first time that the Atlantic salmon is a national asset and part of Scotland's national heritage. It is the duty of Scotland's Government to protect the national interest and to conserve our freshwater fisheries to secure benefit for our rural economy and environment.

The Scottish Executive must deliver more than just panic measures, however. It must deliver a package of proposals that take into account the whole life cycle of the salmon. In short, we require some political determination and vision to ensure the long-term survival of the Atlantic salmon, which will bring economic and environmental benefits to Scotland.

While asking Parliament to note our concerns, the SNP is happy to support the general principles of the bill.

10:59

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I begin by making a declaration of interests. I am a minority shareholder in salmon fishings on a river in Argyll. I am a member of the Awe district salmon fishery board, a member of the council of the Atlantic Salmon Trust and chairman of the Loch Awe Improvement Association.

**Mr Rumbles:** Will you wind up now please? [*Laughter.*]

**Ross Finnie:** More, more.

**Alex Fergusson (South of Scotland) (Con):** He is being open and honest.

**Mr McGrigor:** The bill's title is something of a misnomer. It is called the Salmon Conservation (Scotland) Bill, but it is more about management than conservation. Much more will need to be done in the context of the review "Protecting and Promoting Scotland's Freshwater Fish and Fisheries" to remedy the problems that face wild salmon and sea trout—I am informed that the word "salmon" in the bill includes sea trout.

Although we welcome the bill's general intention to give flexible and responsive powers to salmon and sea trout fishery management, some elements of the bill might detract from that aim. The Salmon Act 1986 that the bill seeks to amend deals with the management of salmon fisheries. Obviously, effective fishery management improves conservation of stocks, but the word "conservation" on its own could easily distort the application of the measures for which the bill is intended to make provision. I ask the minister to provide clarification on that issue to the Rural Affairs Committee and Parliament. It is vital that we consider the conservation of Scottish fisheries in conjunction with the conservation of stocks.

For some 200 years, rod fishing for migratory salmon and sea trout has been a focal point and a pillar of many of Scotland's rural areas. Netting goes back even further. Rod fishing not only gives great amenity value to enormous numbers of people, but brings considerable income into areas of Scotland where such income is increasingly important in these troubled times. It is estimated that the economic contribution of salmon fishing to Scotland could be as high as £470 million. A recent survey that was carried out for the Western Isles Fisheries Trust concluded that, in that small area alone, during the fishing season the income that was generated from fishing was some £5.6 million, and that 260 full-time-equivalent jobs were dependent on the industry. Figures for the Dee and Tweed river systems show that they bring in many millions of pounds.

Different problems exist in different localities.

That is why it is extremely important that local management should be pursued. Blanket approaches are useless in Scotland, where different rivers have different runs of salmon at different times of the year. In Scotland we have a distinct advantage because of our system of district salmon fishery boards.

I have not mentioned the role of Scotland's netsmen, who are now few in number. However, I believe that this traditional industry is still an important part of the picture in Scotland, and that netsmen can play an important role in the conservation of both stocks and fisheries. Later, my colleague Alex Fergusson will elaborate on that point.

I have said that local management is the key to good conservation. In most cases management is carried out by proprietors, whose elected representatives sit on local district fishery boards. The excellent report of the Scottish salmon strategy task force, under the guidance of Lord Nickson, recommended that ministers should have "emergency powers to limit fishing when salmon populations or fisheries are severely threatened".

I take it that the minister would use those powers only in extremis or in real emergencies. In such situations, the minister must have the power to make immediate decisions and must not be obliged to go through normal consultation procedures. However, the Conservatives think that, in normal situations, management should be left to local bodies, which will have a finger on the pulse of what is happening. I ask the minister why there is no provision for an emergency procedure in the bill—it is most important that one is included.

Equally, we believe that, if a body applies for a measure of conservation, regulations that are made under the powers of the bill should be time-limited, so that they can be modified or relaxed if circumstances no longer required them to be kept in force. We suggest a period of three years. Fish stocks can change very quickly, as is evident from the considerable improvement this year in salmon stocks in many rivers after several years of decline. A fishery survives by harvesting a surplus. As long as there are plenty of fish to cover the spawning redds, rod and net fisheries can and should take a crop.

Section 10A(4) of the bill requires ministers to

"have regard to any representations made to them by any person having an interest in fishing for or taking salmon, or in the environment."

That wording might exclude some people who are economically affected by fisheries, such as hoteliers and, in particular, ghillies, who are at the sharp end of fishing management and who should be consulted much more than they are. Therefore,

the reference to

“interest in fishing for or taking salmon”

should be widened.

When ministers are minded to act on their own account under section 10A(3)(b), it is essential that they consult either the relevant district salmon fishery board or other appropriate persons before taking any action. I want the minister to give a reassurance that she will consider those points.

In section 10A(6)(a), the powers that are available to district salmon fishery boards are surprisingly wide. All that the district salmon fishery boards have asked for and need are statistics that relate to fishing for and taking salmon. The wideness of that section would give district fishery boards the power to obtain irrelevant information at the expense of privacy.

We must never forget that income from the fisheries finances their management and, therefore, conservation. Without the fisheries there would be no river boards, no fishery trusts and very little conservation. That income also finances the bailiffs who do the policing. It is important that provision is made in the bill to attract the basic bailiffing power of section 27 of the Salmon Fisheries (Scotland) Act 1868, which gives a bailiff power to enter and remain on land, in relation to any suspected offences under the new regulations.

The fisheries also help to finance the seven west coast trusts that have been set up recently. I commend highly the work of those bodies and other individuals who are too numerous to name. However, the trusts’ remit has been mainly related to the inland habitat of salmon and sea trout, mainly because the funds do not permit marine research. A river system or catchment area will export to the sea only the number of salmon or sea trout smolts that the area can support. The main factors that affect numbers are availability of natural feed and predation by marauding birds and larger fish.

There is general agreement among fisheries bodies that the main problems exist at sea, so we ask the Executive to undertake further research into all other causes of salmon mortality. We ask the Executive to put pressure on its Westminster colleagues to bring about the speedy phasing out of the English east coast drift net fishery—its indiscriminate capture of fish that are heading for east coast Scottish rivers is making management policy on those rivers difficult. We ask the Executive to examine the problem of monofilament drift netting, especially in the area between Barra head and Malin head in Ireland.

We ask the Executive to establish a seal commission to take into account the effect of the

seal population on all fisheries. It is perceived that aquaculture might be a problem. I applaud the work of the tripartite working group. The wishes of salmon farmers to live in sustainable co-existence with wild fisheries must be aided by the Executive.

The salmon farming industry is important. It is worth about £500 million and employs 6,500 people. We want it to prosper. We need both industries—salmon farming exports high-quality farmed fish and the wild fish industry is the great importer of angling tourists, who are notably high spenders. The industry has made Scotland famous; it is surrounded by tales, myths and legends. We ask the Executive to help to sustain and improve it.

I am sorry to notice that my friend John Farquhar Munro is absent today. I know that he would have made a valuable contribution to the debate and I know that he prefers his salmon poached.

11:09

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** John Munro is ill. That is why he is not in the chamber.

First, I will comment on Richard Lochhead’s amazing ability to grandstand and create negativity when we should all welcome positively the initiative.

**Richard Lochhead:** Will Mr Rumbles give way?

**Mr Rumbles:** Richard Lochhead has had his say. His convenient memory loss is amazing. It is remarkable how he makes for good newspaper headlines, but those headlines would bear no relation to reality. Far from criticising the Scottish Executive—especially John Home Robertson—he should have commended it for producing “Protecting and Promoting Scotland’s Freshwater Fish and Fisheries”. It is absolutely scandalous to imply that John Home Robertson has not done anything in this regard—I am astounded that Richard Lochhead had the barefaced cheek to say what he did this morning.

As the minister pointed out, there is no doubt that there has been a drastic decline in salmon and sea trout stocks. The number of salmon that are being caught in our rivers is the lowest on record. The bill will do much to ensure that the measures that are urgently needed to conserve our salmon stocks in the freshwater phase of their lives will be taken speedily.

**Mr McGrigor:** Does Mr Rumbles agree that, although our salmon stocks have been in decline for some years, this year’s figures show that numbers are well up on previous years?

**Mr Rumbles:** The indications are that that is

true, but the reliable figures that we have received indicate that stocks are still very low.

Many of our district salmon fishery boards have led the way in implementing conservation measures voluntarily—the board for the Dee, in my constituency, is one that is leading the field. It is, however, recognised that the current statutory measures are quite limited, comprising only the abilities to set weekly and annual close times and to apply bait and lure restrictions.

Many reasons can be identified for the rapid depletion of our salmon stocks: sea mortality; salmon farming—which the Rural Affairs Committee will investigate; and, as was previously noted, the Northumbrian drift net fisheries. Although those cannot be incorporated within the scope of the bill, we must take action where we can and use the increased range of tools that are available to us to preserve the salmon stocks in our rivers. The Rural Affairs Committee therefore feels that the bill should not prevent the Executive from continuing to undertake more research into all other causes of salmon mortality. We also recommend that the Scottish Executive should make use of all available options for predator control, as scientific evidence shows that predators are responsible for the decline in salmon stocks.

Nevertheless, concerns have been raised regarding the wording of the bill by many of the organisations that have been involved in the consultation process. Jamie McGrigor hit the nail on the head when he talked about the use of the term “conservation”. As it is used throughout the bill, that term is felt by many to exclude fishery management. The Rural Affairs Committee was heartened to hear from the minister that it is not the Executive’s intention to divorce management from conservation. It is essential—I know that the minister accepts the committee’s recommendations—that an amendment to address that point be lodged by the Executive at stage 2. The Executive might want to go even further and consider changing the title of the bill, which tends to give the wrong impression to proprietors.

The second area of concern that has been identified is the broadness of the powers that the bill, as it is currently drafted, confers on Scottish ministers. The bill allows ministers to make regulations either on application from any person who is authorised to do so or otherwise. That means that ministers can make regulations without any application being made to them. As the Subordinate Legislation Committee noted, there seems to be a tendency in the Executive to draft regulations that give ministers over-wide powers that lack detail. That is a real concern.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Does Mike Rumbles agree that the powers under section 10A(3) of the bill would give Scottish ministers almost unfettered power, especially to implement the recommendation of the Scottish Fishermen’s Federation that a seal commission should be established? If so, would the Liberal Democrats agree with that use of the power?

**Mr Rumbles:** I am not so sure that I would use the word “unfettered”—any such proposed legislation would have to be brought before Parliament for members to agree or disagree to it. Ministers have indicated that they are considering the matter.

The Rural Affairs Committee concluded that the bill should contain an emergency power, to which reference has been made. The use of that emergency power must be safeguarded by time-limiting regulations and by ensuring that the regulatory proposals that ministers want to implement are subject to consultation. There is clearly a need to spell out in the bill the requirement to time-limit any regulations that ministers want to implement. I know that ministers would not be terribly keen to do that, but the Rural Affairs Committee feels that that is important.

Ministers will also see that the committee is keen to ensure that the Executive takes all reasonable steps to consult proprietors and other stakeholders, such as angling interests, when it introduces its regulatory proposals.

In conclusion, I emphasise that the committee is supportive of the need for the bill and welcomes the actions of the minister and the Executive in introducing it. On behalf of the Liberal Democrats, I urge Parliament to agree to the bill’s general principles.

**The Deputy Presiding Officer:** We now move to the open part of the debate. I call Maureen Macmillan.

I am sorry—I meant to say John Home Robertson. [*Laughter.*] I apologise to both members.

11:15

**Mr John Home Robertson (East Lothian) (Lab):** I am not sure whether I should be flattered by that.

Although, during my short time in the rural affairs department, I started a number of things that I would have liked to have seen through to completion, I must confess that the Salmon Conservation (Scotland) Bill is not one of them. The officials who promoted the bill had to use some ingenuity to get certain aspects of it past me when I was minister.

It is a perplexing fact of political life that the priorities of junior ministers tend to get smothered by the bureaucratic morass, while other things emerge unbidden from the same morass and gather considerable momentum. The bill is a rather interesting example of that. I am sorry to introduce some controversy into the debate.

**Ross Finnie:** Unless I am mistaken, I am holding the official copy of the bill. I notice that it was introduced by me and supported by Mr John Home Robertson. Will Mr Home Robertson clarify his position? Was he under duress when he signed the bill or did he do so in good faith?

**Mr Home Robertson:** If Mr Finnie will bide his time, he will understand what I said. As he will recall, there were debates about certain aspects of the bill, which I will develop in my speech.

Contrary to popular belief, I have no financial or personal interest in salmon fishing. However, I understand the importance and value of wild salmon and sea trout in Scottish waters and we should all be very alarmed by the disastrous decline in those magnificent fish.

There is rather patchy scientific knowledge about the cause of that decline. It might be due to a complicated combination of factors: environmental change in the oceans; predators, including seals; pollution; parasites; disease; problems associated with fish farming; and exploitation by fishermen, which—as has been mentioned—obviously includes the drift net fishery off the north-east of England.

It is very difficult to conduct an objective debate on the issue. On the one hand, there is almost a taboo that prevents people from blaming anything on seals—although I am glad that Rhona Brankin, Jamie McGrigor and other members have raised the issue. However, on the other hand—as any reader of *Private Eye* will know—it is fashionable and politically correct to assume that every imaginable problem is attributable to wicked fish farmers, even if the problem is many hundreds of miles from the nearest fish farm.

Having acknowledged that wild salmon stocks have declined to critical levels on several rivers, and in view of the need for Scotland to play its part in international efforts to protect salmonid stocks, I believe that there is a powerful case for a salmon conservation act that provides for further controls on angling, where such controls are necessary. As a result, although I support the objective of the bill—as I always have—I have serious misgivings about the means of applying the proposed new legislation. The problem is that the management of Scottish freshwater fisheries is based on Victorian legislation that was enacted to protect the interests of the riparian proprietors of our rivers and lochs. District salmon fishery boards are effectively

dominated by the proprietors of salmon fishing rights.

**Euan Robson (Roxburgh and Berwickshire) (LD):** Will the member give way?

**Mr Home Robertson:** Mr Robson will have to forgive me; I do not have much time. He will probably get in later.

I do not deny that there are many public-spirited people among those proprietors—indeed, I see some of them in the gallery today—and I am happy to pay tribute to the excellent work on conservation issues and other matters of the Association of District Salmon Fishery Boards. However, it is not tolerable in the 21<sup>st</sup> century for the management of Scotland's freshwater fisheries—backed by wide-ranging statutory powers that are being added to today—to be vested in boards that are dominated by landowners.

That is one of the reasons why last year I introduced the public consultation document "Protecting and Promoting Scotland's Freshwater Fish and Fisheries". I am grateful for Mike Rumbles's acknowledgement of the Executive's work in that area. I wanted to provide for better conservation of fish; wider access to angling where appropriate; proper co-ordination of policies for salmon, trout and coarse fish; and—importantly—I hoped to achieve a broadly based and accountable system for managing our rivers and lochs. I was particularly attracted by the work of the Clyde Fisheries Management Trust. I know that there are other good examples.

**Richard Lochhead:** I agree whole-heartedly with many of John Home Robertson's comments. Does he agree that it would be worth considering bringing pre-emption rights into play—we have a community right to buy for land—for fishing rights? We would then be able to shift some fishing rights into community and angling association ownership.

**Mr Home Robertson:** That is a far wider issue. I am talking about the existing structures for managing fisheries.

I am worried about creating more statutory powers for unrepresentative and unaccountable boards. I was an extremely unco-operative minister when I saw the first draft of the bill. It has been improved by providing default powers for ministers, who are accountable to Parliament and its committees, and by the establishment of rights for anglers and environmentalists, which are important. However, as they stand, district salmon fishery boards remain fundamentally flawed. It was always my intention to link the bill with an undertaking to reform the constitution of district salmon fishery boards as soon as possible. I hope that Ross Finnie will feel able to make a statement

saying that he will make that link.

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

**Mr Home Robertson:** No, I am concluding.

We are creating powers, which could, in specific circumstances, enable a solitary riparian owner to initiate statutory orders, that would affect anglers on certain rivers. That would make it possible for somebody to be convicted in court on the evidence of only one bailiff—who was employed by that same riparian proprietor—without corroboration. That is draconian stuff. It might have seemed appropriate in Victorian times, but is not acceptable in modern Scotland. This new Parliament has a duty to conserve—I support the principle of the bill—but it also has a duty to bring the structure of management of our rivers into the 21<sup>st</sup> century. If I am satisfied that appropriate reforms to the constitution of district salmon fishery boards will be introduced during this parliamentary session, I will be happy to support the bill. Otherwise, I will be rather worried.

**The Deputy Presiding Officer:** We are a little ahead of schedule, so I will be fairly lax about time, particularly if members take interventions. However, I hope that if I indicate that members should wind up, they will.

11:22

**Alex Fergusson (South of Scotland) (Con):** I cannot possibly match Jamie McGrigor's declaration of interests, but I draw members' attention to the fact that I own a short stretch of almost unfishable river in south Ayrshire. Therefore, I will not respond to the remarks that John Home Robertson has just made, but will leave that to others, as I suspect that I would be accused of bias. I will resist the temptation.

I reiterate that Conservative members welcome the broad thrust of the bill. Its introduction provides a measure of recognition of the importance of the salmon to the social, economic and environmental well-being of Scotland. That said, I note from written evidence that some people are concerned that insufficient weight is given in the bill to the socio-economic importance of salmon fishing. In debating the bill, we must recognise that it is far from the uncontroversial bill that was originally trumpeted by the Executive, as I have come to realise in listening to the evidence that was taken by the Rural Affairs Committee and to representations that have been made to me since.

I want to use the short time that is available to focus on the sincerely held concerns of one group on whose interests the bill could have a catastrophic impact, costing yet more jobs in rural Scotland and greatly reducing the amount of wild Scottish salmon in the marketplace. I refer to the

netmen, who have been mentioned, who have reaped their annual harvest for many hundreds of years and who, in some cases, have a special historic place in our society, as well as a special place in their communities. For example, in Annan in Dumfriesshire in Dr Murray's constituency—I am sure that she would speak today if she could—

**Dr Elaine Murray (Dumfries) (Lab):** I can speak today.

**Alex Fergusson:** I see that she is doing better.

In Annan, the rates that are paid by the haaf-netters go into the Annan common good fund, which is used exclusively for the benefit of all the good citizens of the town.

Those fishings were handed down by royal charter to the people of Annan—a fact that, I presume, would render them inappropriate for the SNP—and form an important part of Annan's heritage and its community funding. That community is worried about the consequences of the bill because, if it is not carefully thought through at stage 2, it could signal the end of that historic and worthwhile practice. On the wider implications of the bill, the netmen feel strongly, as do others, that measures that would be adopted under section 10A, as set out in section 1 of the bill, must be time-limited to keep the situation under review. That is only sensible, because any bill that would give powers to address a rapidly changing situation must recognise that that situation could change back again just as rapidly.

As always, much play has been made of the consultation process that will take place when the powers are exercised. However, the netmen have concerns that their voice will not be heard in that process. To that end, they suggest that all river boards—or whatever authority is consulted in areas where there are no river boards—should include a fair and balanced representation of upper and lower proprietors. I do not disagree with that. The netmen point out—as others have done forcefully—that there are vital areas that remain untouched by the bill. The bill contains no measures to conserve habitat, which is normally the first item on any conservation agenda. It contains no measures to address the predators, other than man, that exploit salmon stocks 365 days a year. Incidentally, I agree with John Home Robertson that mentioning the word “seal” is almost as dangerous as mentioning the word “raptor”. As the minister acknowledged, the bill contains nothing to promote research into—or to address in any other way—the marine phase of the salmon's life cycle. That is a glaring omission. It could be said with some justification that the bill stops where the problems of the salmon start.

Many people have talked about parts of the bill

that need to be given greater definition. Sections 10A(3)(b) and 10A(6)(a) are far too loose to escape criticism and will undoubtedly receive attention at stage 2.

Great emphasis is given to the use of catch returns for providing the guiding statistics in the bill. I believe that to be far too simplistic, especially when it is coupled with the catch and release policy that could be employed. Incidentally, the Scottish Society for the Prevention of Cruelty to Animals is beginning to voice great reservations about that policy. Under catch and release, it is entirely possible that, during the course of a season, the same salmon could be caught and released perhaps three times. That could result in the figures showing that 300 salmon had been caught when only 100 exist.

**Euan Robson:** Research shows that 95 per cent of salmon survive the experience of catch and release, no matter how many times they are caught. Is Mr Fergusson aware that, on the Tweed, some 18,000 salmon were caught and released in six years? Such a number must make a considerable difference to the stocks on any river. I suggest that we should not underestimate catch and release figures, but that we should promote the system.

**Alex Fergusson:** I do not argue with Euan Robson's basic position, but I must point out that there is a chance that the 18,000 salmon of which he spoke were actually only 6,000 salmon that had been caught three times each—that was my point. The SSPCA's concern relates to the welfare of the fish, not to the policy itself. The member may scoff, but I am merely reiterating evidence that the Rural Affairs Committee was given the other day. I believe that accurate calculation of parr and smolt numbers would be of far greater benefit in determining numbers.

The bill is a welcome step on the road to salmon conservation, but it is not the be-all and end-all. Our welcome is cautious and I hope that I have justified the fact that we will seek to make significant amendments at stage 2. With that caveat, I look forward to a bill that should, when sensibly amended, play an important role in conserving salmon stocks so that the socio-economic role of Scottish salmon fishing can be realised to its fullest potential.

11:29

**Dr Richard Simpson (Ochil) (Lab):** I have no interests to declare on this matter, other than the fact that the only time that I have gone fishing, I was with my grandfather at Walkmill Ferry beat on the Tay and caught an 18 lb salmon.

Reading Tom Devine's recent book, I found it interesting to consider the workers' feelings about

their contracts in relation to salmon. It is an interesting historical note that they almost went on strike at one point because they were fed salmon too often in the week.

If I had to assess this bill, it would be as, "Worthy, but—". John Home Robertson made many of the points that I wanted to raise, but I think that they bear reiteration. He will know that when he was Deputy Minister for Rural Affairs, I raised with him the question of the district salmon fishery boards and in particular the Forth District Salmon Fishery Board. I had been approached by constituents about problems arising from that board's request to restrict catches to the disadvantage of the net fishermen, whose interests, as Alex Fergusson has said, are just as important as those of line fishers.

Clearly, there has to be a partnership. The landowners and beat owners are an important part of this whole area, which in turn is important to Scotland. However, I entirely agree with John Home Robertson that the time has come to reform the system of management of our fisheries in Scotland. It is based on a Victorian system, which has had its day. A system that puts landowners in charge of conservation is one that may not always act in the interests of the country. It is inappropriate to have a uniform system of management across Scotland that is predicated on an ancient system. I welcome the move to merge some of the 52 district salmon fishery boards, as that may lead to a slightly better system.

I am concerned about the powers of enforcement, entry, search and arrest for the water bailiffs. Certainly, in my area there have been occasions on which the local water bailiff has confiscated the nets of the net fisheries on a purported charge that has then been thrown out by the court. There is a general feeling of antipathy between the upper-reach owners and the netters. The association between the water bailiffs and the district salmon fishery boards is not entirely appropriate, and the bill will make the situation worse.

Many speakers have raised the other issues that I wanted to discuss, but I will draw attention to changes in the river-beds, which are the spawning areas. I understand that there have been significant changes over the years in the spawning beds, whose management is important. Some district salmon fishery boards have done excellent work to try to improve those river-beds. That effort should be promoted nationally.

The forms of enforestation close to the river-bed are also a matter of concern.

Mink, which have been released into the wild by animal protection groups, have not been

mentioned. I understand that they are a growing problem, which needs to be addressed.

I welcome the minister's reference to research, particularly on sea lice and the seal population. However, there are areas that need to be examined, such as the industrial fishing of sand-eel and krill. We do not know how important that is, but it needs to be examined further.

We need to take a more robust approach to phasing out the Northumbria and Yorkshire fisheries. The reduction of the number of licensed fishermen by half to 71 is welcome, but we need to phase them out more rapidly.

If we are to restrict the period during which net fishermen can fish, compensation is due to them. It may be necessary to restrict them much further and, if that is the case, there should be temporary compensation to allow a very ancient form of fishing to continue.

Although I welcome the legislation, I think that its limited scope does not address the issues. Indeed, we do not know what effect it will have. We hope that it will have some beneficial effect. I have not discussed overfishing in the Greenland and Faroese fisheries over the years. That is now very small, although the Faroese fishery has reopened. Why are we allowing that to happen? The major issue of climate change is worrying, although it is beyond the scope of the debate.

I support the bill, but I think, as does John Home Robertson, that the time has come to amend substantially the whole management of fisheries in Scotland. I hope that the ministers will consider doing that in the course of this parliamentary session.

11:35

**Dr Elaine Murray (Dumfries) (Lab):** I am overcoming a bout of laryngitis, and hope that I can find my voice today. A politician without a voice is something akin to a fish out of water.

The minister mentioned a number of rivers where salmon fishing is important; it is also important on the Nith, the Annan and the Esk, all of which run through my constituency. Some people may think this legislation a little boring, but I have been stopped on the street by constituents and have been lobbied on the issue.

We should recognise the fact that this bill is only a small piece of legislation, responding to a small area of concern. We have brought up several other important areas of concern, which I also believe have to be addressed, but probably separately from the bill before us.

The bill responds to two main concerns, the first of which is the major decline in stocks of wild

salmon and of sea trout. They fell by 39 per cent and 24 per cent respectively between 1998 and 1999. The second concern relates to our international obligations as members the North Atlantic Salmon Conservation Organisation. NASCO was instrumental in reducing the west Greenland drift net fishery take of salmon down to 1 per cent of its previous level, but that agreement was predicated on European Union member states, including ourselves, taking action to reduce our wild salmon take at the same time. To preserve that international agreement, we have to be seen to be taking some action.

I recognise the enthusiasm for fishing matters that Richard Lochhead always displays, but in reply to his unprecedented and, I think, unfair attack on my friend and colleague John Home Robertson for all the work he did over the past 18 months, if the SNP feels that salmon conservation is so important, why did it not attempt to lodge a member's bill or a committee bill on the issue?

The Rural Affairs Committee took evidence on a number of points, including who can request that the minister make an order; what sort of information should be required for a request to be made; whether orders should be time-limited; whether wild salmon and sea trout should be differentiated in this bill, as is the case in the parent legislation; whether management should be explicitly mentioned as well as conservation; and the appropriateness of blanket and emergency powers.

It is important not to give an impression that anglers and other river fishermen, such as haaf-netters, whom Alex Fergusson mentioned, are solely or even primarily responsible for the decline in the wild salmonid populations. As the minister said, many fish are lost in their marine phase, due to a variety of factors that seem to relate to location. There is a need for research into such causes, and I was reassured to hear from the minister that extensive and detailed research is being carried out. There are several problems relating to pollution, sea lice, drift net fishing, the destruction of river habitats and predation by seals, cormorants and goosanders, depending on the area of Scotland. Those factors were all brought to our attention in committee.

I believe that global warming may itself be contributing to changes in the fishes' life-cycle. It was clear from what I was told during my visit to the Nith District Salmon Fishery Board, when I saw the hatcheries there, that even a small change in temperature makes a difference to the length of time that it takes the salmon eggs to hatch out. If there are problems with global warming and a rise in water temperature, that may be partly responsible for the reduction in the population.

We have heard from Mike Rumbles that fish farming issues will be considered separately by the Transport and the Environment Committee and the Rural Affairs Committee. The Executive has assured us that sufficient legislation is already available to deal with predators, in the form of the Conservation of Seals Act 1970 and the Wildlife and Countryside Act 1981. The committee accepted that assurance, although we also believed that action against predators should be taken only if the evidence points to predators being the cause. Concerns about predation should not be an excuse to go round bumping off seals or anybody else whom we happen not to like.

The bill is generally to be welcomed, but it needs to be recognised that it is a small attempt at a solution to a big problem. We hope that it will help reverse some of the rapid decline among the wild fish species in question but, as Richard Lochhead has said, it remains to be seen how big a part of the solution the bill will be. We can say that probably it will not do any harm. The consensus in the evidence to the committee was that the bill is to be welcomed as an improvement on the status quo, but as John Home Robertson and Richard Simpson have already said, there are far bigger issues about the management of freshwater fisheries. I very much hope that those issues will be addressed in future legislation.

11:40

**Euan Robson (Roxburgh and Berwickshire) (LD):** I declare an interest in that I am a River Tweed commissioner.

Many members agree that the bill is a limited measure but that it has the worthy objective of protecting stocks of salmon and sea trout in Scotland. That is to be applauded. Without repeating everything other members have said, the bill is limited. While it deals with the freshwater lifespan of the salmon or sea trout, the main dangers to the species lie in the marine environment. We have heard today about industrial fishing; the prey species of the salmon being fished out, causing salmon mortality; the buy-outs in Iceland, Greenland and the Faroes, with the Faroes coming back in; and the Northumbrian drift net fishery.

It is clear that the seal population is contributing to a decline in salmon and sea trout numbers. I commend to the minister the view that has been expressed in a number of quarters that a grey seal commission along the lines of the Red Deer Commission should be established to deal with the growing problem. Seals have risen in number from around 40,000 20 years ago to about 120,000 now, which is having a major impact.

At first sight the bill appears straightforward and

uncontroversial, but there are some flaws. It gives ministers extensive powers, and that is to be welcomed in emergency situations. Proposed section 10A(3) effectively permits ministers to impose regulations. There ought to be a duty on ministers to consult relevant parties on the face of the bill. I know that the Deputy Minister for Rural Development has made it clear that she and her department intend to do so. That is fine, but we are making laws for many Executives hence and it is important to include that.

I take issue with some of the statements in the policy memorandum. In paragraph 3 it says that certain types of baits and lures have had limited impact. In fact they have had considerable impact on some rivers.

As I mentioned in an intervention, catch and release has been particularly important. On the Tweed we had a very serious problem with the spring run. Scientific evidence demonstrated that the spring run was concentrated in the Ettrick tributary and a catch and release policy was introduced on the main stem of the river. So far, some 870 spring fish have been returned to the river, contributing an extra 2.75 million eggs into the Ettrick. We hope to see a substantial return soon in the spring run. Paragraph 6 of the policy memorandum understates the value of catch and release.

I have two other important points to make. First, it is vital that there is a river-by-river management policy. Blanket regulations are no use because they ignore the very different habitats and circumstances of every river. It is welcome that the minister said that, but there is some concern that section 10A(3) would allow a blanket approach, which should be only in extreme and emergency conditions. She would expect me to mention the River Tweed. I listened carefully to what she said and I can conceive of no circumstance, ever, where it would be appropriate to apply regulations in the Scottish part of the Tweed, because so much of the river is in England. We may need to return to that section of the bill later.

Secondly, there is one significant omission from the bill—habitat improvement. It would be extremely helpful if some suitable amendments at stage 2 could concentrate our minds on that. Some of the things that I have in mind have been adopted by a number of salmon fishery boards. The fencing of river banks prevents grazing up to and including river banks. That is important because grazing degrades the in-stream and in-river environment. Clearing obstructions that prevent the passage of migratory fish is also important. Examples exist of local authorities building roads across streams in head-waters and blocking the head-water access for a number of fish. We can do a lot to improve habitat and the bill

should try to do so. We should also consider drainage plans that would increase the wetland habitat and biodiversity. Such drainage would also prevent spates from coming down rivers. Spates destroy salmon redds. The bill can be strengthened in a number of ways, but it is generally welcome.

I would like to allude to the points that John Home Robertson made. There may be a case for some reform of the district salmon fishery boards; but it is simply not true that all of them are proprietor-dominated. The River Tweed Commissioners was established in 1857. Currently, 38 members are elected—I repeat, elected—by proprietors, and 43 members, including myself, are appointed by the local authority. Of the latter, 23 are from local angling clubs and 20 have other interests. In certain district salmon fishery boards the proprietors do not dominate but are in the minority—that is the case in the River Tweed Commissioners.

**Mr Home Robertson:** I apologise for eating into the member's time. Does he acknowledge that the composition of the River Tweed Commissioners is rather different from that of virtually every other river board in Scotland? Will he confirm that all the main players in the River Tweed Commissioners—the chairman and others—are proprietors rather than local authority nominees?

**Euan Robson:** The latter point is not correct: the vice-chairman is a member of a local angling club. I was pleased to be at his dinner the other night in Hawick. Although the management committee may contain a number of proprietors, representatives of angling associations are on the committee too. I accept that the River Tweed Commissioners is somewhat different from other district salmon fishery boards; however, it represents a model that could be used in other places.

We can improve the bill at stage 2, especially to address the omission of measures on habitat improvement, but at this stage I have no hesitation in backing the bill and voting for it today.

11:49

**Rhoda Grant (Highlands and Islands) (Lab):** Many people have spoken about the importance of salmon fisheries and I am glad that that has been acknowledged across the chamber. A lot of income comes from salmon fisheries, much of which is not quantified because the industry is so fragmented.

The parties obviously agree on the general principles of the bill; the only cause for disagreement is in the details. When the Rural Affairs Committee took evidence, much of the discussion concerned possible solutions in

secondary legislation that would flow from this bill. Much of it also concerned issues that were wider than the scope of the bill. To an extent, that has happened today as well. However, we have to remember that this is enabling legislation. It has to fit the solutions that we have in mind at the moment and which may appear in the future. We should not lose sight of that.

There has been criticism of the fact that the bill gives ministers powers to make legislation. People have argued that that should be open only to the district salmon fishery boards. That argument ignores the fact that some areas do not have a district salmon fishery board. Some fishery boards give conservation a high priority while others do not. We have heard about the variety of boards that are in place. The ones that are serious about conservation are happy for ministers to have such powers because they do not want to work in a vacuum.

Another issue is that of the blanket powers that are given in the bill, which bring in regulations that cover all rivers. There have been concerns about those powers because conservation and management have been carried out on a river or area basis. That approach has worked well in the past and will do so in the future. Many different issues have caused the decline in salmon and we know that there is not one solution. However, there are some issues that would benefit from blanket regulations. One example would be a provision that all proprietors give uniform information to their boards. The boards would benefit greatly from such information being provided in a standard way. At the moment that information is quite haphazard. That would enable boards to compare like with like and would enhance the ability to use such information as the scientific basis for research, rather than hearsay on which we cannot rely.

Some concern was expressed about the time length of the regulations. Historically, we have seen that conservation regulations have been hard to revoke. I welcome the minister's comments on the time-limiting of the regulations. Time limits should be the rule rather than the exception. That does not prevent similar regulations from being put in place, but these regulations would have to go through the same consultation process as the initial regulations, allowing us to consider whether the regulations had any current value. A time limit would also give some comfort to those people who fear that their rights might be compromised by the regulations. Alex Fergusson spoke about the netmen, who have a great concern that the balance between their fishery and the angling fishery is not right. We must give them some comfort and ensure that we get that balance right.

John Home Robertson mentioned the role of the

water bailiffs, which was an issue that I brought up in committee. He also made some good points about the role of the district salmon fishery boards. However, I understand that work is well under way to examine the salmon legislation with a view to its consolidation. I hope that John Home Robertson's comments are borne in mind when that is carried out. We must ensure that other interests are involved—which does not happen often—and that there is proper representation on salmon fishery boards.

We must work with national and international partners and find a global solution to the problem. Recently, I spoke to the chair of the Icelandic fisheries committee, who appeared surprised at my concern about the decline in salmon fisheries. He firmly believed that it was a cyclical problem and he shrugged his shoulders and looked at me as though I was making a fuss about nothing. Perhaps he is right. However, Iceland does not have fish farms or drift-netters; it has only angling fisheries. Therefore, it does not follow that Iceland experiences the same problems as we do.

Nevertheless, the chair of the fisheries committee may be right because about 60 years ago and 60 years before that there were drastic declines in salmon numbers. If that is the case, we must ensure that the climate is right for salmon to come back and breed in our waters to allow salmon to increase their numbers again. That is the bottom line. The more salmon that return to our rivers, the more they spawn and the more salmon will be available to future generations. The bill is a step towards salmon conservation and is therefore extremely welcome.

**Mr Rumbles:** On a point of order. It is my understanding that members who make speeches in a debate should remain for summing-up speeches. Is that correct?

**The Deputy Presiding Officer (Mr George Reid):** No, that is not correct.

11:54

**Alex Johnstone (North-East Scotland) (Con):** There is nothing in my entry in the "Register of Members' Interests" to which I should draw Parliament's attention. However, I own about a mile of a small river that runs through my farm, which I use exclusively for the purpose of watering cattle. I assure members that if ever a salmon were to arrive in that river, it would be most decidedly lost.

The Rural Affairs Committee's work on this bill started in September, when we took the opportunity to have the concept behind it explained to us. On that day, it was explained that this was likely to be a largely uncontroversial bill, and that it was important to the future of the

salmon fisheries in Scotland. Since then, it has come to pass that there are controversial aspects to this bill, one or two of which have been raised today. At our meeting of 19 September, the Rural Affairs Committee gave a commitment to treat this bill as an emergency and deal with it in the shortest time scale possible.

It is a matter of some concern, in regard to this bill and previous bills that the Rural Affairs Committee has dealt with, that a relatively short time was available for consultation. We hope that by taking advantage of the extensive consultation that was carried out by the Scottish Executive rural affairs department, and by having a secondary written consultation, which allowed consultees to contribute their views on the bill as introduced, we have had a full and detailed consultation. However, the short time scale will inevitably lead to certain individuals' feeling that their opportunity to be consulted was not as it could have been. I hope that they will be satisfied with the way in which the bill is handled by the Rural Affairs Committee and SERAD in future.

We have heard in great detail the concern that the bill does not cover a wide enough range of the important aspects of Scottish salmon production relating to declining salmon numbers. We have to accept that this bill is simply the start of a process. In her opening remarks the Deputy Minister for Rural Development acknowledged that. However, the problem of the marine phase of the salmon fishery and what happens to fisheries on the high seas obviously is excluded from the bill, and needs to be addressed in the longer term.

On the issue of predators, which has been raised by a number of people, Fergus Ewing made the relevant point that, under the proposed section 10A(3)(b), there would be the opportunity for Scottish ministers to take up the Scottish Fishermen's Federation's proposal to establish a seal commission. I would be interested to hear the minister's views on Fergus's suggestion. I throw my weight behind the SFF's proposal that a seal commission should be considered to deal with this difficult problem.

We have heard the salmon farming industry being blamed for one or two of the problems facing wild salmon. I share John Home Robertson's view that we must not make the mistake of tarring the salmon farming industry with the same brush that has been widely used by certain people in Scotland. The salmon farming industry is a vital industry, especially in the peripheral areas where it exists. While it is not a major industry in terms of employment across Scotland as a whole, it is crucial in its own backyard. Any minister who failed to take into account its importance as an economic lifeline would be failing in their duty. I commend John

Home Robertson for the positive attitude that he has taken on this matter in the past.

I am grateful for the minister's reassurance that the structure of the bill means that it is possible to time-limit regulations. I support Jamie McGrigor's suggestion that the time limit should be set at three years. It is important to remember that going through the consultation process on a three-year basis provides an important opportunity to adjust and modify regulations so that they are current and practical. For the same reason, I find it difficult to accept the concept of blanket regulation across the whole of Scotland. While I would be happy to hear arguments on that from the minister today, and possibly at stage 2, it is of grave concern that regulations that are relevant only to specific areas may be imposed across the whole of Scotland, thereby damaging other areas.

I also take the opportunity to support those who have called today for special consideration for the position of netmen. We have heard much about the salmon netmen in the south-west of Scotland. I offer an assurance that I have been approached by similarly vociferous netmen from the north-east of Scotland. They are worried that the bill may damage their long-standing traditional fishery.

I know from my experience in the coastal areas of Kincardineshire that there is a great tradition among small farmers of finding work with the salmon nets to displace their low-income problems. The farming community is back in a period of low incomes but, unfortunately, the salmon netting industry cannot provide that employment.

As Conservative spokesman, it is my pleasure—I suppose—to welcome the bill. I am glad that we have highlighted in the debate the fact that the bill will be not the end but the start of a process that must continue into the future to protect the salmon in all its range, not only in the rivers.

12:01

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I apologise to the Deputy Minister for Rural Development for not being present to hear most of her speech. As an occasional parliamentary poacher—I suppose that I can class myself as that—I was having a private meeting with the parliamentary chief gamekeeper, the Presiding Officer. I apologise if I duplicate any of the minister's material.

The starting point of my speech are the remarks that the deputy minister made to the Rural Affairs Committee. My involvement with the bill began on the Subordinate Legislation Committee, and I migrated to the Rural Affairs Committee as the bill progressed. The minister said:

"In 1960, 1,443 tonnes of wild salmon was caught in Scotland."—[*Official Report, Rural Affairs Committee, 7 November 2000 c 1289.*]

By last year, the figure was 198 tonnes. That 85 per cent depletion makes graphic the problem that we face. The trout figures over the same 40 years, measured by catches—which, as Alex Fergusson said, may not be the most reliable method of measuring—fell from 224 to 36 tonnes, a similar depletion of 86 per cent.

Richard Lochhead pointed out that no effective legal measures to deal with the problem have been taken in the past 40 years. During those 40 years, bar the past 18 months, Westminster has been in charge—that is axiomatic—so the collective smirking from the unionist ranks when Mr Lochhead made his point was less than gentlemanly. It is true for all to see that the problem is serious and has been neglected by successive Westminster Governments.

**Mr Rumbles:** Most of the objections—which were genuine—were to Richard Lochhead's misrepresentations of the Scottish Executive and of Mr John Home Robertson particularly. That is what annoyed what Fergus Ewing called the unionist parties.

**Fergus Ewing:** Piety is not a useful characteristic in a retraction. Richard Lochhead did not and would not make personal comments about John Home Robertson, who I am pleased to see is back in his seat. To say that Richard Lochhead did so is to make a false accusation. He was commenting on the fact that Westminster Governments have not tackled the problem for a long period. That is why we are here now. I want therefore to turn my remarks to that problem. [*Interruption.*] I see that members are unhappy to be reminded that for 40 years Westminster has done nothing to tackle the problem—their constant barracking and heckling will not alter that.

**The Deputy Presiding Officer:** I would hardly say constant, Mr Ewing.

**Fergus Ewing:** I must move on.

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

**Fergus Ewing:** Perhaps I will have the pleasure of giving way to Jamie McGrigor later.

The most important criticism of the bill is to be found in the—

**Mr Home Robertson:** Reference has been made to the Salmon Act 1986, which, I recall, took up a lot of time in the House of Commons. I was involved in the committee stage of the bill and was not especially happy with it. The subject has therefore been addressed at Westminster in recent years.

**Fergus Ewing:** Yes, but it has not been addressed in an effective way, as I think John Home Robertson—[*Interruption.*] I used the word “effective”; if members read the *Official Report*, they will see that.

The serious problem with the bill was remarked on in a letter dated August 2000 from Andrew Wallace, the director of the Association of Salmon Fishery Boards, to the Executive, which the Executive circulated to the Subordinate Legislation Committee and the Rural Affairs Committee. I believe that Mr Wallace represents 53 fishery boards and so I presume that he speaks with authority and knowledge. Mr Wallace said:

“The Association believes that many of the major drivers of salmon stock abundance are in the marine phase of the species’ life-cycle and that further Government resources need to be applied to resolving these problems. In some cases, Government action (e.g. sanction/action to reduce the population of predators) would deliver far greater benefit to the conservation of salmon and sea trout than would application by DSFBs of the enhanced powers covered within this consultation paper.”

There we have it.

The bill will not solve the problem, although the SNP will support it. In fact, the bill may not ameliorate the situation materially. Unless the Executive is willing to examine the various measures that I will come to in a second, the major criticism of the bill will be that it addresses a problem in a wholly insufficient way. The bill could be compared to dealing with the problem of a dirty latrine by deciding to apply a toothbrush to clean it.

I hope that the Executive will address the problems that were raised in the evidence given to the Rural Affairs Committee. A number of experts appeared before the committee, all of whom agreed that the serious problem of marine mortality was not being addressed.

Other members referred to different problems that, in their opinion, may have caused or contributed to the depletion of salmon stocks over the years. Those problems include sea lice, which, I believe, Elaine Murray mentioned, and various species of birds, including cormorants, which, I think, were mentioned by Rhoda Grant.

However, unless the problem is tackled openly and honestly, we will be derelict in our duty. How should we address the problem? Elaine Murray said that we should not go around indiscriminately pumping away seals—I believe that that was the phrase that she used. No one would advocate such an approach, but it is germane to point out that the current method of controlling seals is not by use of the contraceptive dart, as happens in Canada, but by shooting them. I know that members might be slightly coy about addressing that topic today, but the current method is to issue

licences for the shooting of seals. We gleaned that information from the deputy minister when she appeared before the Rural Affairs Committee and said:

“The Conservation of Seals Act 1970 allows for shooting. Licences to shoot fish-eating birds are issued under the Wildlife and Countryside Act 1981. I thought I should draw members’ attention to that.”—[*Official Report, Rural Affairs Committee*, 7 November 2000; c 1291.]

We also received advice from Jane Wright that—

**Euan Robson:** Will the member give way?

**Fergus Ewing:** I will not take an intervention from Euan Robson yet, as I am developing my argument.

Jane Wright told the committee:

“In the 1950s, a Government committee decided that 34,000 or 35,000 represented a healthy population of seals. The number of seals has now reached between 120,000 and 130,000.”—[*Official Report, Rural Affairs Committee*, 7 November 2000; c 1267.]

Everyone supports the idea of undertaking more research and I hope that the deputy minister will update us on the answer given by her predecessor. I also hope that she will enlighten us on exactly what further research is being undertaken.

The Scottish Fishermen’s Federation recommendation that there should be a seal commission merits serious consideration. Someone recently argued that, if there is a Deer Commission for Scotland, there is no reason why there should not also be a seal commission. That would help to tackle the problem in a way that would avoid the emotive and overwrought reactions that I fear some Labour members have had to the issue today. We can either ignore a problem and pretend that it does not exist or we can tackle it. We shall hear from the minister’s response which option the Executive intends to pursue.

It was a great pleasure to hear the speech from the gamekeeper turned poacher, John Home Robertson—the best poachers are those who have formerly been gamekeepers. It was most interesting to hear that, although he was a supporter of the bill, he did not actually support it. It was also interesting to hear from Dr Richard Simpson that the back-bench Labour shoals are not swimming in the right direction. There seems to be an emerging consensus—which, because of the business managers’ intervention, may not surface—that the bill is insufficient to address the problem. Unless the Executive is willing to face that fact, ministers will come back at stages 2 and 3 to find more serious, robust, positive and constructive criticism from the SNP and from members of other parties.

12:12

**The Minister for Rural Development (Ross Finnie):** At no stage of the bill's progress—neither at its introduction nor at its presentation to the Rural Affairs Committee—has the Executive said other than that it deals with a very narrow aspect of freshwater marine life. We said that we believed that, within the powers that we have, it was important to amend the Salmon Act 1986 to achieve our objectives. At no time have we presented the bill as the solution to the conservation of salmon; we recognise that other measures need to be taken.

Although all members share concerns about matters relating to the marine environment, it is ridiculous to suggest that it would be appropriate to amend the Salmon Act 1986 to reflect them all. Some members are suggesting that the bill should even cover marine environment matters over which we have little control, especially in relation to where the species might reside.

Richard Lochhead gave a typically grudging response to the bill. He said at the end of his speech that he was in favour of it. I am glad that he said that, because I had missed that point during most of his remarks. He raised the wider issue; I would like to tell him how the Executive sees the wider issue. Of course we are concerned about predation by seals. We have the Conservation of Seals Act 1970, and independent scientific advice is provided by the special committee on seals to the National Environment Research Council. Those bodies are the statutory advisers under the Conservation of Seals Act 1970; it is on their reports, which are placed in the public domain, that ministers decide whether to approve culls of seals. Perhaps those measures should be improved, but that would require amendment to the 1970 act.

We commissioned from the Freshwater Fisheries Laboratory and the Institute of Terrestrial Ecology a review of predation by birds by, which was published at the end of 1988-89. The Scottish Executive has invested £0.5 million in research into sea lice and is continuing with that investment. We also commissioned the Fisheries Research Services to carry out research into the impact of fish farming, at a cost of £1.5 million.

Some members raised the issue of specific research programmes on marine mortality. We participate in the North-East Atlantic Fisheries Commission inspection of pelagic fisheries and in NASCO discussions on future marine research initiatives in the Atlantic. We also participate in the European Union's project for concerted action, SALMODEL. The Executive is as concerned as members are about marine mortality and its effect on salmon fisheries. To suggest that we are not concerned about these issues is very wide of the

mark.

**Fergus Ewing:** I accept that the statutory background is as the minister describes. However, many members in today's debate have recommended that, rather than relying on the existing bodies, which have not provided an adequate response, the Executive should seriously consider establishing a new body—perhaps to be known as the seal commission—that would examine the impact of all predators on salmon stocks.

**Ross Finnie:** The Deer Commission is not analogous to what Fergus Ewing is proposing. At least we know where we can find the deer and that we have regulatory control over them. I am interested in the suggestion, but the member needs to indicate specifically what a new commission would do in relation to scientific advice that is not done under the existing mechanisms.

Jamie McGrigor and some other members said that they were concerned about confusion between conservation and management. I am surprised at that. As I said, the bill is concerned narrowly with introducing into the Salmon Act 1986 measures designed specifically to promote conservation. The sections that it contains must, therefore, be seen in their proper context. Members referred to the consolidation of salmon legislation. When that happens, the sections in the bill will sit within an act that deals also with management. Management is not excluded from the legislation simply because the sections with which we are now concerned address only the narrow issue of conservation. Members must consider how those sections will read in the wider context of the Salmon Act 1986 as amended by the bill.

**Mr McGrigor:** I am concerned that the bill refers throughout to the conservation of salmon, rather than to the conservation of fisheries. My point is that the two things go together.

**Richard Lochhead:** Salmon are fish.

**Ross Finnie:** Leaving aside the obvious point that Mr Lochhead makes, I do not think that Jamie McGrigor was listening properly to what I just said. We are amending the Salmon Act 1986. That makes it tricky to deal with fisheries in a wider sense, although sea trout are included in the bill. I ask Mr McGrigor to read the new provisions in the context of the 1986 act as a whole, as only then will he understand where we are trying to get to.

Members also raised the issue of emergency procedures and time limiting. The Rural Affairs Committee recommended that we introduce emergency procedures, but added that we should do so only after consultation. That implies that we should use the same procedures as we would

when bringing forward an ordinary regulation. Because I agree with the latter part of the committee's recommendation, I think that the present powers are adequate.

We do not want to specify a time limit in the bill, because that would make it worse rather than better. Every part of the power that is granted has to be enforced by way of regulation. Such regulations ought to be specific to particular problems that are perceived either by the relevant district board or by ministers. We believe that we should bring to Parliament a specific, well thought out proposal that is based on evidence, and that the regulation should include a time limit appropriate to that measure. That will provide the flexibility appropriate to the regulation that is required to deal with the specific problem, which is better than handcuffing ourselves in the bill to a specific time limit that may not be appropriate. One might want to do some things—for example, the sale of salmon caught by rod—ad infinitum and perhaps on a Scotland-wide basis. It would be better to do that than to have to introduce 52 regulations to cover every board.

Jamie McGrigor, Richard Lochhead and other members raised a concern in relation to the power of ministers, under proposed section 10A(3)(b), to make regulation "otherwise". That must be read in context. The starting point is that those regulations are raised through the district boards. If ministers do not do that, they do otherwise, because district salmon fishery boards do not cover the whole of Scotland. The power is not unfettered. It must be carried out by way of regulation. The regulation must be brought before Parliament and must be subject to an order of annulment. John Home Robertson is wrong, because if a board wants to raise a power that would increase the powers of a bailiff, it is not the case that he asks for the power and gets it automatically. That must also come before either ministers or Parliament. As I said, the power is not unfettered.

**Richard Lochhead:** In relation to salmon management, many members—including John Home Robertson—have made the point that district salmon fishery boards are not fit for the 21<sup>st</sup> century, as they tend to be dominated by the aristocracy and retired senior military figures who own fishing rights to Scotland's national heritage by virtue of their birth. Should the membership of those boards be widened to make them more representative?

**Ross Finnie:** I recall that Mr Lochhead's colleague, Mr Ewing, said that a member of the district salmon fishery board was a most important person who spoke with authority. Mr Lochhead's proposals undermine that authority.

The District Salmon Fishery Boards Order 1999 changed the composition of boards and reduced

the numbers to a maximum of three. Although control is left with the proprietors, the issue forms part of the longer-term review under "Protecting and Promoting Scotland's Freshwater Fish and Fisheries", which raises questions about the optimum management models. The issue is under review and we concede that it requires further consideration.

I have dealt with the point that Mike Rumbles made about the title of the bill. As I said, the bill is narrow in its powers.

**Mr Home Robertson:** Mr Finnie refers to the powers that we are creating. None of us can escape the fact that the powers that we are establishing will make it possible for district salmon fishery boards, as currently constituted, to act under those new statutory powers. That is the whole idea. I accept that the bill is the only vehicle that is available to us now and I support it in principle. However, it is important to make it clear that it is our intention to seek to broaden the base of the fishery boards. That is certainly what I would have been saying at this stage. It would be helpful if Mr Finnie could indicate that the Executive intends to produce appropriate amendments to the legislation following the consultation on "Protecting and Promoting Scotland's Freshwater Fish and Fisheries".

**Ross Finnie:** I cannot give a positive undertaking that I will be able to legislate in this session. I have said that I recognise that the present composition of the boards—albeit altered substantially in 1999 to permit other interests to be represented—still does not go far enough.

We must be careful about boards. The issue of how a board might not have ownership representation is important and is part of the review. The Executive will listen carefully to the response to the consultation on "Protecting and Promoting Scotland's Freshwater Fish and Fisheries".

Alex Fergusson and Euan Robson mentioned habitation. That is an important issue, but we must be careful about whether we should move within the confines of the bill or whether we should deal with the matter through existing regulations. I was grateful to Elaine Murray for making that point.

**Mr McGrigor:** On the issue of inland habitat, is the minister aware of Scottish Natural Heritage's reintroduction of European beavers in south Argyll? Surely that militates against the restoration of fisheries habitats, as beavers tend to eat the young trees that, as Mr Robson said, would be fenced off at the edge of water courses.

**Ross Finnie:** I am not sure whether Jamie McGrigor is saying that he is against beavers or against beavers in south Argyll. The Executive supported the reintroduction of what is a natural

European species. I am not sure that the bill is predicated on the introduction of beavers, which I do not think necessarily affects salmon stocks. Jamie McGrigor raises an interesting point; his fascination for other species never ceases to amaze me.

Let us move on. I say to Richard Simpson that we accept and acknowledge that there are other, wider issues, but they are not what we are seeking to encompass in the bill. I am trying to remember whether I have missed anything, but I am aware that I must come to a conclusion.

**The Deputy Presiding Officer:** Yes, you must finish by 12.29 pm, minister.

**Ross Finnie:** I thought that you would say that, Presiding Officer.

Many boards have taken steps to introduce voluntary restrictions and we should applaud them for that. However, voluntary measures rely on everyone playing the game; it takes just one proprietor to ignore a voluntary code to undermine the sacrifices of others. As Rhona Brankin said, fishery managers asked us for a bill to reinforce those actions; that is what we are seeking to deliver.

I repeat that the bill is a first step. The future management of freshwater fisheries is under the spotlight in the context of our wider review, "Protecting and Promoting Scotland's Freshwater Fish and Fisheries". We will consider carefully the responses to that consultation, but the matter in hand today is this bill. There is no need for us to consider further what is best for wild salmon and the fisheries on which they depend. The bill is what we require for our freshwater fisheries and I commend it to the Parliament.

## **Salmon Conservation (Scotland) Bill: Financial Resolution**

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Salmon Conservation (Scotland) Bill, agrees to any increase attributable to that Act in the sums payable out of the Scottish Consolidated Fund by or under any other Act.—  
[Angus MacKay.]

## **Parliamentary Bureau Motions**

*Motions moved,*

That the Parliament agrees that Duncan Hamilton be appointed to the Enterprise and Lifelong Learning Committee.

That the Parliament agrees the following designation of Lead Committee—

the Justice and Home Affairs Committee to consider the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2001.

That the Parliament agrees that the following Order be approved—

the draft Budget (Scotland) Act 2000 (Amendment) (No 2) Order 2000.—[Tavish Scott.]

## Tinnitus

**The Deputy Presiding Officer (Mr George Reid):** The final item of business this morning is a members' business debate on motion S1M-1218, in the name of Margaret Jamieson, on tinnitus. The debate will end after 30 minutes, without any question being put.

### *Motion debated,*

That the Parliament notes that tinnitus affects around one in ten of the population, including an even higher proportion of older people; further notes that following advances in various therapies to counter its effects a pharmacological solution is now a real possibility, and urges the Scottish Executive to encourage appropriate research to this end by all means at its disposal.

12:28

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** Tinnitus is a debilitating illness that affects some 500,000 Scots throughout every constituency in Scotland. It is so intrusive that it affects everything a sufferer does and makes it almost impossible for some sufferers to pursue a normal life. The impact of that was brought home to me by my constituent, Mr Tom Smith, of Holmlea Place in Kilmarnock. He drew my attention, and that of my Westminster colleague Des Browne, to an early-day motion on this subject that was tabled at Westminster.

Mr Smith has suffered from tinnitus for some time and has tried alternative therapies to relieve his suffering. He has also attempted to set up a self-help group at Crosshouse hospital in Kilmarnock—unsuccessfully, so far. I hope that the exposure of this issue today will publicise his work further and enable a self-help group to be formed in Kilmarnock and Loudoun.

There have been several developments since the issue was first raised at Westminster, and I am indebted to Mr Jack Shapiro, chairman of the British Tinnitus Association, for keeping me up to date with them. Following a delegation to the minister at Westminster, which was led by Lord Ashley—the association president and a tireless campaigner on hearing issues—the Medical Research Council was asked to evaluate the association's proposals for a tinnitus research unit to develop a number of therapies for tinnitus sufferers.

A key to those therapies will be a pharmacological solution—what the association calls “a pill 4 tinnitus”—which needs to be developed. That requires substantial funding. I hope that the Medical Research Council will look favourably on the project, but it is notoriously tight with its money and it might need some

encouragement from the two Parliaments to respond positively to the BTA's proposal.

Tinnitus is a real problem for the national health service, health trusts, hospitals and general practitioners. There seems to be no one way of relieving sufferers, some of whom might need only effective counselling to help them manage the condition. One of the foremost researchers in the field, Dr Ewart Davis, has called tinnitus the

“last great frontier of chronic disability for people”

in Scotland and has been supporting the BTA proposal to the MRC from his research base at Birmingham University.

The lack of understanding and support has spawned a series of self-help groups across the country, including one in the House of Commons. It might be interesting to discover how many MSPs and Holyrood staff are tinnitus sufferers. I am sure that the BTA would give the Scottish Parliament every assistance in setting up such a self-help group at the Mound.

In Scotland, the profile of tinnitus was enhanced by the first Scottish tinnitus conference, which took place in Aberdeen on 3 November. The conference brought together people with tinnitus and people who have contact with tinnitus sufferers, to form friendships, to exchange experiences and perceptions and to help and encourage further support. I understand that more than 140 delegates attended the conference, which was a resounding success.

Scotland is sadly lacking in clinical support. There is only one audiological physician—Dr Irwin at Ninewells hospital in Dundee—and he has a waiting list of more than six months. I know that an urgent review of audiological services in Scotland has been requested of the Scottish Executive; perhaps we will soon hear something about that. The lack of provision is a disservice to Scotland's many sufferers. That, of course, is the key issue.

There is a real need to make the general public and opinion formers in both Parliaments and elsewhere aware of the real suffering of tinnitus sufferers. Only then will tinnitus research be given the priority it deserves to attract the funding that is necessary to make possible the “pill 4 tinnitus” and the development of other therapies.

I pay tribute to the 34 colleagues of all parties who have shown their interest in the issue by signing the motion; that figure was 35 until Mr Chisholm's elevation to the position of minister. Furthermore, I thank the Parliamentary Bureau for allowing the issue to be discussed and pay tribute to the more than 300 Westminster colleagues who signed the early-day motion or indicated their support if they could not sign because of their position in the Government.

This is an issue for us all, as parliamentarians and as caring members of our society, and I look forward to the Parliament's support to assist this often forgotten group of fellow citizens.

12:34

**Mary Scanlon (Highlands and Islands) (Con):** Members' business is becoming an opportunity to raise awareness of conditions that affect thousands of people and somehow get lost in the grand scheme of things. I am very grateful that Margaret Jamieson has raised this issue today. I began last week hardly able to pronounce mesothelioma, but by the end of the week I knew more about the condition. Similarly, I must admit that I have only heard of tinnitus; however, through this debate, we can raise awareness of the condition and find out more about it.

If I were to say to colleagues in the tea room at the back of the chamber that I had ringing, whistling, buzzing, hissing, whirring or humming noises in my ear, it is unlikely that I would attract much sympathy or serious medical concern. In fact, it is more likely that I would attract a humorous comment. That made me think that there are probably sufferers who do not even want to talk about their condition, because they feel that that is what is likely to happen.

At its worst, tinnitus can cause ceaseless loud bangs, whistles and metal-clashing noises inside the head. That is bad enough, but it also leads to anxiety, insomnia and depression. Bringing more attention to this chronic, neglected medical problem will help to bring greater understanding of its effects on people and will, I hope, encourage sufferers to join organisations, such as Tinnitus Action, that can offer free information and advice. Even just giving an explanation and offering reassurance to sufferers that they are not the only people in the world with the problem can do much to help understanding of the condition, to alleviate suffering and to help people to live with the problem.

We must raise awareness of the long-term effects of exposure to loud noises in younger people, which is probably the leading cause of tinnitus. Loud music has an obvious effect, but there are also issues to do with health and safety in the workplace. Employees should be fully informed of the potential long-term effects of exposure to loud noise. It should also be incumbent on employers to offer and insist on the use of measures to protect hearing.

I understand that certain drugs are used to treat tinnitus, the major one being Triptafen, which is usually prescribed for depression. That illustrates the depth of the problem and people's inability to speak about it.

I thank Margaret Jamieson for raising the issue. It has helped us to understand the problem and to bring awareness of the problem to a wider audience.

12:37

**Brian Adam (North-East Scotland) (SNP):** It is my pleasure to speak in support of Margaret Jamieson's motion. Many conditions seem to be neglected, largely because they are not life threatening and therefore given a lesser priority. Many chronic conditions, such as tinnitus, are not uppermost in the minds of the medical profession. There is ignorance among the medical profession of the problems associated with tinnitus. It is perhaps not only among members that awareness must be raised, but among those who have to deal with the problem professionally.

Margaret Jamieson encouraged us to support the production of a pill. There is not necessarily a pill for everything. A pharmacological solution may be possible, but we should not bank on that as the only means of offering relief. Margaret Jamieson noted that there is only one audiological physician in Scotland, but there are audiologists in the health service—though not many. I had the privilege of representing them for a short time on the NHS Whitley council. I am aware that there is a significant shortage of scientists trained in such work in the UK, particularly in Scotland. I hope that the minister will bear in mind the possibility of a scientific as well as a medical solution in any review of staffing.

I do not have much more to add other than to express my general support for the motion. I point out to Mary Scanlon that a number of drugs are used for a variety of purposes and that the fact that the principal indication for a drug is depression does not mean that it will not have beneficial effects in other areas.

For example, Amatriptyline, which is widely prescribed for depression, is also good as a muscle relaxant. The fact that a drug has antidepressant qualities need not be the reason why it has been prescribed. I would hate to think that those who have been prescribed Triptafen for tinnitus are really being given the drug to combat their depression—and I suspect that that is not the case.

12:40

**The Deputy Minister for Health and Community Care (Malcolm Chisholm):** Margaret Jamieson is to be congratulated on drawing Parliament's attention to the plight of tinnitus sufferers. The motion has received all-party support both in the Scottish Parliament and at Westminster. The issue is of interest and concern

across the political spectrum, including in the Executive as was recently demonstrated by the contribution that we made to the funding of the recent Scottish tinnitus conference that Margaret Jamieson referred to.

I am told that there are seven continuing and 14 recently completed research projects investigating different aspects of tinnitus. They are funded on a UK basis. Margaret Jamieson talked about the approach to the MRC with a specific proposal for tinnitus research. The MRC is independent of both the Scottish Parliament and Westminster and makes its own funding decisions. Having said that, it would be appropriate for us to draw its attention to the widespread support for today's motion. I will certainly do that.

About 20 per cent of people—1 million Scots—will suffer from tinnitus at some point in their lives. All three members who have spoken have mentioned the large number of people who are affected and the serious nature of the condition. We should remember what Mary Scanlon said about the fact that people sometimes wrongly make light of the condition. I hope that no one who is paying attention to the debate will do that again.

Although persistent tinnitus is more common with age, it is a misconception that it is confined to the elderly. Studies show that it can happen at any age, even in quite young children. Tinnitus is caused by damage to the tiny hair cells in the inner ear, which respond to sound waves. A false message is sent by the damaged cells to the brain and the sufferer hears a noise which is not there. There is no doubt that tinnitus is a common, distressing and often debilitating condition. When a specific cause can be identified, sometimes treatment can be curative. For example, avoiding exposure to loud noise, drinks containing caffeine, alcohol and other precipitating factors can be helpful.

If the cause is an ear infection, completing a course of antibiotics will clear up the infection and usually the tinnitus will disappear in a few days and may be no more than a minor irritation to the patient. Unfortunately there is no evidence, yet, that drug treatment for tinnitus is effective. Many preparations have been prescribed over the years, including antihistamines, antidepressants, anxiolytics, massive doses of vitamins, anticonvulsants and local anaesthetics. However, they have met with variable results.

We know that tinnitus is often a feature of Ménière's syndrome. There are a number of medicines licensed for the principal symptoms of that condition but drug treatments aimed at treating tinnitus alone have had little reported success. That said, there are measures available that help tinnitus sufferers. They include maskers, which block out the noises of tinnitus, hearing

aids, which suppress tinnitus by amplifying background noise, and relaxation techniques.

Margaret Jamieson has rightly drawn attention to the importance of research. We know that some researchers working in the area believe that the cure for tinnitus lies in drug treatment. For example, there has been interest in giving lidocaine, which is a local anaesthetic, to tinnitus sufferers to damp down the false signal that underlies the condition. However, to be effective, the lidocaine has to be given either intravenously, which carries considerable risk of causing abnormal heart rhythms, or by injecting it directly through the eardrum. Understandably, many patients found the second method too distressing and withdrew from the research project. I agree that it is vital that research efforts in this area should continue.

Against that background, it must be remembered that only a quarter of people who suffer from tinnitus seek medical help. The family doctor knows the patient's medical, occupational and social background. Examination may show a treatable cause, such as high blood pressure. If the situation merits and the patient wishes, the general practitioner can refer the patient to a national health service consultant. Traditionally, that consultant has been an ear, nose and throat surgeon. Margaret Jamieson talked about the small number of audiological physicians in Scotland. That may be one reason why referrals are routinely to a surgeon. After the debate, I will examine the matter of the number of audiological physicians.

**Brian Adam:** Will the minister also investigate the number of audiological scientists, who provide many of the front-line clinical services?

**Malcolm Chisholm:** I do not have information to hand about that aspect of the matter, but I will certainly examine it.

Sophisticated examination and investigation techniques can sometimes demonstrate a treatable cause for the tinnitus. Surgery is rarely indicated and is limited to very serious problems, such as a tumour on the auditory nerve. Cutting the nerve relieves the tinnitus but has the permanent and unwelcome effect of making the patient permanently deaf in that ear.

The NHS also provides support, counselling and pharmacological treatment for sufferers who become depressed and introspective as a result of the tinnitus.

In Scotland, the chief scientist's office is not directly funding research in this area and would be pleased to receive research applications. At present, Scottish Executive funding for research is awarded through that office. The Scottish Executive health department will continue to keep

itself informed of any national developments in the field.

I give an assurance that we will give careful consideration to all the points that have been raised. I hope that we can work together to achieve the aim that we all hold in common, which is to improve the support and services for all who suffer from this distressing and often debilitating condition.

12:48

*Meeting suspended until 14:30.*

14:30

*On resuming—*

**The Presiding Officer (Sir David Steel):** Before we begin question time, I want to say that last week's session was unacceptably noisy. I am determined that our question-and-answer sessions should not degenerate into the kind of shouting matches that are held elsewhere. [MEMBERS: "Hear, hear."] I remind members that the standing orders specifically require them to

"conduct themselves in an orderly manner".

I will be watching carefully for anyone who barracks other members persistently.

## Question Time

### SCOTTISH EXECUTIVE

#### Water Authorities

**1. David Mundell (South of Scotland) (Con):** In accordance with your comments, Presiding Officer, I will ask my question in a very quiet way.

To ask the Scottish Executive what powers it has to ensure that water authorities invest in infrastructure in rural areas. (S1O-2568)

**The Deputy Minister for Sport and Culture (Allan Wilson):** I will reply in an equally restrained manner.

The Executive has a wide range of statutory powers in relation to water authorities. In practice, both rural and urban investment needs are identified when we set the standards, which the authorities must meet, for drinking water quality and environmental protection.

**David Mundell:** I thank the minister for his answer, but will he take on board the concerns of the residents of areas such as Canonbie and Langholm, which are on the border not only between Scotland and England but between East of Scotland Water and West of Scotland Water?

Will the minister ensure that West of Scotland Water adopts an inclusive form of investment in its investment plans, rather than leaving out those peripheral areas?

**Allan Wilson:** I assure Mr Mundell that the Executive believes in inclusion, not exclusion. I further assure him and his rural constituents in Canonbie and Langholm, as well as those who live elsewhere in rural Scotland, that there is no discrimination between rural and urban areas in infrastructure investment by the water authorities.

Mr Mundell cites the example of West of Scotland Water, which will invest £95 million—17

per cent of the company's total investment—over the next three years, targeting that investment at communities of fewer than 3,000 residents. I hope that gives Mr Mundell the reassurance that he needs.

**Nora Radcliffe (Gordon) (LD):** Will the minister undertake to examine the problems of people who have private water supplies in rural areas? Is there scope for a grant scheme to enable them to fit mini filtration and treatment equipment, which can make those water supplies safer?

**Allan Wilson:** As the member will be aware, a consultation exercise on charging in general is being conducted at present. There is scope for members to feed into that exercise issues such as that raised by the member, so that the Executive can take on board those concerns.

### Hospitals (Medical Staff)

**2. Richard Lochhead (North-East Scotland) (SNP):** To ask the Scottish Executive what plans it has to ensure an adequate supply of qualified medical staff for Scotland's hospitals. (S1O-2559)

**The Minister for Health and Community Care (Susan Deacon):** At a national level, the Scottish Executive is already taking steps to increase the medical work force, including the 110 new doctor posts that were announced in June this year.

We recognise that that expansion must be matched with effective work force planning mechanisms, which we have been discussing with a range of interests. The Scottish health plan will set out our plans for improving and developing work force planning in the national health service in Scotland. The NHS locally will, of course, remain responsible for determining local staff needs.

**Richard Lochhead:** I thank the minister for her answer. I trust that she is aware of the great concerns, especially in Grampian, that exist about the lack of qualified medical staff, particularly consultants, who are available for recruitment.

Will the minister confirm how many vacancies exist for consultant posts in Scotland? Will she also confirm that the ratio of consultants per 1,000 of population in Scotland is 1:6 and that that ratio does not compare well with other European countries?

**Susan Deacon:** Recently, I answered some very detailed written parliamentary questions not only on the levels of consultant vacancies in Scotland but on additional consultant posts that are being developed.

It is important to distinguish between the national position and the local position. In Scotland, we do not have the overall capacity problems that are faced by the NHS in other parts

of the UK. For example, in England, there are 41 consultants per 100,000 of population, whereas in Scotland, there are 93 consultants per 100,000 of population, which is more than twice the level in England. However, in particular parts of the country there are shortages in particular specialities. My answer to Mr Lochhead's earlier question set out our plans for investment, expansion and better planning.

**Mr David Davidson (North-East Scotland) (Con):** Will the minister tell us what contact she has had with the Scottish universities that teach the various subjects that relate to medicine and associated professions? What proposals has she made to them to step up their throughput over the long term? This is a long-term problem, so we do not need to know just what she intends to do in the short term.

**Susan Deacon:** As I said in response to Richard Lochhead, the matter has been the subject of considerable discussion over recent months with a range of interests. We shall be setting out further proposals in the Scottish health plan, which is to be published next month. As Mr Davidson will be aware from his professional background, a range of bodies is involved in this area. Over the past few months, I have met representatives from a number of those bodies, including the Scottish Council for Postgraduate Medical and Dental Education and the royal colleges. I have also met representatives of other staff bodies, because we must be concerned not only with the medical work force but with the wider NHS work force. We are actively pursuing our work in this area and will be taking further action in the near future.

### Sustainable Development Ministers (Meetings)

**3. Mr Kenneth Macintosh (Eastwood) (Lab):** To ask the Scottish Executive whether there are any plans for the Minister for Education, Europe and External Affairs to attend meetings of the sustainable development group of ministers. (S1O-2579)

**The Deputy Minister for Sport and Culture (Allan Wilson):** The ministerial group on sustainable Scotland has already agreed that education has an important role to play in sustainable development. The Minister for Education, Europe and External Affairs may attend meetings of the group when topics within his portfolio are to be discussed.

**Mr Macintosh:** I welcome what Mr Wilson says, but was dismayed to find out that the Minister for Education, Europe and External Affairs is not a full member of that group. Does Mr Wilson agree that sustainable development is not just about the environment or green issues, but about social justice, combating poverty and, above all,

education? Unless the Executive recognises that at a ministerial level, it should come as no surprise that sustainable development is treated as a peripheral subject in our schools.

**Allan Wilson:** I certainly do not agree that sustainable development is being treated as a peripheral subject. Environmental education is within the remit of the Minister for Education, Europe and External Affairs, and it would be valuable to have Mr McConnell at meetings touching on a wide range of education issues, from environmental education to education on the spending programme for building and the wider environment. I pay tribute to Education 21, the World Wide Fund for Nature and other groups that are working with the Executive to promote education on the sustainable environment in schools.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** I hope that when the sustainability group next meets, it will be discussing carbon emissions. Is the minister aware that the most recent carbon emissions figures, for the years 1990 to 1995, show that England's output has reduced by 10 per cent, while Scotland's has increased by 0.7 per cent?

In view of that disappointing Scottish figure, surely a Scottish Executive minister should be in attendance at this week's climate change convention in the Hague. Why is there no Scottish Executive minister attending to represent Scotland's perspective? Is it because ministers are embarrassed, or is it simply because they lack ambition, as is clear from the Scottish climate change programme that was announced last week?

**Allan Wilson:** I am sure that the United Kingdom and Scotland will be well represented by John Prescott at the meetings to which Mr Crawford referred. It is a case of the pot calling the kettle black for the nationalists to be accusing us of increasing carbon emissions, given their policies on fuel tax.

### School Milk

**4. Mr Adam Ingram (South of Scotland) (SNP):** To ask the Scottish Executive what plans it has in relation to the provision of subsidised school milk. (S10-2556)

**The Minister for Health and Community Care (Susan Deacon):** Following the European Commission reduction in school milk subsidy from 95 per cent to 75 per cent, I announced on 17 November that we would fund the £380,000 per annum top-up required to maintain the subsidy at its current level.

**Mr Ingram:** I very much welcome the minister's reply and her announcement with regard to

primary schools. Does the Executive intend to fulfil the Labour party's 1997 election manifesto pledge to reintroduce subsidised milk in secondary schools and, if so, when?

**Susan Deacon:** I am glad that Mr Ingram supports a measure that has been taken by the Executive. It is refreshing, for once, to hear an SNP member acknowledge what we are doing. On diet generally, we are working to ensure that our investment decisions and policies allow us to make the interventions that will be most effective. The Scottish diet action plan, published a few years ago, provides a good policy statement about how that can be achieved. However, implementation has not been fast enough or active enough for my liking, which is why we will be seeking, through the national health improvement fund and measures to top up subsidies, to ensure that those policy aims are achieved. Ensuring that children get access to milk and that there is good nutrition in schools is part of that.

**Paul Martin (Glasgow Springburn) (Lab):** I must declare an interest in this issue, in that I was attending primary school when Baroness Thatcher decided to remove free school milk. I welcome the staff and pupils from my former school, St Catherine's Primary School, who are here with us in the public gallery. Will the minister join me in commending the Prime Minister for his attack yesterday on the milk snatcher, Baroness Thatcher, and use this 10<sup>th</sup> anniversary of her departure from Downing Street to declare the Executive's opposition to the Thatcherite policies that destroyed so many communities in Scotland?

**Susan Deacon:** I am happy to join Mr Martin in invoking the memory of Margaret Thatcher, milk snatcher. It is worth remembering that it is 10 years since Margaret Thatcher stood down, and that a new generation is coming through that may not remember just how bad her time in Government was. It is worth our reminding them.

**The Presiding Officer:** With great respect, I do not think that the minister is responsible for Margaret Thatcher. I should not have allowed that question.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** As you are aware, Sir David, I take an interest in dairy matters. [MEMBERS: "Cheese."] Members are overexcited. I belong to a generation that remembers the slogan, "Drink a pinta milka day". Does the minister agree that it would be a good idea to promote the drinking of milk, and that that would help some of our hard-pressed dairy farmers?

**Susan Deacon:** Over the years a range of promotional measures has been—and continues to be—taken, by Government and by industry, to increase the consumption of milk and other

products. Those measures will benefit the industry in Scotland and improve the nation's diet. In taking forward our work on improvements in the nation's diet, it is important that we build stronger links between industry and health interests. There are many win-wins here, and we should exploit them.

### Scottish Tourist Board

**5. Mr Kenny MacAskill (Lothians) (SNP):** To ask the Scottish Executive what the anticipated costs are for the recruitment of a new chief executive to the Scottish Tourist Board. (S10-2576)

**The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander):** Contract negotiations are for the STB rather than for the Executive. They are continuing, but I understand that the fee is expected to be around one third of the agreed first-year salary of the new chief executive.

**Mr MacAskill:** Given that we have already spent £100,000 on the PricewaterhouseCoopers report, should we not be seeking to stop funding bureaucracy and to start spending on marketing Scotland abroad? Last year, only £1.8 million was spent by the STB's marketing department in our main markets of the USA, Germany and France. What figure will the minister recommend should be spent this year, given the collapse that is taking place in the tourism industry at present?

**Ms Alexander:** I assume that Mr MacAskill has not focused on spending through the British Tourist Authority, which benefits the Scottish tourist industry, only for reasons of political prejudice.

On the tenuous link that he makes with the recruitment of a chief executive, I hope that there will be unanimity around the chamber that it is important to attract the right person for the job. The Scottish Tourist Board should be commended for the efforts that it is making in that regard.

### NHS Dental Service

**6. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** To ask the Scottish Executive whether the annual target of 120 dental graduates it has set is sufficient to meet the needs of the NHS dental service. (S10-2584)

**The Deputy Minister for Health and Community Care (Malcolm Chisholm):** The annual target of 120 dental graduates was set with full consideration of all issues. The target takes account of the estimated disease pattern over the next 10 years and maintains the quality of education in the teaching hospitals at Glasgow and Dundee. It was also set to maintain the balance of the whole dental team, taking into account the number of students and graduates

expected in other areas such as dental hygiene and dental therapy.

**Mr Rumbles:** Is the minister aware that there is a long-standing problem of access to national health service dental services in rural Scotland? The national average for Scotland is one dentist to every 2,500 people. However, in rural Aberdeenshire it is one dentist to every 4,500 people.

**Malcolm Chisholm:** The recently announced dental action plan reaffirmed the Executive's commitment to an effective and accessible NHS dental service for everyone who wants it. We put our money where our mouth is by putting considerable extra resources into that objective. I am aware of the problems in Mike Rumbles's area and in other parts of Scotland. We are keen to promote salaried posts and give direct access grants where there is unmet patient demand. Thirty such grants have already been given to the value of £750,000.

**Brian Adam (North-East Scotland) (SNP):** Given that the minister said that he is keen on salaried posts, will he consider whether new graduates ought to have, as part of their conditions, the requirement to provide an NHS service and not an exclusively private one?

**Malcolm Chisholm:** The implementation group on the access plan will make progress on access. We hope that the extra resources plus the new salaried posts and the direct access grants will achieve the desired purpose. If we do not make the progress that we want to make, other matters may have to be considered. That is not yet necessary.

**Mary Scanlon (Highlands and Islands) (Con):** Given that there is compulsory professional development for dentists, why was Dundee dental hospital offered £2.8 million for a new postgraduate centre last Wednesday, only to be told by the management executive on Thursday that it had made a mistake? How can the dental schools plan future training and education without the support of additional resources?

**Malcolm Chisholm:** The dental plan also takes full account of training dentists and the other related people such as hygienists, which I referred to in my response to the original question. I will look into the specific example of Dundee that she has given. Dental training is focused on Dundee and Glasgow. We are committed to funding and building up those centres.

### European Union Intergovernmental Conference

**7. Alex Neil (Central Scotland) (SNP):** To ask the Scottish Executive whether it has made any representations to Her Majesty's Government

regarding any proposed extensions to qualified majority voting in devolved policy areas to be considered at the Nice intergovernmental conference. (S1O-2591)

**The Minister for Education, Europe and External Affairs (Mr Jack McConnell):** The Scottish Executive is in regular contact with the UK Government about issues relating to the intergovernmental conference, including qualified majority voting. Such discussions are, of course, confidential.

**Alex Neil:** As the minister will know, three devolved areas could potentially be affected by the extension of qualified majority voting. What aspects of industrial policy in Scotland will be affected by those measures? What potential impact will there be on the responsibilities of the Minister for Enterprise and Lifelong Learning?

**Mr McConnell:** It is appropriate to explain why it is important that those discussions are confidential. It would be wrong if we were to compromise the important negotiating position of the UK Government in those intergovernmental discussions by having a public debate with it in advance of its going into debate with other countries. In the Scottish Executive we want—

**Alex Neil:** Mr McConnell anticipated the wrong question.

**Mr McConnell:** No.

We want to influence the UK's position. Having influenced that position, we want to ensure that it is successful. The position will cover a range of matters, which will include industrial policy, environmental taxation and other issues. We will not declare those discussions publicly.

**Hugh Henry (Paisley South) (Lab):** Is it not the case, minister, as we saw in the negotiations about the structural funds in Berlin last year and again at this year's agricultural summit, that Scotland benefits from being part of a major member state? Is it not the case that after the Nice summit the voting strength of the larger states will be further increased as a proportion?

**Mr McConnell:** That is possible. We would not want to anticipate the outcome, although we expect that that might arise.

It is important to re-emphasise the point that the strength of the UK's negotiating position will come partly through the extent of the UK's influence in the European Union and partly through the cohesion in its point of view. That is precisely why we do not make the discussions public in advance.

**Ben Wallace (North-East Scotland) (Con):** Given the importance of the Nice summit, will the minister confirm whether any officials from the Scottish Executive or Scotland House in Brussels

will be attending it so that they can influence the negotiating positions on behalf of Scotland?

**Mr McConnell:** The Scottish Executive is happy that Scotland's interests will be well represented at the Nice summit by the full UK delegation.

### Scallop Industry

**8. Mr Jamie McGrigor (Highlands and Islands) (Con):** To ask the Scottish Executive what plans it has for the future of the scallop industry. (S1O-2587)

**The Deputy Minister for Rural Development (Rhona Brankin):** The Scottish Executive is anxious to ensure the continued high reputation of the Scottish scallop industry and to promote a sustainable future for it.

**Mr McGrigor:** First, generous compensation is being paid by the European Commission to Spanish and Portuguese fishermen whose boats have been tied up because they cannot get access to Moroccan fishing grounds. Why, in that case, does not the minister demand similar help for our scallop fishermen who have been tied up—or, rather, whose boats have been tied up [*Laughter*—off and on for two years without any income whatever?

Secondly, considering that 97 per cent of scallops in the UK are processed—which removes the toxic organs effectively—and only 3 per cent are sold in their shells, why should the whole Scottish scallop industry be destroyed when only a tiny percentage of scallops could pose a threat? Why does the Executive not approve a scheme that would enable only the white muscle of scallops to be marketed in Scotland, in the event of a ban?

**Rhona Brankin:** Tying up scallop fishermen is not a measure that I would welcome.

There has always been a general presumption against providing compensation for the effects of fish diseases, but we have sought the industry's views on measures that are available to manage the risks of such closures in the longer term—through, for example, the relaxation of licensing conditions—or measures to assist in the diversification of the scallop fleet, through the financial instrument for fisheries guidance.

The issue of testing is a matter for the Food Standards Agency. The Food Standards Agency has raised the issue of tiered testing in Brussels and a science paper has been commissioned that will be presented to an amnesic shellfish poisoning working group in January 2001, with the aim of providing for the introduction of the new system in spring 2001.

**Mr Alex Salmond (Banff and Buchan) (SNP):** Given the fact that the entire work force of Abacus

Seafoods in Mintlaw has been issued with redundancy notices, is the minister aware of the devastating impact of 100-plus job losses in the small rural communities of central Buchan? Abacus Seafoods is a modern factory with a first-class work force, but it will be the first in a blizzard of closures in the fish processing sector unless the minister can take action to help that sector.

Given that many of the factors that adversely affect the fish processing sector are under Government control, what strategy does the minister have to help the workers of Mintlaw, and other fish processing workers in Scotland?

**Rhona Brankin:** I announced recently that, together with Scottish Enterprise Grampian, I am considering the future of fish processors in Scotland. I will be happy to discuss the issue with Mr Salmond and give him more information about our plans to examine the impact of what is happening in the processing industry.

#### **Rural Economy (Fuel Costs)**

**9. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** To ask the Scottish Executive what impact fuel costs will have upon the rural economy in Scotland from now until April 2002 and what measures it will take to address any such impact. (S1O-2585)

**The Minister for Transport (Sarah Boyack):** We have long recognised that fuel prices are of special significance to rural businesses and rural communities and the Executive has used its devolved powers to help to mitigate their impact. As part of our three-year £500 million programme of public transport investment—and investment in transport generally—we have increased the public transport fund to £150 million, invested £18 million in the rural transport fund and announced an additional £55 million for lifeline services in the Highlands and Islands.

**Fergus Ewing:** Does the minister agree that nothing has been done for rural motorists, especially those who have low incomes and who rely on a car to travel to work or to find work? Does she agree with SNP members that an immediate commitment to cut fuel tax to European levels is needed; that we must end the inequity of the price differential in the Highlands and Islands; and that we need an immediate cut of 10p a gallon in excise duty on fuel?

**Sarah Boyack:** That is another new policy from the SNP while the Government is delivering. Following Gordon Brown's pre-budget statement, major benefits will be experienced directly by motorists and businesses throughout rural Scotland. The benefits for the haulage industry are equivalent to an 8p per litre reduction in fuel duty. That means that more than 30,000 lorries will have

a 50 per cent reduction in their vehicle excise duty, which has been abolished for tractors and agricultural vehicles. For Scottish motorists generally, the Executive is ensuring that it lobbies Westminster. I note that Calum Macdonald secured a debate at Westminster on fuel duties the week before the pre-budget statement—not one SNP MP attended.

#### **Family Poverty**

**10. Christine Grahame (South of Scotland) (SNP):** To ask the Scottish Executive what steps it is taking to alleviate family poverty. (S1O-2578)

**The Minister for Social Justice (Jackie Baillie):** We are investing over £470 million in early education, child care and sure start Scotland to break into the cycle of deprivation and give children the best possible start in life. We are also providing parents with the means to build skills and improve their employability. Furthermore, we are taking steps to help low-income families directly through a proposed £24 million water affordability scheme and a £350 million central heating initiative.

**Christine Grahame:** It has been consistently claimed in the chamber that the union is a success—Hugh Henry did so a short time ago. If so, why does Scotland—which is one of the top ten richest nations in the world—have levels of child poverty that are among the highest in the developed world?

**Jackie Baillie:** I am glad that Christine Grahame recognises that the union is indeed a success. Since 1997, through a partnership arrangement between Labour at Westminster and a Labour-led Scottish Office—now the Scottish Executive—we have reduced child poverty by 70,000; 40,000 in the first year and 30,000 in the second year. We are on course to reduce child poverty by 100,000, which is something that this side of the chamber cares deeply about.

**Mr John McAllion (Dundee East) (Lab):** Does the minister accept that family poverty is especially harsh among the asylum seekers who are currently resident in Scotland? Furthermore, is she aware that voluntary organisations and charities are already being required to make emergency payments to asylum seeking pregnant women and families who have newborn children, who are in receipt of vouchers, but who are receiving no additional official help to meet those extra costs? Will she agree to take up that issue and the many other issues concerning asylum seekers that were raised at this week's Social Inclusion, Housing and Voluntary Sector Committee meeting both by representatives of the national asylum support service and by Home Office ministers? Will she ensure that, from this point on, asylum seekers are afforded the same respect and human dignity as

every other resident of Scotland?

**Jackie Baillie:** I thank John McAllion for his comments. We recognise some of the problems that asylum seekers experience and we are discussing the matter with both voluntary sector organisations and local authorities. Indeed, given his responsibility for the matter, my colleague Malcolm Chisholm is certainly aware of those problems. Earlier, the Executive indicated that it will monitor precisely what is happening to asylum seekers and that it will take that review forward.

**Donald Gorrie (Central Scotland) (LD):** Will the minister co-operate with the Minister for Health and Community Care and the Minister for Justice to tackle the issues that arise from the misuse of alcohol, which causes family disputes and break-ups, the abuse of children and the raising of children in a very unsatisfactory atmosphere? I hope that she and her colleagues can start to tackle such problems.

**Jackie Baillie:** I can certainly give a commitment to co-operate very closely with the two ministers that Mr Gorrie mentioned. Indeed, in the next few weeks, the chamber will have the opportunity to debate a national strategy on alcohol misuse.

### Railways

**11. Iain Smith (North-East Fife) (LD):** To ask the Scottish Executive when it plans to announce details of the consultation exercise for the renewal of the ScotRail franchise and how wide that consultation will be. (S10-2583)

**The Minister for Transport (Sarah Boyack):** The draft strategic priorities for Scotland's passenger railways will be issued for public consultation in the near future. The consultation will last 12 weeks.

**Iain Smith:** Will the minister ensure that there will be full consultation of rail users, local communities and relevant councils on any proposed changes to local rail services before they are introduced? For example, in my North-East Fife constituency, ScotRail has admitted that it failed to consult properly before it removed the 8:17 service from Leuchars, Cupar and Ladybank to Edinburgh in May and the 9:22 service from Ladybank in September. Will the minister join me and local campaigners in calling for those services to be restored as soon as possible?

**Sarah Boyack:** There are standard procedures that must be followed when any timetable change is proposed. I understand from ScotRail that it intends to address the particular constituency issue to which the member referred in the new timetable, when it is introduced.

**The Presiding Officer:** We move to question 12. I call Elaine Thomson.

**Elaine Smith (Coatbridge and Chryston) (Lab):** On a point of order, Presiding Officer, question 12 is in my name.

**The Presiding Officer:** I am sorry. I call Elaine Smith to ask question 12.

### Disadvantaged Children

**12. Elaine Smith (Coatbridge and Chryston) (Lab):** To ask the Scottish Executive what steps are being taken to support disadvantaged children in their early years. (S10-2571)

**The Presiding Officer:** I apologise again to Elaine Smith. My sheet was mistyped. I call Nicol Stephen to respond to her question.

**The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen):** Our programme for government commits us to a range of targets to give all children the best possible start in life. Those targets include nursery education for all three and four-year-olds whose parents want that and a major expansion of child care provision. We are providing additional support for families in deprived areas who have very young children through sure start Scotland and through the health demonstration project, Starting Well. To achieve more and better-integrated support for vulnerable children, we have just announced the establishment of a children and young people's change fund.

**Elaine Smith:** The minister mentioned child care. I ask again: will the plight of shift workers, many of whom work in vital public services and who have difficulty accessing child care, be considered? Will the minister expand further on exactly how the £70 million children's change fund will have an impact in Coatbridge and Chryston? How can that funding be accessed?

**Nicol Stephen:** We are committed to further significant expansion of child care. The target is 100,000 additional places and the public sector is a priority area for expansion.

On the change fund, an additional £73 million has been announced, £32 million of which is due to be spent in 2002, with a further £41 million to be spent in 2003. We intend to consult on the change fund—the consultation process will start next month—on the priorities for new projects and on how the money should be allocated. We have said that we intend to support only proposals that have the backing of the local council, the local health board and local voluntary organisations.

### Textile Industry

**13. Dr Elaine Murray (Dumfries) (Lab):** To ask

the Scottish Executive what action it is taking to support the textile industry in the south of Scotland and to retrain textile workers made redundant for alternative employment. (S1O-2590)

**The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander):** The Scottish Executive recognises the importance of the textile industry to the south of Scotland. Scottish Enterprise Dumfries and Galloway and Scottish Enterprise Borders are working closely with many textile companies. When redundancies occur, support is provided, including for retraining, mainly through the local enterprise company network. The Scottish textile forum, which is chaired by the Scottish Executive, is currently working up a national strategy for future support of the textile industry.

**Dr Murray:** Is the minister aware that, a fortnight ago, 86 job losses were announced at the knitwear manufacturer Robertson of Dumfries Ltd, only days after the announcement of the creation of up to 700 jobs in the new technologies at the Crichton campus also in Dumfries? Does the minister agree that rapid action must be taken to ensure that people who lose their jobs in traditional industries are reskilled in the new skills that are required to work in the new technologies, which would allow them to take advantage of forthcoming job opportunities?

**Ms Alexander:** More can be done to retrain and upskill the textile industry. We are therefore delighted that Heriot-Watt University has been awarded a Faraday partnership to improve technical textiles, which are the high-value end of the market, where the industry's future lies. I am happy to confirm that we plan to launch a campaign early next year to make clear to all the textile companies in the area the full spectrum of public support that is available to them, including the teaching company scheme, which should raise quality in the way that the member seeks.

**Euan Robson (Roxburgh and Berwickshire) (LD):** Does the minister understand that there are concerns about skills and labour shortages in certain parts of the textiles industry in the south of Scotland? Will she ask Scottish Enterprise to devolve funding to Scottish Enterprise Borders to allow it to take the lead on those and other issues that affect the textile industry in Scotland?

**Ms Alexander:** We are discussing with Scottish Enterprise and Scottish Enterprise Borders how they can manage joint textiles activity most effectively across the network. Some of the work will be done locally—I think, for example, of this year's increase in resources for local action plans for both the Borders and Dumfries and Galloway—but there are other areas where we will want to bring the full weight of the network to bear.

I had a meeting yesterday with Scottish Trade International, at which I discussed the importance of ensuring that textiles remains a key export sector for the whole of Scotland and a priority for the organisation's work globally.

### Social Justice

**14. Irene Oldfather (Cunninghame South) (Lab):** To ask the Scottish Executive what steps it is taking to promote social justice in deprived communities. (S1O-2586)

**The Minister for Social Justice (Jackie Baillie):** Our social justice annual report sets out in detail the actions that we are taking to promote social justice across Scotland. As part of that programme of action, we are providing £150 million over three years to fund 48 social inclusion partnerships that are tackling the problems of disadvantaged groups and areas.

**Irene Oldfather:** The minister will recall that, earlier this year, £90 million was set aside for the better neighbourhood fund. Can the minister tell me what criteria will apply to the allocation of that money and will she also say a little about the time scale within which local authorities can expect to access the money?

**Jackie Baillie:** Irene Oldfather is correct about the fact that the better neighbourhood fund was announced by Jack McConnell in September with the provision of £90 million over three years. The member will appreciate that I cannot at this stage give any details of the criteria on which the awards will be made. I can say that Angus MacKay and I are considering how best to target communities that are suffering from deprivation to help them to improve their local services. We will discuss that with the Convention of Scottish Local Authorities.

**Ms Margo MacDonald (Lothians) (SNP):** Does the minister agree that a short-cut to taking as many children as possible out of poverty might be for the Government in Westminster—which she supports—to return to the old-fashioned idea of taking from the rich, who have too much, and giving to the poor children, who do not have enough?

**Jackie Baillie:** That is exactly what is happening. The increase to child benefit and the increase to the working families tax credit, through which 1 million families will benefit, demonstrate that our agenda is about getting people back in to work, because that is the best way to tackle poverty.

**Phil Gallie (South of Scotland) (Con):** I will return to the subject of the original question. Does the minister agree that a large proportion of deprived communities have received considerable amounts of cash aid in recent years from consecutive Governments? Does she recognise

the postcode discrimination that excludes many deprived people from enjoying the benefits of that investment?

**Jackie Baillie:** The only part of Mr Gallie's question that I recognise is the part about the Government doing something about the persistent poverty that occurs in our communities. It is only right that we should place resources in the communities that are most disadvantaged, to reverse the inheritance that the Conservatives left us.

**The Presiding Officer:** Question 15 has been withdrawn.

### Water (Fluoridation)

**16. Mary Scanlon (Highlands and Islands) (Con):** To ask the Scottish Executive how the consultation on any proposals to fluoridate the water supply will be conducted and who will carry out such consultation. (S10-2581)

**The Minister for Health and Community Care (Susan Deacon):** I have announced the Scottish Executive's intention to launch in the new year measures to consult on and raise awareness of measures to improve children's oral health. A consultation document will be disseminated extensively, in print and electronically, to encourage the widest possible public participation in this important debate. The document will include options for fluoridation.

**Mary Scanlon:** Given that a University of York study states that the research evidence is of insufficient quality to allow confident statements to be made about potential harms, or about whether there might be any impact on social inequalities, will the minister ensure that up-to-date research is done and that accurate information is available before decisions are made in Scotland? Will she also recommend that members of her party are allowed a free vote on the issue?

**Susan Deacon:** It is unfortunate that Mary Scanlon quotes selectively from that report, which is an important study on the issue. I commend the report to members. I am sure that it will feature in the debate that we will have on the subject. It shows the benefits to dental health that can be derived from fluoridation and demonstrates that there is no association between fluoridation and cancer or other health problems.

As I have said repeatedly in the chamber, this is a sensitive issue. It is not a party political issue. People have differing, but equally strong views on the matter. I have given a commitment that there will be a full debate in Parliament and a full consultation process. However, let us remember that we are aiming to improve our children's teeth. Let us take that as our starting point and then have a sensible debate about the best way of

doing that.

**Mrs Margaret Smith (Edinburgh West) (LD):** Fluoridation is an important issue. As the minister knows, dental extraction has been a major reason for children's admission to hospital. Can the minister assure us that the consultation next year will examine options such as the use of fluoride tablets and targeting, and that fluoridation of the water supply will not be the only option?

**Susan Deacon:** I am pleased to give that assurance, as I did in the dental health debate in the chamber a few weeks ago. I repeat that I hope that we will think widely about all the options to improve dental health. Margaret Smith said that dental extraction was one of the biggest causes of children being admitted to hospital for general anaesthesia. In fact, it is the biggest cause of children under the age of five having to receive general anaesthetics in hospital. I hope that we will address that severe problem.

## First Minister's Question Time

### SCOTTISH EXECUTIVE

#### 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-675)

**The First Minister (Henry McLeish):** The Executive's priorities were set out clearly in "Making it work together: a programme for government" which was published last September. The Executive will update its priorities for future action in the light of the substantial progress that has already been made in making a difference for the people of Scotland.

**Mr Swinney:** Given that hospital waiting lists have increased by 15 per cent in 12 months, will the First Minister tell us when he will deliver on the Labour election pledge to get waiting lists down and keep them down?

**The First Minister:** We will be on track to achieve the targets by 2002. The figures are not as good at present as we would like them to be. That is why we are investing record sums of money in the national health service, which will tackle the neglect of 20 years under the Conservatives. We are dealing with this issue in every part of Scotland. I reassure John Swinney that this is a priority for the coalition. We hope that the investment and the changes to structure that we make will help. If we take Tayside as an example—[MEMBERS: "Tayside!"] Let us be transparent—we will not run away from the issues. We are making changes to structure and personnel and we are trying to get the financial basis of the health authority in Tayside on to a sound footing. That will allow us to make significant progress over the next few years.

**Mr Swinney:** It is not a great omen for the First Minister to cite Tayside, given that his Minister for Health and Community Care managed to go there yesterday to announce the great way forward without knowing that waiting lists in the area have increased by more than 47 per cent over 12 months. The First Minister has given me an assurance, which, he tells me, is based on hope. We do not take that terribly seriously on this side of the chamber. Can he give me an absolute assurance that health waiting lists will be reduced by the time the general election takes place, which was the commitment that the Labour Government gave? When will waiting lists come down and stay down?

**The First Minister:** I cited Tayside because it is obvious that that is what Mr Swinney has been

asking about for the past couple of minutes. We will take this issue seriously. We are waiting to deliver on the targets that we have set in Scotland. I am the first to concede that the figures in Tayside are not what we would like them to be. However, it should be recognised that £339 million is being spent in 2000-01, which will rise to £358 million in 2001-02. We cannot turn around a situation in which the health service had been run down to one in which we can achieve all the targets that we would like to achieve. However, the Administration is optimistic that those targets can be achieved. Many positive things are happening around Tayside. It does not augur well that some issues should suddenly become political footballs, perhaps because of a by-election that is taking place. This is a serious matter for Tayside and the rest of Scotland. This partnership is addressing the issue.

**Mr Swinney:** Is it not amazing that politics has suddenly come into the health service? The First Minister was one of the people who, in the 1997 general election campaign, made getting hospital waiting lists down and keeping them down an absolute promise to the people of Scotland.

Is it any surprise that the Joseph Rowntree Foundation survey of this month showed that nine out of 10 Scots do not trust this Government? Is not the sort of evasion that we have heard from the First Minister the reason for that? Will the First Minister explain how, having failed even to stabilise hospital waiting lists—they are higher today than when the Conservatives left office in 1997—he can hope to deliver lower waiting lists? When will waiting lists come down—and how will they stay down?

**The First Minister:** More people than ever before are now being treated in Scotland. That is an important point to make—after that subtle shift from waiting lists to the Joseph Rowntree Foundation. All of a sudden it is about politics.

In the 1997 election campaign, the SNP committed itself to a pitiful increase of £35 million for 2000-01. [Interruption.] Its members may not like the figures, but let us listen a bit longer. We are providing an increase of £1.2 billion. That tells us that the NHS remains the highest priority for this partnership. We will deliver on the pledges that we have made.

At present, a record level of investment applies to a neglected service. When we publish the health plan on 14 December, it will show that there is only one party in this coalition—along with the Liberal Democrats—[Laughter.]—that wants to ensure that the NHS will provide the service that the Scottish people want. I am convinced that we shall do it. We shall.

**The Presiding Officer (Sir David Steel):** I ask

members to settle down before we come to question 2.

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

**2. David McLetchie (Lothians) (Con):** To ask the First Minister—when he has recovered his composure—when he next plans to meet the Secretary of State for Scotland and what issues he intends to raise. (S1F-674)

**The First Minister (Henry McLeish):** I speak regularly to the Secretary of State for Scotland on the telephone. There is every chance that I will meet him somewhere in Glasgow later today.

**David McLetchie:** At that meeting, the impending further by-election in Falkirk West will no doubt figure prominently, now that Mr Canavan, the runaway bride, has jilted the First Minister at the altar. I am sure that the First Minister would anticipate that election with more confidence if he had a better record to defend.

Mr Swinney referred to Labour's election manifesto commitments on health waiting lists. The First Minister referred to the Conservative record. Will the First Minister confirm that, according to the latest figures, more patients are waiting for treatment in the national health service today than when the Conservatives left power? Is it not the case that Labour set the standard by which it would be judged and that, by its own standard, it has failed—and failed miserably?

**The First Minister:** David McLetchie's proposition is simply not true. The important point is that, apart from the record sums that we are spending, 50 per cent of patients never go on the waiting list, as they are seen at once. Of the people who go on the waiting list, 43 per cent are seen within a month and more than 80 per cent are seen within three months. We want to build on that record. The suggestion that the situation is worse than it was under any Conservative Administration is simply not true.

**David McLetchie:** I am afraid that the First Minister's grasp of figures is about the equal of that of his Minister for Health and Community Care. He has omitted to note in his research that the waiting list has risen by 2,000—over the period from March 1997 to September 2000. He has failed to note that the proportion of patients seen within nine weeks of a general practitioner's referral was 71 per cent in March 1997 and is now down to below 65 per cent. He has failed to note that the proportion of people who had to wait more than 18 months for an appointment was 8.4 per cent in March 1997 and is 11.8 per cent today.

The fact is that, on all those key indicators, the First Minister has failed and his Administration has failed. With a record like that, is it any wonder that his health minister wants to forget it?

**The First Minister:** Once again we have a rather selective set of statistics from David McLetchie. Waiting times in Scotland are the best in the United Kingdom. He should accept the figures I gave about the record number of patients who have been treated within the time constraints I mentioned. The key question is, if the health service had been supported by the Conservatives, why would we need to spend £1.2 billion extra on it? That speaks volumes about the situation in which we find ourselves.

Of course the figures are not good enough. The Minister for Health and Community Care and the Executive have said so. We want to ensure that the structural changes and the massive investment that is going into the health service will deliver. That is what we are attempting to do and I am convinced that it will happen.

**Iain Smith (North-East Fife) (LD):** Does the First Minister agree that the Scottish Executive is not responsible for promises made by the Labour party in the 1997 general election, but is responsible for the promises made in the partnership agreement and the programme for government of 1999? The partnership agreement confirms that waiting times, not crude waiting lists, are the important measure in determining how well we are delivering health services in Scotland.

**The First Minister:** There is an issue over waiting lists and waiting times that the Minister for Health and Community Care will be looking at over the next few months. It is vital that we have a consistent set of measures that everyone can use as a benchmark. This week, political mischief was made over whether a minister publishes a press release every time figures are released. I believe that the best way forward is to be very open and transparent about the figures and to ensure that they are published every quarter. It is immaterial whether the minister puts out a press release, but we should go further than just publishing the figures on the web—so that the people of Scotland and commentators are aware of the figures.

### **Student Support**

**3. Marilyn Livingstone (Kirkcaldy) (Lab):** To ask the First Minister what new action is being taken to expand opportunities for students from low-income families to attend university. (S1F-680)

**The First Minister (Henry McLeish):** We are making available £18 million over the next three years through the Scottish Higher Education Funding Council to help widen access. That will fund some 800 additional places, to be targeted in such a way as to maximise their take-up by low-income and under-represented groups.

**Marilyn Livingstone:** I thank the First Minister for his answer. Does he, like me, welcome the

articulation agreements between the further and higher education colleges and universities? What steps will the Executive take to ensure that there is equity at the point of entry into university for vocational and traditional qualifications?

**The First Minister:** That is part of the partnership's plans. Over the past 18 months, we have given a great deal of consideration to higher and further education, resulting in record levels of investment for the next three years. We are determined to ensure that equity remains a priority, for example by the pilot scheme in Ayrshire paying educational maintenance allowances; through ensuring that we get young people with good qualifications; and through building on schemes such as that announced by the Royal Bank of Scotland this week to provide transitional funding to help access for students from low-income families.

The £50 million investment we are already making will provide very substantial grants to young people from low-income backgrounds. It is vital that a higher proportion of young people from less well represented social and economic groups enter higher and further education. The way to achieve that is through a strong relationship between schools and the further and higher education sectors and, as Marilyn Livingstone has said, by making sure that we have a strong link between further and higher education, as the one often leads to progress to the other.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** Given that the £750 funding arrangement is available for more places than the number of additional places planned for higher education, will the First Minister give an assurance that no student will lose out on a place in higher education because their parents earn more than £10,000?

**The First Minister:** No one will lose out in that way. Over the next few years we are expanding the number of places in higher education and we are giving additional support to SHEFC—Brian Monteith may shake his head but this is what we are doing. SHEFC will ensure that there is additional funding so that young people from low-income backgrounds will have support so that they do not miss out on higher education.

Let me nail the Conservative myth that there is a contrast between widening access and excellence—we are pursuing both. I hope that that has the support of the whole Parliament.

### Renewable Energy

**4. Ms Margo MacDonald (Lothians) (SNP):** To ask the First Minister how the Scottish Executive plans to enhance its strategy for the development of the renewable energy industry. (S1F-670)

**The First Minister (Henry McLeish):** The

Scottish Executive is committed to promoting strongly the development of new renewable sources of generation in Scotland. Counting the output from existing hydro schemes and renewables projects that are in the pipeline under the Scottish renewables obligation, we expect that up to 13 per cent of Scottish electricity demand will be met from renewables by 2003.

**Ms MacDonald:** Do I sense some frustration behind the First Minister's words? He does not enjoy the real, sovereign, political power of his Norwegian counterpart, who has a sense of economic security engendered by the knowledge that he has an oil reserve fund of £60 billion and who would therefore be able to order—now—an upgrading of the electricity grid, were it needed in Norway. It is certainly needed in Scotland. Is the First Minister not galled by the fact that he cannot use—now—the extra taxation that is paid by the oil companies into the Exchequer, to ensure that Scotland invests in wave power to stay ahead of the rest of the world in that technology?

**The First Minister:** I hope that this will not be misconstrued, but I am not as frustrated as Margo thinks I am, in terms of the question.

**Ms MacDonald:** Good, Henry.

**The First Minister:** That is okay. I like to build links with Margo.

We are pursuing a vigorous policy on renewables. That is vital as we move into the 21<sup>st</sup> century. I believe that, working in Scotland and the United Kingdom, we will be able to move forward quickly. I said that 13 per cent of demand would be met by renewables; it is our aspiration to add a further 5 per cent to that. That would be significant.

On the issue of energy, oil and foreign comparisons, there was a remarkably entertaining article in *The Sun* this week by Mr Jim Sillars. I do not know whether these qualify as energy renewables, but the article says that

“even with a lighted torch and a can of paraffin in his hands, John Swinney can't set the political heather on fire”.

Maybe some renewable energy is required on Mr Swinney's side of the chamber.

**Ms MacDonald:** On a point of order. Is it in order for the First Minister to aim low blows at a back bencher? [*Laughter.*]

**The Presiding Officer:** Low blows have been known before. No doubt they will be known again.

**David Mundell (South of Scotland) (Con):** Does the First Minister agree that one of the main blocks to the renewable energy industry—for example the hydro scheme on the River Mouse near Lanark—is the charges for connection to the main network that are proposed by Scottish Power

and others? Will he undertake to discuss the level of those charges with those companies and the UK Government? They render many renewable energy schemes uneconomic.

**The First Minister:** I am certainly willing to give that assurance. When we are dealing with new energy, we need to consider the issues that—although they may seem small when considered from a strategic point of view—are very important to that end of the business. Wendy Alexander, Sarah Boyack and Sam Galbraith will be looking into this matter—I am happy to assure Mr Mundell on that.

### Coastal Erosion

**5. Scott Barrie (Dunfermline West) (Lab):** To ask the First Minister what action is being taken to protect coastal areas from the effects of erosion. (S1F-682)

**The First Minister (Henry McLeish):** Additional resources have been made available from the spending review to allow councils to take forward coast protection measures that they decide are required.

**Scott Barrie:** I welcome that answer and, on behalf of the people of Fife, welcome Sam Galbraith's announcement this week. Does the First Minister agree that one of the major reasons for coastal erosion is climatic change? Does he agree that we need to do all we can to stop fossil fuel emissions in Scotland?

**The First Minister:** The Executive is considering at least two reports on climate change. Such discussions are, of course, taking place worldwide. We want a rational energy policy. We want to consider carefully the flooding that has occurred and we want to ensure that our environmental policies are as sound, safe and secure as possible for the future of the country.

### Medical Accidents (Compensation)

**6. Brian Adam (North-East Scotland) (SNP):** To ask the First Minister whether the Scottish Executive has any plans to introduce no-fault compensation schemes for medical accidents and mistakes. (S1F-672)

**The First Minister (Henry McLeish):** We have no plans to alter the way in which compensation is claimed and settled for acts of possible negligence. Our efforts continue to be directed at ways of continually improving clinical performance and standards and so to reduce the incidence of negligence.

**Brian Adam:** Does the First Minister agree that one of the reasons for shortages in some medical specialties is the fear of litigation? Would not the introduction of no-fault compensation schemes

allow greater recruitment into specialties that are suffering shortages because of that fear?

**The First Minister:** There is one national health service that has such an arrangement—New Zealand. The health departments in Scotland and England are examining the questions of negligence and best practice. Rather than pursue a no-fault arrangement, we are seeking to ensure that we are effective in establishing and operating risk management procedures. That will go a long way towards tackling some of the concerns that have been raised. We are addressing the issue within Scotland and the UK.

**Ms Margo MacDonald (Lothians) (SNP):** Thank you for allowing me to ask another question, Presiding Officer.

Will the First Minister assure me that, as part of the review into compensation that is paid to people who through no fault of their own have contracted some disease or illness, the people who contracted hepatitis C in the early to mid-1980s will be afforded similar consideration as was shown to those who contracted CJD?

**The First Minister:** Margo MacDonald has raised two issues that are related in some respects, but which are being dealt with entirely differently. I have briefings on both issues and I would be delighted to write to the member on them.

## Decision Time

15:31

**The Presiding Officer (Sir David Steel):** There are eight questions to be put to members as a result of today's business.

The first question is, that motion S1M-1376, in the name of Mike Rumbles, on the recommendations of the Standards Committee's fourth report of 2000, be agreed to.

*Motion agreed to.*

That the Parliament agrees the recommendations of the Standards Committee, as set out in its 4th Report 2000, on the investigation of complaints, the appointment of a Standards Commissioner and other matters.

**The Presiding Officer:** The second question is, that motion S1M-1382, in the name of Murray Tosh, on the Procedures Committee report on parliamentary questions, be agreed to.

*Motion agreed to.*

That the Parliament notes and agrees to the recommendations contained in the 1st Report 2000 of the Procedures Committee *Preliminary Report into the Volume of Written Parliamentary Questions and the Scottish Executive's Speed of Response* (SP paper 169), as set out on pages 1 and 2 of the Report and reproduced below:

(a) to agree the terms of the proposed agreement between the Parliament and the Executive (as detailed on page 1 of the Report);

(b) that a continuing seminar on the resources for obtaining information and the appropriate use of parliamentary questions, and involving members, the Scottish Executive and Parliamentary officials, be organised by the Parliamentary authorities to assist those involved in the drafting of parliamentary questions, primarily members' researchers and assistants;

(c) that internal departmental telephone directories of the Scottish Executive be made available to all MSPs; and

(d) that to facilitate the tracking of parliamentary questions and the answers submitted, the Parliamentary authorities should investigate now the feasibility of placing the date on which questions are lodged in the relevant Parliamentary publications.

**The Presiding Officer:** The third question is, that motion S1M-1383, in the name of Murray Tosh, on the Procedures Committee's report on private legislation and changes to standing orders, be agreed to.

*Motion agreed to.*

That the Parliament notes

(a) the terms of the 2nd Report 2000 of the Procedures Committee *Private Legislation in the Scottish Parliament* (SP Paper 204) and agrees to amend the Parliament's standing orders in terms of the amendments set out in Annex B to the Report;

(b) the terms of the 3rd Report 2000 of the

Procedures Committee *Changes to Standing Orders of the Scottish Parliament* (SP Paper 205) and agrees to amend the Parliament's standing orders in terms of the amendments set out in Annexes A and B to that Report; and

agrees that these amendments come into force on 24 November 2000.

**The Presiding Officer:** The fourth question is, that motion S1M-1361, in the name of Ross Finnie, on the general principles of the Salmon Conservation (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Salmon Conservation (Scotland) Bill.

**The Presiding Officer:** The fifth question is, that motion S1M-1372, in the name of Angus MacKay, on the financial resolution in respect of the Salmon Conservation (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Salmon Conservation (Scotland) Bill, agrees to any increase attributable to that Act in the sums payable out of the Scottish Consolidated Fund by or under any other Act.

**The Presiding Officer:** The sixth question is, that motion S1M-1386, in the name of Tom McCabe, on the membership of committees, be agreed to.

*Motion agreed to.*

That the Parliament agrees that Duncan Hamilton be appointed to the Enterprise and Lifelong Learning Committee.

**The Presiding Officer:** The seventh question is, that motion S1M-1378, in the name of Tom McCabe, on the designation of lead committees, be agreed to.

*Motion agreed to.*

That the Parliament agrees the following designation of lead committee—

the Justice and Home Affairs Committee to consider the draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2001.

**The Presiding Officer:** The final question is, that motion S1M-1377, in the name of Tom McCabe, on the approval of a statutory instrument, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the following Order be approved—

the draft Budget (Scotland) Act 2000 (Amendment) (No 2) Order 2000.

*Meeting closed at 15:33.*

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