

MEETING OF THE PARLIAMENT

Thursday 15 March 2001

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Scottish Parliament

Thursday 15 March 2001

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

Freedom of Information

The Presiding Officer (Sir David Steel): Our first item of business this morning is a debate on motion S1M-1750, in the name of Mr Jim Wallace, on freedom of information, and on two amendments to that motion.

09:31

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Openness and accountability are principles that must lie at the heart of government and not least at the heart of our devolved institutions. Open government is a key foundation for the development of a democratic Scotland. To foster open government, to deliver good government and to empower people, the Executive is committed to introducing an effective statutory freedom of information regime. Earlier this month, I published a draft freedom of information (Scotland) bill for consultation and pre-legislative scrutiny. It represents a significant step towards delivering the robust and distinctive freedom of information regime that we believe Scotland deserves.

I will set out the key aspects of our proposals and I am pleased that Parliament is having this opportunity to debate them. I look forward very much to hearing the views of members.

Although some aspects of freedom of information policy are complex, the bill can be distilled down to a set of quite simple principles: a legal right of access to information; a right that is limited only by narrowly drawn exemptions; a rigorous harm test of substantial prejudice and consideration of whether it would be in the public interest to disclose information; and decisions on disclosure being subject to an independent arbiter.

Those are key principles that should underpin an effective freedom of information regime and they are the key principles in our draft bill. Devolution has given us the opportunity to deliver freedom of information legislation that is right for Scotland's people and for Scotland's public authorities, that supports and facilitates a modern, mature and democratic society, and that will improve accountability, empower people and, through improved scrutiny, deliver better government.

The draft bill builds on our proposals published

in the consultation document "An Open Scotland", which were broadly welcomed. It is designed and tailored to Scotland's needs. We have also drawn on the knowledge and experience of other countries that are operating progressive freedom of information legislation. I had the opportunity to visit Ireland last summer and to visit New Zealand over Christmas. One of the key messages that has been learned is the importance of planning early for implementation. As members will know, we have already established a freedom of information implementation group to develop plans across the public authorities to ensure successful implementation.

I am pleased that the initial reaction to the draft bill has been positive. It is a distinctive bill and it is geared to Scotland's needs. It is a good bill and it is progressive. It is a draft, intended for consultation, and we will listen to views—including those expressed in this debate—before we introduce a bill to the Parliament, which I expect to do later this year.

The draft bill would, if enacted, deliver an enforceable legal right of access to information held by a wide range of Scottish public authorities. That right would be exercisable by anyone. It would be a right to know and it would not be reliant on establishing a need to know. The freedom of information legislation would be very broad, covering the Parliament, the Executive and its agencies, local authorities, the national health service in Scotland, educational institutions, the police and a number of other public authorities and offices.

Public authorities would be required to disclose requested information, or to provide reasons for not doing so, within 20 days. The consideration of the public interest in disclosing exempt information would also need to be made within 20 days. If an applicant were not satisfied with a response from a public authority, he or she would be able to require that authority to review its decision. If the applicant remained dissatisfied, he or she could appeal to the Scottish information commissioner.

The right of access would apply to all information held, irrespective of its age and form—whether it is recorded in paper files, on computers or in other recorded format. I will provide a few examples, although they do not do justice to the wide range of information that will be covered: information about local services, for example local authority accounts and receipts, information about car parking charges, refuse collection, street cleaning, road maintenance and snow clearing; information about schools, for example how much money is being spent in the classroom and on what, and information that could be used to make comparisons between schools; and information about hospitals, for example numbers of doctors

and nurses, the amount of public money being spent and how it is being spent.

All freedom of information laws set out a balance between the rights of applicants to information and the proper protection of sensitive information. The right bill for Scotland will be one that tips the scales decisively in favour of openness. That is precisely what the Executive's draft bill would achieve. In "An Open Scotland", we said that the harm test for withholding information would be one of substantial prejudice. The draft bill retains that robust and demanding test. We also said that public authorities would have to consider the public interest in disclosing exempt information. In almost every case, the draft bill requires such consideration to be given.

I will say a few words about the exemptions in the draft bill. Let me make it clear that they are exemptions and not loopholes, as some have suggested. They operate only in tandem with the demanding harm test and with the public interest test. Perhaps most important, the independent commissioner will act as independent arbiter to decide whether information should be disclosed.

Phil Gallie (South of Scotland) (Con): Does the minister accept that section 41 of the draft bill suggests that the appointment of the commissioner would be

"the nomination of the Parliament"?

That effectively means that the commissioner is a ministerial appointment. Will the minister confirm whether that fits in with the European convention on human rights?

Mr Wallace: I would reject the notion that the choice of commissioner would effectively be a ministerial appointment. Section 41 means what it says: it will be the appointment of Parliament—it will be up to Parliament. I am sure that the Presiding Officer will have a view on how Parliament goes about exercising that important responsibility, perhaps through the Scottish Parliamentary Corporate Body.

I am sure that Mr Gallie will recall that the appointment of the Auditor General for Scotland is made by Parliament. When that appointment was made, I do not think that there was any suggestion that it was a ministerial appointment. It will, properly, be made by Parliament. I do not think that there is any other way in which we can effectively put the commissioner at any more of an arm's length from the Executive.

Phil Gallie: Given the Parliament's decision last week and the way in which it has effectively been rejected, what price the decision of Parliament?

Mr Wallace: I think that Mr Gallie is missing the point. I am not sure whether he is suggesting that there is a more effective way of appointing the

Scottish information commissioner. I think that those who were involved in the appointment of the Auditor General might take it amiss if it were suggested that that appointment was in any way influenced by Executive pressure or considerations. I am sure that when Parliament comes to appoint the commissioner, it will not be the intention of ministers to exercise any influence, through the corporate body or by means of any other procedures that Parliament wishes to set up.

I should emphasise that a number of the exemptions in the draft bill are technical, such as those relating to information that is otherwise accessible to the public, to information that is shortly to appear in the public domain, or to information that is subject to other access regimes, such as personal information under data protection legislation.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): The minister said that the exemptions are not loopholes because the harm test will still apply, but I believe that I am correct in saying that the harm test is deemed to have been satisfied in the case of class-based exemptions. Therefore, with regard to section 28, which deals with policy advice to the Scottish Administration, we are not talking about the application of the harm test because it is deemed to have been satisfied. Why is there an exemption for the policies of the Scottish Administration but not for the policies of, and policy advice to, Scottish local authorities? Why is the Administration treated differently from the administrations in all our councils?

Mr Wallace: Mr Morgan is right to point out that under section 28 the formulation of Scottish Administration policy is indeed a class-based exemption. In class-based exemptions, it is a rough rule of thumb that substantial prejudice would result from disclosure. Of course, the exemption is still subject to the test of the public interest. It is interesting to look at other jurisdictions, such as New Zealand, where the benefits of confidentiality have been upheld by the commissioner in a number of cases but it has been made clear that the case is still subject to a public interest test. Indeed, there have been cases in which disclosure has been required by the commissioner.

It will be recognised that there is a distinction between civil servants, who are, strictly, the employees of the Crown and work to ministers, and officials of a local authority, who work to the whole council and not solely to the administration. That is an important distinction and it is reflected in the draft bill.

I will comment on a couple of the exemptions, to dispel some misconceptions. What I say will address the point that Mr Morgan made, as it

concerns the exemption for the formulation of Scottish Administration policy and, in particular, the non-disclosure of Scottish Cabinet papers, which I note is the subject of Mr McLetchie's amendment.

I believe that the early disclosure of Cabinet minutes and confidential advice to ministers would undermine the frankness and candour of internal discussion and deliberations. The Scottish Executive is not alone in that belief. In Ireland, New Zealand, Australia and Canada, which are often held up as model regimes, cabinet minutes and papers are protected from early disclosure.

Governments require an appropriate degree of privacy to conduct internal debates, to receive advice, to develop policy and to make decisions. Failure to provide adequate protection for those processes would undermine a Government's ability to choose objectively between options and to maintain collective responsibility.

David McLetchie (Lothians) (Con): Does the minister take the view that the effectiveness of the Administration in Wales, in which his party is in partnership with the Labour party, is undermined by the principle that that Administration adopts?

Mr Wallace: I am a great believer in devolution. If Wales wishes to follow a particular course, that is up to it. I saw the most recent copy of minutes that the Welsh Cabinet put on its website; I think that they are not as full in saying who said what as our minutes sometimes are. It should also be remembered that many of the decisions that are made in the Cabinet are very soon in the public domain because they become the subject matter of announcements to Parliament.

It is right and proper that the public should have access to the background factual information on which public bodies base their decisions. Such information will be released.

The balance between the right of access and a limited number of exemptions is but part of the draft bill. At the heart of the proposals is an independent and powerful Scottish information commissioner. In "An Open Scotland" we said that legislation would establish an independent commissioner. Again, our draft bill delivers.

As I said in reply to Mr Gallie, the commissioner will be appointed by the Queen on the nomination of the Parliament, in a manner similar to the appointment of the Auditor General for Scotland. The appointment of the commissioner will be independent of the Executive. The commissioner will have a responsibility to enforce and promote the legislation. He or she will have legal authority to order disclosure of information. The independence of the commissioner will be written on the face of the bill.

The commissioner will also have a duty to promote good practice and, in promoting the legislation, to encourage a more open culture in the Scottish public sector—it is not simply a question of particular cases being referred to the commissioner for a determination.

Alasdair Morgan: I will make a point about public policy and decisions and the availability of the statistical information on which those decisions are based. Am I right in saying that statistical information will be made available only if the decision is taken to go ahead with a particular course of action, and that if it is decided not to pursue a course of action the statistical basis for that decision will not necessarily be released? Is that not strange?

Mr Wallace: I can certainly confirm that the decision to release statistical information will come after the decision has been taken. If no decision is taken, it may not necessarily become known that there ever was a decision to take. I am more than willing to consider the point that Alasdair Morgan has made, as it is a fair point.

Public authorities will be under a duty to assist applicants and the commissioner will ensure that authorities comply. The commissioner will also be involved in approving public authority publication schemes. Such schemes will set out the information that the authority intends to publish routinely and any charges it intends to levy.

The draft bill sets out a clear right of access, a demanding harm test, a requirement to consider the public interest in disclosure, a limited number of exemptions and an independent commissioner to promote and enforce it. It is a distinctive bill and the right bill for Scotland. However, if it is to be effective, we should not rely on the commissioner alone. Scottish public authorities must embrace the bill, which should not be seen as something to fear.

I will discuss briefly the provisions that allow the Scottish ministers, by collective decision, to override a decision of the Scottish information commissioner. Such a provision is not unique to our proposals: in Ireland, individual ministers can prevent the commissioner's consideration of an appeal and in New Zealand a recommendation of the ombudsman can be overridden by a collective cabinet decision. That provision has never been used since it was introduced in 1987.

I will reiterate our proposed approach. Our override has very limited application: it applies to only five of the 17 exemptions. It is by collective Cabinet decision. Our override would be a significant political event and not a simple administrative decision.

I will say a few words about the proposed approach to charging, which is mentioned in Ms

Cunningham's amendment. I believe that it is a fundamental right for the public to have access to information. However, equally, we consider it appropriate to ensure that public authorities are not diverted unreasonably from carrying out their business.

Responses to "An Open Scotland" confirmed our view that the option that is proposed in the draft bill might best balance the competing interests of the applicant and the public authority. Many of the respondents to "An Open Scotland" suggested variations and other options. It was clear from the responses that whatever approach to charging is adopted, it is unlikely to satisfy all applicants and all public authorities. Draft bills are published for the purpose of consultation and we will listen to views on the proposals and consider carefully whether any adjustments should be made. It is important to remember that, based on experience under the code of practice on access to Scottish Executive information and the code that has been operated by UK departments since 1994, it is likely that the vast majority of requests will fall below the £100 threshold and will be supplied without charge.

The Executive is committed to introducing an effective freedom of information regime. The Executive's draft bill will, if enacted, deliver precisely that. It will deliver robust and distinctive legislation that is tipped decisively in favour of openness, and it is sensible, practical legislation. It is the right bill at the right time and it is right for Scotland. I commend the motion to the Parliament.

I move,

That the Parliament welcomes the publication by the Executive of a draft Freedom of Information Bill for consultation, in particular: (a) the fully independent Scottish Information Commissioner, to be appointed by the Parliament, with a duty to promote and enforce the legislation and with powers to order the disclosure of information; (b) the demanding harm test of "substantial prejudice"; (c) the requirement to consider the public interest in disclosing exempt information, and (d) the requirement on public authorities to make clear in a publication scheme the information to be made available as a matter of routine.

09:48

Roseanna Cunningham (Perth) (SNP): I listened with interest to the Minister for Justice's promise that the ministerial override would be an incredibly rare event. I am reminded of Donald Dewar's remarks during the passing of the Scotland Bill that Westminster legislating on devolved affairs would be an incredibly rare event. It has turned out to be an incredibly frequent event, the consequences of which the Parliament has to deal with. I hope that the Minister for Justice's comment today does not turn out to have exactly the same meaning as Donald Dewar's

comment all those years ago.

For a long time, the SNP has been deeply committed to the concept of freedom of information. It has certainly been part of the party's policy profile for more decades than I have been a member. In 1999, it was one of our manifesto commitments. We pledged to introduce a freedom of information act to ensure that all citizens have the same right of access to information as the decision makers. For that reason, the SNP broadly welcomed the Executive's announcement that it would introduce a freedom of information act.

I suppose that I should not have been too surprised, given that the Minister for Justice is Jim Wallace. I know that he has had a long-term, personal commitment to legislation on freedom of information. I understand that, on his election as a Westminster MP 16 years ago, he was asked the automatic first question that every new MP is asked—which private member's bill he would like to promote—to which he replied, unhesitatingly, that he would like to promote a freedom of information bill. I am afraid that I have not checked *Hansard*, but I presume that he never got lucky in the ballot for private members' bills. However, Mr Wallace got lucky, although he may not always have felt so, when he became a power broker in the negotiations to form the Scottish Executive. As a result, he found that an opportunity to introduce a freedom of information bill was available to him at last.

I welcome the publication of legislation, although that is not what is before us today, despite what some might wish us to think. The Liberal Democrats may have been a little premature with their self-congratulations. Their draft UK manifesto and the Scottish Liberal Democrat website both trumpet the introduction of freedom of legislation. Indeed, the main masthead of the website carried for a while a scrolling banner that read:

"After only one year, Scottish Liberal Democrats have made a difference, delivering on our promises—a far-reaching freedom of information bill".

Two years down the road, we now have a draft bill. I noticed with some amusement that the website has been changed to read that the Scottish Liberal Democrats have

"set in train a rigorous freedom of information regime".

I am glad that the Scottish Liberal Democrats made that clear, because the truth is that we do not yet have a freedom of information bill and we have not yet progressed beyond the announcement of consultation on draft legislation, which I hope is not the Lib Dems' definition of delivery. If it is, I hope that they never take charge of the postal service.

Joking aside, I welcome the fact that the draft Scottish bill is stronger in three key areas than the

UK Freedom of Information Act 2000. Although that act reached the statute book in November, it will not begin to come into force until May 2002. I suppose that it was thought to be safer to get the general election out of the way before opening up files that might cause embarrassment.

The draft Scottish bill is stronger, as the minister outlined. The test for prevention of disclosure is stronger, with a "substantial prejudice" test for Scotland in comparison with the simple prejudice test for the UK. The powers of the Scottish information commissioner, who will be able to order the release of information, rather than merely to recommend its release, are also stronger, and there is a wider extent of Government policy material that must be released.

I sincerely hope that as the draft bill makes its passage through the parliamentary processes it will be amended to ensure even better access to information than is currently proposed rather than move towards the more restrictive UK model—which, in my more pessimistic moments, I believe to be the likely outcome.

We should not become too complacent because, so far, the Scottish proposals look better than the UK proposals. For a start, some of the most headline-grabbing issues that the Parliament has dealt with have involved either information being unnecessarily withheld, resulting in a lack of scrutiny by Parliament, or disclosure of information being delayed for so long that that scrutiny was held up. The Chhokar case, the Carfin fiasco, lobbygate and the Holyrood building are all examples of issues where the withholding of information resulted in either lack of scrutiny or delay in scrutiny, which is just as important, by the Scottish Parliament.

The real test is whether the draft bill would have made any difference to those rows. I am sure that colleagues will deal with specific areas in which the extent of access to information allowed by the draft bill is unsatisfactory. I will concentrate on a couple of areas from my own field of interest, taking as my first example the row surrounding the Chhokar family case.

In a statement to the Parliament, the Lord Advocate acknowledged failings in the level of support and information provided during the case of the murder of Surjit Singh Chhokar. However, the veil of secrecy under which the Lord Advocate acknowledged he operates is not going to be lifted from the workings of the Crown Office. Private prisons is another example, and I have found it greatly and consistently annoying that those involved in the running of a private prison are able to refuse to disclose detailed information about costs on what I believe to be the questionable ground of commercial confidentiality. The draft bill will do nothing to bring the accountability of those

who run a private prison up to the same level of our other prisons.

The Chhokar case points to one of the most disappointing omissions from the draft bill—the Crown Office. As a lawyer, I understand some of the care that must be taken in relation to what can and what cannot be disclosed about criminal allegations, but society is simply no longer prepared to accept the bland refusal to disclose any information that greets most requests for information to the Crown Office or the procurator fiscal service. Only this week, MSPs will have received details from yet another family—the Cawley family from Giffnock—which is just as puzzled and frustrated by the way in which the Crown Office handled the murder of Christopher Cawley on 8 September last year as was the Chhokar family by the way in which Surjit's murder has been dealt with.

Sadly, all MSPs will have become familiar with the other families and victims who are equally nonplussed at decisions taken in secret that often are not communicated to them and about which they feel they have every right to know more. We have let down all those people by not even attempting to widen freedom of information in that area.

I will refer briefly to other class-based exemptions. For example, there is a broad exemption for confidentiality. I mentioned commercial confidentiality in relation to private prisons, but there is a broad exemption that would allow regulated companies or lobbyists to avoid scrutiny merely by agreeing with authorities that information should be kept secret. We must examine that proposal much more closely. As I understand the draft bill, there is a proposal to allow restrictions on disclosure in existing or future legislation to take priority over the provisions of any freedom of information bill.

One of the briefings that we received said that there are about 250 statutory restrictions on disclosure in UK legislation. I wonder whether existing disclosure bans in specific pieces of legislation will be examined, either with a view to repealing those bans or to allow freedom of information legislation to override them.

I also notice that, unfortunately, the Secretary of State for Scotland and the Scotland Office will come under the less strict UK regime, rather than the Scottish regime. That means that the ministers in the Scotland Office, whose predecessors have already insulted the people of Scotland by refusing to appear before committees of the Scottish Parliament and whose department has a ballooning budget, a shrinking remit and a political role will be subject to the weaker test for disclosure of information that is in the UK Freedom of Information Act 2000.

While the draft Scottish bill may well be an improvement on the UK act on a number of levels, I am afraid that in one important area it is not only worse than the UK act but will act as a deterrent to inquiry, denying access to information to those who cannot afford it. I refer, of course, to the proposed system of charging for information.

We are in the process of creating a freedom of information regime in which the ability to gain access to information is determined by the size of a requester's bank balance. To add insult to injury, organisations can use cost as a reason for refusing requests. Under the draft bill, if the cost of locating the information does not exceed £100, there will be no charge; but if the cost is more than £100, the person making the request will be asked to pay the excess. If the cost is more than £500, the person making the request may not get the information at all. What on earth is that about?

By contrast, the regulations on fees made under the UK legislation specify that up to 10 per cent of the reasonable, marginal costs of complying with the request may be charged. That is a maximum figure and there is no requirement on an authority to use that formula or to impose any charge at all.

In conclusion, the draft bill is, in theory, marginally better than the Westminster regime but it is unlikely that it would have affected any of the major difficulties with disclosure that the Parliament has already experienced and disclosure will cost the curious Scot more than the curious Englishman will be charged for his information. That is not good enough and it is why the SNP's welcome for the draft bill is muted. I hope that, over the next few months, the Minister for Justice can be prevailed upon to turn the draft bill into something more like the bill that I suspect he would have introduced had he been lucky in the ballot for private members' bills all those years ago.

I move amendment S1M-1750.1, to insert at end:

"but nevertheless regrets: (i) the proposed high and potentially prohibitive cost of applications; (ii) the extent and nature of the exemptions, in particular the exemptions afforded to the Crown Office, and (iii) that independent decisions by the Information Commissioner may be vetoed by the First Minister, and further expresses its concern that the passing of a Freedom of Information Bill in the terms proposed by the Executive would make little difference to the culture of secrecy which continues to pervade the governance of Scotland."

The Deputy Presiding Officer (Mr George Reid): I call David McLetchie to speak to and move amendment S1M-1750.2.

09:59

David McLetchie (Lothians) (Con): I make it plain at the outset of my speech that the Scottish

Conservatives support fully the concept of freedom of information and the allied concept of open government. My objection to the Scottish Executive's proposals is based not on the Executive's aim, but on the inconsistency on the principle of disclosure that has characterised the Executive's actions since the Parliament was established.

Open government does not depend on the passage of a piece of legislation. As I have said in the Parliament on a number of occasions, I do not understand why a new act of Parliament is necessary to force the Executive to disclose information that is already in its possession.

If the Executive is as committed to freedom of information as the minister insists it is, it can, on a purely voluntary basis, publish virtually anything it wants without a statutory framework. Because of its commitment to open government, the last Conservative Government released over 50,000 documents that were formally classified. We were committed to explaining how decisions were reached and to supplying the facts and analyses behind major policy decisions. Departments published internal guidelines for dealing with the public and we released questions of procedure for ministers and details of Cabinet committees. Most important is that, in 1994, we published a code of practice and we updated it before the general election in 1997. That code of practice enabled individuals to request information from Government and, if they did not get it, to appeal through their member of Parliament to the parliamentary ombudsman.

That is a record that I hope the minister will acknowledge. Let us get away from the absurd notion that the Executive—and the Liberal Democrats in particular—have any monopoly of virtue on this issue. We need only to look at the Executive's record on disclosure to see that even the most charitable interpretation would regard it as chequered. The crucial issue in any freedom of information regime is how the exemptions are defined and operated. At present, it seems that the Executive's position requires clarification.

On the credit side, during the investigations into the Scottish Qualifications Authority fiasco, the Executive was prepared to show a welcome degree of flexibility. Having initially stood by the principle that civil service advice to ministers should remain confidential, the Executive agreed eventually that access to that advice was necessary for the purpose of committees' inquiries. That led to the compromise of giving the committees access to some of the information. The irony is that, had this draft bill been in force at that time, the minister with responsibility for education, Sam Galbraith, would have been able to shield himself behind the class exemption that

is set out in section 28 of the draft bill. As Mr Morgan pointed out in his intervention, that class exemption covers information that is relevant to policy formulation. Mr Galbraith would therefore have been able to call in his aid the support of Parliament for that statutory freedom of information regime.

On the subject of the SQA inquiries, the decisions that were taken were right and they were in the public interest. However, on a number of other occasions on which I believe the public interest would have been served by disclosure, the Executive has stubbornly refused to compromise on its principle of defending the confidentiality of civil service advice. That might be simply a question of judgment in that particular case. However, there is more than a hint that the Executive uses that principle as a convenient justification for withholding information that is politically sensitive—never mind that it is of considerable public interest.

Roseanna Cunningham, in her remarks, highlighted a number of cases in which that point has been well illustrated. It was also clearly seen in the case of the decision of the location of the centre for paediatric cardiac surgery, which was taken some time ago by the Minister for Health and Community Care, Susan Deacon. The minister decided that the centre should be sited at Yorkhill hospital in Glasgow and not at the Royal Hospital for Sick Children in Edinburgh. It was widely rumoured that the NHS national services division's report came to a different conclusion. Despite repeated calls to publish the report to clarify the matter, the minister refused to do so. That was widely believed, not least within the medical profession, to have far more to do with the political interests of the Labour party than it had to do with public interest in an important decision about the provision of important NHS services.

The Executive's attitude was thrown into more doubt soon after Mr McLeish became First Minister, when he published his infamous consultation paper "Bringing politics back to the heart of Government". That document appeared to offer Labour back benchers privileged access to civil service advice, which seems to be an odd way in which to preserve the confidentiality of that advice or of civil servants' essential political impartiality. However, the permanent secretary quickly confirmed that that advice would be confined to factual information and not to policy advice. Thus the document did not amount to very much, if anything at all. Not for the first time, it was all pure puff. However, it was illuminating to see how willing the First Minister was to give the impression of abandoning a cardinal principle when his political interests appeared to require that.

It would help to dispel some of the doubts about the Executive's commitment to open government if it followed the example of its counterpart in Wales and published the minutes of Cabinet meetings. In Wales, minutes are published six weeks after Cabinet meetings. They are published in full, except for references to information that is received in confidence from individuals, companies, the UK Government, other Governments and other devolved administrations. In Scotland, the situation is very different. We are not permitted to know even the subject matter of discussions, far less their substantive content. Mr Swinney and I ask the First Minister regularly at First Minister's question time about the content of Cabinet meetings. Instead of enlightenment, we receive the ritual reply that the Cabinet discussed, or will discuss, "issues of importance to the people of Scotland". It would, of course, never do for the Executive to disclose such information to Parliament. Instead, its preferred route is disclosure by official or unofficial press briefing. There is absolutely nothing to stop the Scottish Executive from following the example of its Lib-Lab counterpart in Wales. Such a gesture would do much to underline a genuine commitment by the Executive to freedom of information.

The Executive still has many crucial questions to answer. The ultimate criterion for deciding whether to publish information rests on the determination of the public interest. A legitimate question exists as to whether such a determination is better taken ultimately by a minister who is accountable to Parliament, or by an unelected commissioner. I support the provisions of section 51 in the draft bill because that section gets the balance right, although I accept that there are good and sound arguments in other directions. Ms Cunningham made those arguments in her speech.

As I stated, my concerns are with the Executive's actions and not at this stage with the precise terms of the bill. Those will be more closely scrutinised at a later stage.

Like the Blair Government, the Executive is mired in a culture of spin and media manipulation. It has repeatedly displayed a cavalier disdain for the simple truth of any given matter. That serves to fuel public cynicism about the political process. We have seen that disdain most recently in the debate over the fishermen's tie-up scheme and in the debate over the Sutherland commission's recommendations on personal care. Those episodes were characterised by a nudge here and a wink there and by constant briefing to newspapers followed by a pulling back from commitments that had apparently been given. If nothing else, the episodes have confirmed the Executive's commitment to freedom of disinformation when that suits its political purposes. Wallace may cry, "Freedom!" but the

people cry, "Foul!"

The Executive has much to do to repair its damaged reputation. Today would be a good day to make a fresh start by taking the initiative on the minutes of Cabinet meetings.

I move amendment S1M-1750.2, to insert at end:

"but, however, notes with concern the inconsistency of the Scottish Executive in relation to the disclosure of information and calls on it to demonstrate its commitment to open government by henceforth publishing the minutes of its Cabinet meetings."

10:08

Gordon Jackson (Glasgow Govan) (Lab): I want to go back to the beginning of the draft bill. The most important statement is that with which it begins. It states:

"A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority."

That rather reminds me of the Scotland Act 1998. Never mind for a moment the technical detail, important though that is. The important issue is the unambiguous establishment of a clear principle. The norm is openness, unless and until there is a good reason for the contrary. The individual citizen will have the right to be given information.

That emphasis cannot be overstressed. Naive as I may be, this is not about political point scoring, although I hear David McLetchie say that it is. It is not about those who are politically opposed to the Government trying to get information to use for opposition. It is about giving the individual a statutory right. The individual should have the right to know what is going on, the right to information that affects his or her life and the right to be fully informed.

Phil Gallie (South of Scotland) (Con): Will the member explain why the Tory Government's codes of practice in 1994 and 1997, which were subsequently reviewed by Labour, are not sufficient to do the things to which he refers, if doing those things is the will of the Government?

Gordon Jackson: In the past, there has been a climate of secrecy; it is important to change that. The way to begin to do so is to create a new statute that begins with the clear, unambiguous words that the draft bill begins with. We will then come to the detail.

I expect that there will be conflicting opinions on the detail, although I do not expect conflict on the list of bodies or—despite Roseanna Cunningham's amendment—on the cost of obtaining information. I expect that most people will like what the draft bill says about the commissioner. I do not for a moment accept the view that the commissioner

will be some kind of paper appointment simply because the Parliament is making it. I cannot see what the alternative could be. The bill contains a very strong provision: if an order that is issued by a commissioner is not obtempered, that is contempt of court. I cannot off the top of my head think of any other such provisions.

In the past, the problem with independent officials making recommendations has been that there has been no sanction against any public body that refused to comply. The body could just shrug its collective shoulders and nothing would happen. I do not think that many public officials would like to go before a Court of Session judge to tell him why they were not complying with a decision. The very fact that we are introducing that strong provision means that the proposals will have real teeth.

I accept that part 2 of the bill—on exempt information—will be where different opinions will arise. Some people will say that there are so many exemptions—some absolute, some not—that the general principle, on which I opened my speech, has been so watered down as to make the bill virtually meaningless. Roseanna Cunningham's amendment says that the bill will "make little difference", but I do not agree. However, I can understand why somebody would say that. Because there are so many exemptions, there exists the possibility of the First Minister, on the advice of the Cabinet, overruling the commissioner. However, I cannot accept that the bill is weakened by that. I hope that every member accepts that a bill of this kind needs a number of statutory exemptions.

Alasdair Morgan: Gordon Jackson started by saying that there is a culture of secrecy, and that we are talking not only about the Executive, but about all public bodies in Scotland. Does he agree that the more exemptions there are, the more excuses to keep hiding information we will give to people who are still hide bound by that culture of secrecy?

Gordon Jackson: Of course there is that danger, but that is why we will have the commissioner and that is why the final arbiters will be the courts. I understand that danger, but I want to go back to the overriding principle; the purpose of the proposed legislation is properly to empower the individual citizen and to stop confidentiality being used as a screen behind which, as Alasdair Morgan suggests, officials might hide wrongdoing or, more often, incompetence. However, we are not trying to do more harm than good. The bill is not meant to assist those who wish to do harm.

It is essential that, in certain situations, we maintain confidentiality. There must be effective conduct of public affairs. We need to ensure that national security is not affected and we need a

proper system of law enforcement. We therefore need—we can argue about the detail—a number of exemptions. They are essential and to have them is merely common sense.

What really matters is the test that we apply in deciding whether an exemption should operate. It is in that respect that the Scottish proposals are greatly to be welcomed.

Phil Gallie: On a point of order. I do not doubt Gordon Jackson's integrity, but as he has just mentioned exemptions with respect to law enforcement, he should perhaps make a declaration of interests.

The Deputy Presiding Officer: That, of course, is a matter for the member.

Gordon Jackson: I am trying to think what I do these days that enforces the law, but I am hard pushed to come up with anything. Let me put it this way to Phil Gallie; if there is a need to declare an interest, I will declare it. However, I cannot for the moment think what it is.

The vital thing is the test of substantial prejudice. That appears time and again in the bill and it is a very high standard of test, as the word "substantial" makes clear. Many of the exemptions will not kick in without that standard being reached. If a public body claims substantial prejudice, it will know that the independent commissioner and then the courts will apply the same stringent test.

To Alasdair Morgan, I say that the understandable temptation—I know the temptation—for those who hold information to claim prejudice and to hide behind that claim will be of little or no avail, because there will be so many checks on their decision making.

Even when there is an exemption, there is a test in section 2 of the draft bill that says that the general principle of disclosure will still apply where—even if there is prejudice—the public interest in hiding the information is outweighed by the public interest in disclosing it.

The general principle with which the bill begins makes it difficult for any public body to justify secrecy. The commissioner and the courts will see to that. It will take time, and only as we establish a new climate of openness will we reach a situation in which information is hidden only for a legitimate reason. It will take time to work that out and we will have to change the way that we do things. However, in my view—I say this as somebody who has been frustrated for most of his professional life by public bodies' secrecy—the draft bill is a huge change for the better. The proposals are to be welcomed, not unfairly criticised.

10:17

Bruce Crawford (Mid Scotland and Fife) (SNP): I want to look specifically at the ability that the Executive's proposals will give the public to access environmental information—especially more complex information. The current proposals do not ensure that the nuclear industry will be held to account through the release of relevant and appropriate information.

The track record of senior executives at Dounreay, in collusion with civil servants and ministers, indicates that it will take a lot more than the current proposals to change the nuclear industry's culture from one of secrecy and misinformation to one of openness and honesty. We need only look at the headlines in some of yesterday's papers about British Energy plc's plans to build a new nuclear facility at Hunterston to see that little has changed.

However, for once we can be grateful for Brian Wilson's obsession with cheap headlines. In his capacity as unofficial consultant to the nuclear industry, he has managed to get information out into the open—even if it was as a result of putting his rather large foot in his mouth again.

Mr Andy Kerr (East Kilbride) (Lab): British Energy has issued a press release declaring that it will not build in the manner that Bruce Crawford suggests. In the context of freedom of information, that information was provided to Mr Crawford last night.

Bruce Crawford: I got that e-mail. Paragraph 4 states:

"In the event that future conditions were right for reinvestment, it would clearly be sensible to look first at siting new nuclear power stations at the same places as the present stations"—

and so it goes on.

How the proposed legislation will ensure that the nuclear industry provides accurate, honest and relevant information is beyond me. Any legislation needs to look beyond what is required of the public sector; it needs to place obligations and responsibilities on other organisations, including the privatised utilities. That should apply particularly to those that are involved in environmental practices that are potentially of concern.

Phil Gallie: Given the levels of consultation, especially with local groups and others, and given the amount of information that comes from the nuclear industry, will the member give us some examples of the closed information cycle within the nuclear generation industry?

Bruce Crawford: It has taken many decades for the history of Dounreay to come to light, a point that has been made time and again. To be aware

of that, all Mr Gallie needs to do is read his newspapers.

It is incredible that in Scotland it will cost an inquirer £400 to access complex information, but it will cost only £50 in England and Wales. It is inconceivable that governmental authorities will be able to refuse to provide information if it will cost more than £500 to do so. That point is particularly relevant when it comes to the provision of environmental information. Ordinary citizens, when faced with threats to their quality of life, must be able to access information that will provide a counterbalance against organisations that are often stronger than they are; which have effective public relations units; and which represent either a perceived or real threat. That is true for citizens and communities who attempt to halt the erection of a mobile phone mast, or to stop the spreading or dumping of harmful waste in their area, or for people who are concerned about the long-term effects of living in the shadow of a nuclear or petrochemical plant.

Often, the only weapon that individuals or campaigning groups have with which to arm themselves, in what often are unequal struggles, is information. That information is often detailed and complex. The high costs that are being proposed will act as a debarment to, or a brake on, the ability of individuals or communities to defend their quality of life. The Executive cannot allow that to happen. I implore the minister to have a good look at the issue. He should not let his civil servants get away with this. By better management of information systems through a policy of genuine openness, the Executive should be able to find efficiencies that would cover any additional burdens. The experiences of Sweden and the Netherlands show that costs can be reduced through freedom of information, rather than increased. Efficiencies should be used to overcome the burdens. There is a long way to go on this issue and I ask the minister to have a good look at it, and also to have a good look at the former public utilities.

10:22

Pauline McNeill (Glasgow Kelvin) (Lab): It is a truism to say that knowledge is power and that information is power. The focus of the debate should therefore be on the interests of ordinary citizens and what they might get out of a freedom of information act. I accept that members will want to discuss the importance of the knowledge and information that is transferred between committees of the Parliament and the Government, but we should get this correct from the beginning and focus on the fact that the enactment of a freedom of information bill, which will happen soon in this Parliament, should be for ordinary people.

I will address a few of David McLetchie's points. He is not in the chamber, but I am sure that somebody will fight his corner. The Conservatives are interested only in Cabinet minutes and decisions, but that is not the point of a freedom of information act. There are reasons why committees of the Parliament and the Cabinet—as is normal practice—want to have private discussions at which people can speak freely. Let us not forget the important principle of the Cabinet's collective responsibility.

Mr McLetchie claimed that his party's record on freedom of information when it was in government was good, but it was not; it was the Conservatives who banned the trade unions from Government Communications Headquarters because the unions could not be trusted with information.

Miss Annabel Goldie (West of Scotland) (Con): Pauline McNeill touches on an interesting issue, which I suspect will become more prominent as the debate unfolds. That issue is the delicate balance between the institutions of our constitution, which are traditionally the executive, the legislature and the judiciary. With regard to GCHQ, by any argument there was an issue of national security. I have not met anybody outwith the trade union movement who disputes that assessment. I make the point merely to illustrate to Pauline McNeill that there are broader issues to be considered.

Pauline McNeill: Labour reintroduced the right of employees at GCHQ to be members of trade unions, because we believed that there was no security risk. We believe in that right and in freedom of information. Our record is good.

We are attempting to break from the traditions of the past. When an act of Parliament is passed, it must have a cost attached to it. There might be a cost to the Parliament of up to £12.5 million if the draft bill is passed, which is not an insubstantial amount. That represents a substantial commitment.

The Campaign for Freedom of Information Scotland, in evidence to the Justice and Home Affairs Committee, said that it is less important to have debates about the harm-based and content-based exemptions than it is to be concerned about how the law will be implemented, how the culture will be changed, how one ensures that the training is done, and about the status and role of the information commissioner. That campaign said that those points are more important than anything else and that is what should come out of this debate. The proposed legislation will not be a code, as has been suggested this morning, but a law. It is the duty of the Parliament to see that that law is enforced properly.

The Parliament will have to consider to what

extent the proposed freedom of information act will apply to it—rightly so—in relation to what information should be released by the Scottish Parliamentary Corporate Body and so on. Some consideration should be given—this point was made in evidence to the Justice and Home Affairs Committee—as to whether a committee of the Parliament should have a duty to review the freedom of information act as it is implemented. It has been suggested that that might be a role for one of the justice committees. We should consider whether that should be done.

Roseanna Cunningham made some points about the type of information that should be released by the Lord Advocate's office. Sometimes there are good reasons why the Lord Advocate cannot release information, but the crucial point is that, when a decision is made that information cannot be released, it should be clear upon which criteria that decision was made, so that people will know why the information was refused. The proposed legislation can be an act for citizens and it can be a focus for ordinary people. Let us get down to business.

10:26

Phil Gallie (South of Scotland) (Con): Pauline McNeill made comments about the Conservatives. I point out to her that, in committees of the Parliament, Conservatives—more than any other members—object to discussions being held in private. That is on record and it shows our feelings on openness.

Pauline McNeill: Will the member give way?

Phil Gallie: I do not have time; I have only four minutes.

With respect to GCHQ, the Labour Government has not redressed the situation. I point out to Pauline McNeill that under the draft freedom of information bill, the exemptions would continue to suppress the information that she desires. This bill is a sop, to a degree, to the Deputy First Minister, who has long pursued this ideal. It is a sop that has been offered to the foot soldiers that are needed to back the Labour group to retain its power in the Parliament. Those foot soldiers are nothing more than mercenaries.

The Executive has given in on issues such as tuition fees, the Sutherland report and the Holyrood project. I forecast that it will also give in on the fisheries issue, about which every member felt so strongly last week in Parliament. I predict also that the Executive will not give in on proportional representation, but that that will happen at the end of this Parliament, when the Liberals will be able to opt out of the coalition.

If the measures in the draft bill were really

necessary, they could be implemented without legislation. If the politicians in the Parliament really want freedom of information, it is within the powers of the Executive to provide it. I point to the Tory codes of practice from 1994 and 1997, which allowed for the release of information almost right across the board.

Robert Brown (Glasgow) (LD): Does Mr Gallie recognise the difference between a citizen's right and a right that is given out by Government by way of grace or favour? It is that essential and crucial difference that lies behind the debate.

Phil Gallie: There is no need for a statutory requirement—guidelines would be sufficient. If the Executive set an example, that would permeate throughout the public sector, and rightly so.

There are numerous examples of the Executive being over-secretive. Given that I have only four minutes I will not go over them again. David McLetchie listed a number of them. He made a point about Sam Galbraith. The draft bill must concern those who support it, given that Sam Galbraith could have been prevented from providing information on the Scottish Qualifications Authority had the draft bill been in force.

The draft bill has expanded upon the watered down version south of the border. To a degree, that might be to the credit of the Liberals, but the changes that have been made are fairly meaningless. If the Executive means what it says about freedom of information, I would like it to give an undertaking now that the bill will not be guillotined, unlike almost every other bill. That would be a major step forward.

The draft bill could be said to allow an excess of ministerial discretion in the insertion of catch-all orders, to which ministers may resort. That is typical of many of the bills that the Parliament considers. In the draft bill, there are examples in section 5(1) of powers of ministers to designate. That hardly aligns with freedom of information.

We will draw out issues about fees in the committee debates that will take place. We will also scrutinise the exemptions and the reasons for refusals. I ask the minister to explain whether, when a refusal is given other than through the commissioner, details will be supplied in full to the person who inquires. After fees have been set, will detail be provided about the way in which they were decided?

Sections 34 to 36 in part 2 might affect the Crown Office and procurator fiscal service. We will do a lot of teasing out of those issues, particularly considering situations that have developed around the Chhokar case. We wonder whether such measures would have an effect on Sir Anthony Campbell and Dr Raj Jandoo's inquiries.

The Deputy Presiding Officer: Please wind up, Mr Gallie.

Phil Gallie: Okay. There are many good reasons why the need for the bill should be questioned. We will tease out those reasons in committee stages and beyond.

The Deputy Presiding Officer: Before I call Margo MacDonald, I announce, on a point of information, that the revised business bulletin is now available. It includes the Presiding Officer's choice of amendment to the motion for the fisheries debate and gives the text of the motion on the appointment of a junior minister. The bulletin is available at the back of the chamber.

10:32

Ms Margo MacDonald (Lothians) (SNP): Like my colleagues, I welcome the draft bill. It sets an excellent precedent for dealings in the Parliament, which will probably contrast unhappily with the dodgy deals that we are likely to see later today. However, I would like to probe the laudable sentiments. I endorse what Gordon Jackson said about the clarity of the intention behind the draft bill. I hope that when the minister sums up he will answer some of the questions.

I would like to test a couple of issues that I have come across when representing people who have approached me and who were perfectly entitled to seek clarification. The first case probably falls within the qualified class exemptions to which sections 30 and 31 relate. According to my reading of those sections, the information that is collected by an enforcing authority during routine inspections would also be exempt, even if no offence had been detected or a decision not to prosecute had been taken.

The first case concerns a gentleman from Edinburgh who approached me in October 1999 about interceptions that he suspected had taken place in the previous year of regular telephone calls between him and his girlfriend in Ireland. I wrote to Jack Straw on 7 December 1999, 2 February 2000 and 24 May 2000 to ask for information. None of those letters was acknowledged. I changed tack and approached our own Minister for Justice, who I admit replied to me, although it took him a long time. I will be interested to hear how we will improve the culture of information, never mind secrecy. The minister directed me to the Interception of Communications Tribunal. We sent out the required forms on 30 September 2000. As of today, I still await an answer, as does the person who contacted me. That is not good enough. I want to know how our freedom of information bill will better serve that member of the Scottish public. He is entitled to know why letters went unanswered and why the

staff to whom we spoke by telephone were unhelpful.

Is there a conflict of interest between Westminster's Freedom of Information Act 2000 and our draft bill? What legitimacy do we have? What legitimacy do I have in representing the person who approached me with what I consider a reasonable request for information? Gordon Jackson said that he thought that the clear statement of intent at the start of the draft bill would make it difficult for public authorities to deny information, but will it make it as difficult for an authority that is under Westminster's control? We are dealing with the security services. What will be the information commissioner's role vis-à-vis the security services and the exempt cases at Westminster?

My second case concerns the information that is freely available about a Government or Parliament project. I will use the Holyrood project as an example—I am sure that that will surprise a few people. I want to test whether the aspirations of the bill, the minister and all those present for the debate measure up to discovering what we and other Scots should know about the Holyrood building. Will the bill place any requirement on the policy makers who decided where to site the Parliament building to explain their reasons? Are no minutes of their meetings open for inspection on request? That is not just to satisfy a nosey-parker member of the Parliament. Such information is part of our history and the legacy that we will hand on to future generations in Scotland.

We need such information to take a balanced view about whether we have the Parliament that we say we want—the Parliament that we deserve and that Scots were told to expect. I presume that that information is contained in minutes of committees. Will the bill allow us to see them or will we have to go to the Scottish Parliament's visitor centre? There, interactive displays are to help us to understand the who, why and how of the Parliament today. I have tried to do that ever since I entered the Parliament, and so far my efforts have been thwarted.

I will judge the draft bill's effectiveness—not its intentions—by its ability to deal with the two test cases that I outlined.

The Deputy Presiding Officer: Please close.

Ms MacDonald: Unlike Mr Gallie, I do not believe the draft bill to be a sop. However, it is only a start, so we should treat it seriously.

10:38

Donald Gorrie (Central Scotland) (LD): I pay tribute to Jim Wallace, who has a great personal

commitment to the subject. I know that he has wrestled manfully—if that term is still politically correct—with the climate of United Kingdom civil service secrecy that he has had to fight for much longer than I have. That tribute has nothing to do with anything that he and I may say to each other, because I have not seen him since some entertainments took place last week; I was away at Westminster, where, incidentally, I voted at 2 am on a big issue between parliamentary sovereignty and the Government's excessive efforts to control it.

For those who are excited about voting, it is worth pointing out that there were five rebellions over Westminster's Freedom of Information Act 2000 when it went through Parliament, by up to 36 Labour MPs, who remain in good standing with their party. I make that point to show how the Westminster bill was unsatisfactory, whereas Jim Wallace's effort is better. The subject is difficult, and I am sure that his bill is far from perfect, but it is a distinct improvement on Mr Straw's efforts. That is a great credit to Jim Wallace and Liberal Democrats' commitment to pushing the issue through.

I do not think that there is conflict over the issue between the Liberal Democrats and the Labour party. The conflict is between politicians and the civil service's tradition of keeping everything in Britain as secret as possible. I hope that Jim Wallace will continue to try to change the climate in the civil service. I know that that is difficult, because the civil service is a United Kingdom institution. A lot of the traditions are quite daft. I remember one particular issue that came along—it may have been the McCrone report or the Cubie report—on which legal advice had been taken. We were told that we were not allowed to be told that the Government had taken legal advice. The depth of childishness is quite astonishing. There must be more clarity.

I have long experience of local government. Local government officials put their views on paper. Their views are seen on the record. They may have private conversations—I am sure that they do—with the leader and the leading lights of the council to express private opinions, but their professional, official advice is on the record. Why cannot civil servants, who are always denigrating local government, operate in that way? If local government officials can do that, those much superior civil servants can surely do that too.

I hope that the Executive and Jim Wallace will be flexible in accepting constructive improvements. If one rips away some of the political rhubarb, the speeches of some of the Opposition front bench members raised serious issues that must be addressed. I hope that the Executive will be more flexible and will accept

constructive ideas.

As Margo MacDonald said, the draft bill is the beginning of a process. Turning the bill's good intentions into reality could improve the bill. I hope that the Parliament will have a chance to do that and that the Executive will not merely block the whole lot. The draft bill is an excellent start on an important subject. I wish Jim Wallace the best and I will give him my total support in his efforts to fight the multi-headed Hydra of civil service secrecy.

10:42

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

We must welcome as a step forward the introduction of a draft bill on freedom of information. The draft bill is harmonious with the statement on openness and the openness to which we as members are subject. We have a requirement to declare to the public and to other members the interests that we hold in particular subjects. Members must present their interests in writing and orally. It strikes me that there is a necessity to extend that concept to the area to which Alasdair Morgan and Roseanna Cunningham referred: the policy decisions of the Cabinet and the Executive. The minister should go away and consider the possibility of learning from the experiences of Sweden, Denmark and the Netherlands to allow us that level of access.

That brings me to the issue of access for the public. The minister must look seriously at the proposed charging regime, to which a number of members have referred, because there is an imbalance and inequality in the structure between the rest of the UK and Scotland. It could also be suggested that that level of charging would in itself operate as a barrier to access for a number of people.

We do not have a definition of vexatious requests. I get the impression that any authority can make its own definition. Ultimately, that definition could include any individual who makes persistent requests. The draft bill also refers to that. A request can be rejected where there are repeated requests from the same applicant

"unless there has been a reasonable period of time between the making of the request ... and the making of the subsequent request."

We need a definition of "reasonable period of time" and whether that will be considered on an individual and case-by-case basis.

The other problem is section 12(1), which states that the public authority need not comply with the request where

"the authority estimates that the cost of complying with the request would exceed such amount as may be prescribed in regulations".

If we have a basic principle that access to information is free, we cannot institute restrictions that can be decided by bodies other than the Parliament. The ability of a public authority to estimate

"that the cost of complying with the request would exceed such amount as may be prescribed in regulations"

is a barrier to access—indeed, it is a barrier to the principle of freedom of information.

I want to ask the minister specific questions about what could be termed previous regimes of freedom of information. For instance, the Access to Health Records Act 1990 is, unfortunately, interpreted by the Mental Welfare Commission for Scotland as not requiring it to provide the mental health records of people in Scotland, because they consider them not be medical records. That is the direct opposite of the approach that is taken by the Mental Health Act Commission in England.

Will any public bodies be able to interpret the draft bill on their own understanding, as the Mental Welfare Commission for Scotland has done with the act? Will public bodies be allowed to decide whether to comply? Will they be able to seek legal advice that would allow them to evade the provisions of the draft bill?

I refer to the retrospective nature of the draft bill. There are a number of outstanding cases that refer back to Government decisions and involvement some years ago, specifically the Piper Alpha case. Will the freedom of information (Scotland) bill allow the families of the victims of Piper Alpha to re-examine that case and to re-examine the involvement of the Secretary of State for Scotland of the time? I seek answers to those questions from the deputy minister in his summing up.

10:46

Mr Kenneth Macintosh (Eastwood) (Lab): I welcome the consultation paper on the draft bill. It is a major step forward towards a more open society in which information is shared by all and is not the preserve of the privileged few.

Some of the debate has focused on what is not in the bill. I can sympathise with much of that argument—if I thought that the draft bill was the final word on freedom of information, I too would be disappointed. I think that we should consider the draft bill, as Margo MacDonald said, as part of a process of evolving into a more informed and democratic society. The Scottish Parliament is part of that process and I hope that we have been a major spur to progress. The Parliament is built on the principles of openness, transparency and accessibility. They underpin our day-to-day work and they underpin the draft bill.

It is also true that those principles do not always underpin the work of Government or, more particularly, the work of the civil service. I do not wish to be over-critical of the civil service. In many ways, it epitomises values that I and other members hold dear: integrity, honesty, impartiality and accuracy—I see the Deputy Minister for Enterprise and Lifelong Learning and Gaelic smiling. However, there is also no doubt that, at the heart of the civil service, there is a mindset that is difficult to overcome. It is a defensive way of thinking and a protective approach.

I understand and respect the way in which the civil service operates, but it reflects a different age, a different kind of society, a more deferential time and a more secretive way of working. We want to retain the excellence of the civil service, but remove the élitism. That is why I welcome the consultation paper. It challenges the élitist way of thinking and helps us to move from a culture of secrecy to a culture of openness.

I will limit myself to talking about a couple of practical examples, which have both been raised by the Tories. The first example is the Scottish Qualifications Authority. Members will be aware that one of the bones of contention during the Education, Culture and Sport Committee's inquiry into the SQA was that we wished to know exactly what information became available to ministers as the difficulties at the SQA developed. The official secrecy rules that govern ministerial advice made that information difficult to disclose.

It is important that civil servants are not compromised in the advice that they give to ministers. The civil service should be more open. It should be more transparent in its workings and more open to scrutiny, but it should not be open to political attack. Far be it from me to accuse the Opposition parties of being disingenuous, but public interest is often cited when party interest lies just underneath.

The draft bill offers the opportunity to take some of the politics out of the argument. The role of the independent Scottish information commissioner will be crucial. If such a commissioner had existed when the SQA discussions were going on, he or she could have ruled whether those papers were important to the inquiry and whether they should have been disclosed. We could have preserved the integrity of the civil service while satisfying our need to know what information was passed to ministers.

I began by saying that the draft bill should be part of a process and that we in the Scottish Parliament are part of that process. I have a word of warning, which relates to a point that was raised by Phil Gallie, who was claiming credit for the Conservative party—given the Conservatives' record in power, I find it difficult to hear them

talking about freedom of information and open government. However, some members will know that the voluntary sector is already alarmed at the number of committees that are meeting in private. I know that, when we meet in private, we do so with the best of intentions—possibly so that discussions are liberated from the constraints of party politics—but those who have not been at a meeting feel excluded. They do not know what has been discussed and they feel concerned about that.

I welcome the bill but I end on this note: we need to remove the beam from our own eye before we ask the Government to remove the mote from its eye. Here ends the gospel according to St Ken.

The Deputy Presiding Officer: The final lesson is from Alasdair Morgan.

10:50

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Like that of many other members, my starting point is the current culture of secrecy. In 1999, Dr David Clarke, the MP for South Shields, said:

“there is obsessive secrecy in Britain. Secrecy is almost endemic in senior levels of the civil service”.—[*Official Report, House of Commons*, 7 December 1999; Vol 340, c 739.]

In 1997, when Labour was elected, Dr Shields was given charge of the freedom of information project but was later sacked—I do not know whether that was because he was too much in favour of it.

To pick up Gordon Jackson’s point, I welcome the proposals. I do not want to be unfairly critical, but I feel that we must consider some of the exemptions that are covered by the class test. We must remember that those exemptions are ones where the harm test is automatically deemed to have been satisfied, because the matter is in the exemptions.

Other members have mentioned section 28, on public policy. We all want good public policy. Our civil servants—and, I think, our ministers—are all first-class brains. They are the cream of our education system. However, all too often those first-class brains produce second-rate policies. We would all agree that, if we want to arrive at the best possible decisions, our debates have to be informed by as many facts and policy options as possible. Why, then, do we not remove the ban where it relates to factual matters—not the recommendations from the civil servants, but the options that are presented to ministers for discussion? Almost all such advice gives various options. Jim Wallace said that he did not want to inhibit the frankness and candour of advice, but surely we can expose civil servants to more

scrutiny without having that detrimental effect.

We may be told that the public interest test applies to some of those exemptions. However, section 28 includes four categories of exempt information, only one of which is covered by the public interest test. The other three—law officers’ advice, ministerial communications and the operation of any ministerial private office—are exempt from the test. The public interest test does not override those exemptions. I am concerned that section 28 is one case where the Scottish Executive can override a decision by the commissioner. We are told that other Governments have similar provisions. So what? We are not other Governments, and we should make our own decision on that matter.

There is no public interest test whatever in the class exemption in section 33, on investigations by authorities. The section says:

“Information is exempt ... if it has at any time been held for the purposes of—

(a) an investigation”.

It strikes me that that is a fairly wide exemption, which could be used to exempt much information that should be in the public domain. I might be wrong, but I can see no ifs or buts. That information is exempt, regardless of what the commissioner may think about it.

Another way in which ministers can override the commissioner—an interesting one, in relation to events that happened a wee while ago—is in the prerogative of honours. Presumably, we would be unable to inquire as to why a certain person was or was not recommended for a particular honour. That would be a mistake.

I conclude by echoing the words of Margo MacDonald and others that the bill is a start. It is a good start, but it could be improved upon. I hope that the committee process has that effect.

10:54

Robert Brown (Glasgow) (LD): I had a frisson of alarm at the emphasis that Alasdair Morgan placed on section 28, because of the element of déjà vu.

The publication of the draft freedom of information bill is a landmark occasion. As a Liberal Democrat member of the partnership, it gives me particular pleasure to see Jim Wallace, the Minister for Justice, introducing the draft bill to Parliament. The freedom of information bill will be a blast of good, clean, democratic air through the corridors of power. As many members have said, the bill is important in two ways: for what it does and the rights that it gives to citizens; and for the more subtle—but more important—effect that it is likely to have on the whole ethos of government.

The establishment of an independent Scottish information commissioner, to be appointed by Parliament, is vital—Ken Macintosh touched on that. The commissioner will have a mandate to promote and enforce the legislation. There are provisions for various types of guidance in the bill. Potentially, the commissioner's role is powerful; I hope that the Parliament will ensure that the role is reinforced and enhanced, both in committee and in the performing, in due course, of that role.

As a member of the Scottish Parliamentary Corporate Body, I seek assurance from the minister that the extra resources to pay for that office and the staff will be made available to the corporate body. That falls within the management of the SPCB. The SPCB has had discussions about the effect of the freedom of information bill on the operation of the Parliament. It is important to say—as I have said to the corporate body—that Parliament should set the highest standards in the way that approaches its obligations under the bill, and, in due course, under the act.

In welcoming the bill, *The Herald* said:

"If it operates as any freedom of information regime should, it will cause a frisson of alarm and no small measure of delight for anyone who has been tangled by wilful red tape."

I agree with that, because it is the nature of all Governments, our own included, and more particularly of Government machines, to believe that only they are qualified to judge—preferably behind closed doors—what is best for the rest of us. Gordon Jackson was correct to stress the straightforward nature of the right that the bill gives to individual citizens.

I contrast the powerful bill offered to Parliament by Jim Wallace and the Scottish Executive today with the approach of the Conservative party. I have some difficulty with the concept of the Conservative party in the guise of defenders of freedom. It does not understand the need for the bill, and, in particular, it does not understand the crucial difference between a right that a citizen has by dint of being a citizen by the law, and a privilege or a favour that is granted by grace of the Government. The Conservatives' view is summed up in their campaign guide at the most recent election, which said:

"The only group in Britain who are seriously interested in a Freedom of Information Act are inquisitive left wing busy bodies."

Well, I am prepared to put up with left-wing and right-wing busybodies. Busybodies, eccentrics and people with obsessions can expose the murkier issues behind the corridors of power and Government activity. More often, the right of access to information can enable voluntary groups, and civic society generally, to mount more trenchant and informed critiques of policy issues,

and to enhance the substance and quality of our democracy.

To return to culture, I believe that the presence of Liberal Democrats in the Scottish Government is a major reason why the Scottish bill is a much more powerful instrument than the one down south, under Jack Straw. Labour in the UK Government watered down the harm test, flunked—in the view of the Public Administration Select Committee—the public interest issue, and, in the words of Charter 88, "legislated to protect secrecy." The superiority of the Scottish bill is not only down to the Liberal Democrats. There has been major involvement and commitment by our Labour colleagues in the Executive, and by people such as Pauline McNeill and Gordon Jackson. The background to the bill is the existence in the Parliament of a different electoral system, ethos and way of doing things, which has produced a different climate of government.

I welcome the bill and Jim Wallace's personal commitment to it. I know that he will be sensitive to the bill as it goes through committee, and that he will ensure that it becomes the property not only of the Executive but of the Parliament. It is important to bear in mind that concept.

10:59

Miss Annabel Goldie (West of Scotland) (Con): With reference to Mr Brown's remarks, I own up to being inquisitive, I do not own up to being left wing and I think that the jury is out on the busybody bit. Having said that, however, I welcome the draft bill, as does my party. Mr McLetchie's opening speech indicated that. We embrace the principles of the draft bill and are glad to see it.

It is important to bear in mind the backdrop against which the draft bill is being published. In his opening remarks, the Deputy First Minister articulated the principles behind the draft bill, but I think that the backdrop should not be forgotten. That backdrop is the important one of the time-honoured and tested delicate balance that has always been struck among the three pillars of the constitution: the executive, the legislature and the judiciary. The great constitutional law cases that any law student is familiar with have always sought to protect the individual against the weight of the state, and that protection is currently available under existing law. The greatest test of balance has perhaps been on the issue of individual right against national security or material prejudice if information were disclosed.

At the levels of national and devolved government, there are important issues to be borne in mind, but there is also a need not to reinvent the wheel and to be cognisant of the

strong virtues of existing law. Having said that, the draft bill addresses significant issues. There is a need to facilitate access to public information and there have been some shabby and furtive instances of wilful and unsustainable refusal to disclose information, as Mr McLetchie said. If those deficiencies are to be found in government, they are certainly to be found in local government and in other public agencies. Non-disclosure in those cases is probably more to do with discomfiture and indolence than with genuine issues of essential confidentiality or material prejudice. Any opening up of those dank and unlit corridors is welcome. In so far as the draft bill proceeds to address those areas, its provisions are to be commended.

The intended statute will be meaningless if the Scottish Executive is not prepared to lead by example, and the record to date is not impressive. At present, without any change to the law, voluminous disclosure can be effected, but the Scottish Executive has made little use of that facility. Contrary to the impression created by some persons in this chamber about the Conservative Government, the record shows that it made demonstrable progress in practising disclosure of information. In this respect, the Scottish Executive has been at best coy, at worst covert. I therefore support Mr McLetchie's amendment, because it seems to me that allowing the Scottish Executive to make Cabinet meeting minutes available is indeed a meaningful start.

On general disclosure, it is desirable that the Scottish Executive and the First Minister, who are publicly accountable, should perhaps have the predominant role over an unelected commissioner. Having articulated that reservation, that is why the Conservatives feel unable to support the amendment in the name of Roseanna Cunningham.

My party welcomes the bill and endorses its principles. We think that there will have to be rigorous debate at committee level to ensure that existing law is not overlooked and that its best virtues are recognised. We also think that there will be areas in which there has to be considerable debate about how we maintain a delicate balance. I am acutely aware that today is a good day for the very many people in Scotland who have felt frustrated, deprived of rightful information and impeded and blocked at every turn. In my professional life I have acted for many such people. Today's draft bill shows that, at last, a door is opening through which they will be able to walk.

11:04

Michael Matheson (Central Scotland) (SNP): Like many other members, I welcome the draft

freedom of information bill. However, before we go over the top in congratulating ourselves on reaching this milestone, we should be mindful of the fact that the Swedish Parliament passed its first freedom of information act back in 1766—the Freedom of the Press Act. We clearly have some ground to make up.

I was interested in the comments that Robert Brown made when he referred to those who may be obsessed with single issues but can also be responsible for exposing matters that would otherwise go unnoticed. I can only suggest that, given that Phil Gallie is so obsessed with the European convention on human rights, that makes him the European convention on human rights busybody.

I must confess that I do not think that the SNP can support the Tory amendment, because the Tories' benchmark for the draft bill seems to be based on whether they will have access to Cabinet minutes. To be perfectly honest, I am not too sure whether Cabinet meetings will be that interesting to read about.

In the course of the debate, several members have highlighted the fact that the draft bill, to some extent, goes further than the Freedom of Information Act 2000. Roseanna Cunningham highlighted three areas in which the draft bill proposes to go further than the UK act. However, there are several areas in which the draft bill falls behind the provisions of the UK act. The draft bill's proposal to set a higher threshold of substantial prejudice when testing for the disclosure of information is one that I welcome. Gordon Jackson referred to it as being a higher standard of prejudice than that set in the UK act, and I entirely agree with him about that. In addition, a positive provision of the Scottish draft bill is the obligation that will be placed on Scottish authorities to provide a certain degree of information under their own initiative. That is also to be welcomed.

International experience has been referred to in the course of the debate. I was interested to hear the comments from the Canadian commissioner for freedom of information last year, when he highlighted the fact that the biggest impediment to the implementation of the Canadian act was breaking down the culture of secrecy that pervades many public and private institutions. I find it surprising that the draft bill contains no explicit purpose clause to state clearly the intentions of the bill. Gordon Jackson said that we should warmly welcome the general principles on which the draft bill is based, but I think that we should also ensure that there is a clear purpose clause in the bill so that there is no confusion as to what its purpose should be.

Mr Wallace: Does Mr Matheson accept that paragraph 89 of the commentary on the draft bill

states that the Executive is considering a purpose clause

"but has not yet reached a final decision"

and will obviously take account of representations made in response to the consultation exercise?

Michael Matheson: I thank the minister for that comment. I am aware of that paragraph. The consultation document says that it is possible for a purpose clause to be included, but I want to know why the Executive has not yet decided to do so. It seems clear to me that we should include a purpose clause so that we can ensure that there is no misinterpretation of the intentions of the bill and assist in breaking down the culture of secrecy that pervades many of our public authorities.

Several members have raised questions about the proposed charging regime that will be used to cover the costs of locating and retrieving information under the bill. I have serious concerns about the deterrent effect that the charging proposals may have. Under the Freedom of Information Act 2000, ministers have made regulations that will permit authorities to charge no more than 10 per cent of the marginal costs of locating information. For example, where the cost is £500, the charge would be only £50. A similar request under the Scottish draft bill would cost eight times more than under the UK legislation. Lloyd Quinan referred in detail to the serious possibility that the financial charging regime could act as an obstacle to requesting information.

I note that Jim Wallace referred to the need to ensure that public authorities are not overburdened by requests. However, as he will be aware, the UK act contains at least six restrictions to deal with that very issue, covering cost and vexatious requests. Those provisions are mirrored in the Scottish draft bill, so we already have provisions in the draft bill to deal with that potential problem. That is why they were put in the UK bill in the first place.

Several members have highlighted the bizarre situation in which the Lord Advocate and procurator fiscal service will find themselves. The information commissioner will have no power to review refusal to disclose information by either the Lord Advocate or a procurator fiscal. In effect those people, one of whom is a Government minister, will be able to ignore the legislation.

Pauline McNeill referred to the need for the Lord Advocate sometimes to retain information for specific purposes. However, as Roseanna Cunningham and Lloyd Quinan highlighted, there have been cases in which access to such information has caused greater harm than good, in particular the Chhokar case and the case of the Cawleys, to which Roseanna Cunningham referred. I hope that the minister will give

consideration to that. Access to information has also been highlighted in relation to prisons. The minister will be well aware of my attempts to find out the cost per year for each prisoner in Kilmarnock private prison. What will the bill do to change the current system?

Finally, I want to turn to an area that is of particular concern to me: the First Minister's veto under the proposed bill. As the minister will be aware, when we discussed the Regulation of Investigatory Powers (Scotland) Bill and the Convention Rights (Compliance) (Scotland) Bill at committee, I raised the issue of giving sweeping powers to ministers. The Executive's consultation document "An Open Scotland" stated that the veto could be exercised only on the

"collective decision of the Scottish Ministers."

In the draft bill, that has been watered down to

"after consulting the other Ministers",

which is a less demanding hurdle.

Mr Wallace: I am happy to clarify that point. There is no watering down at all. If we had used the term "Scottish Ministers", by virtue of interpretation of the Scotland Act 1998 it would have meant that each minister could have done something individually. We therefore had to devise a statutory means of bringing about a collective decision of the Cabinet, which did not open the door to individual ministers. Making the decision the First Minister's after consultation was the device that we found. I assure Michael Matheson that the intention is exactly the same. We found a statutory means to fulfil that intention without creating a loophole.

Michael Matheson: I take on board the minister's comments, but I would welcome it if he would consider tightening up the way in which the veto can be used to ensure, as the consultation document did, that the veto can be used only in relation to information of exceptional sensitivity or seriousness, to provide greater safeguards on when it will be used.

The Deputy Presiding Officer (Patricia Ferguson): Will you wind up, please.

Gordon Jackson: Will the member take an intervention?

The Deputy Presiding Officer: The member needs to wind up.

Michael Matheson: Sorry. I think that I am on my last minute.

As Margo MacDonald said, the draft legislation is a start and it should be welcomed. I support that. I hope that the minister will take on board the concerns expressed in the chamber today and that he will have given them full consideration and

sought to remedy them by the time the bill comes before Parliament and the Justice 1 Committee.

11:13

The Deputy Minister for Justice (Iain Gray): I am pleased that the Parliament has had this early opportunity to debate freedom of information. The publication of the Executive's draft freedom of information bill is an important step in Scotland's development following devolution, as today's debate has demonstrated. The adoption of an effective freedom of information regime will send out an important signal about how we want the Scottish public sector to operate.

Openness is essential. It is no exaggeration to claim that openness is the bedrock of good democracy and good government. Indeed, the consultative steering group on the Scottish Parliament was absolutely clear that openness should characterise Scotland in devolution. Our proposals are designed to deliver that.

Openness should not be only on our terms. If openness is to bring real accountability, it is vital that the availability of information is not reliant on various non-statutory regimes or limited statutory ones. A number of the contributions this morning have focused on the need for legislation and have illustrated instances of information being released through codes without statutory force. It is an extremely weak argument to say, however, that because of that a statutory regime, which will ensure that that and other information in future will be disclosed, has no purpose. I will return to that point later, time permitting.

If public confidence in the effective and responsible operation of public authorities, including the Executive, and indeed the Parliament, is to be guaranteed, it is essential that we introduce a robust statutory freedom of information regime that cannot be undermined or sidestepped.

I say public authorities including the Executive and the Parliament. That leads me to part of Phil Gallie's contribution, in which he claimed—I do not know whether this is the case, because I have not checked, but I would be surprised if it were—that the Conservative group, more than any other group, has asked for limitations on the amount of work that committees undertake in private. A great deal of today's debate has focused on how the legislation will affect the Executive and on which of its deliberations should be subject to the freedom of information legislation. However, there are interesting questions about how the Parliament and its committees will be affected by the regime that we seek to introduce.

Mr Kerr: To be fair, in many of the committees, it is good practice for the convener or whoever is

in the chair to explain to everyone in attendance why certain aspects of the meeting are to be taken in private, to allow the public and press to understand that there is a good reason for any private sessions that take place. On the Transport and the Environment Committee, there have been no divisions over whether matters should be taken in private.

Iain Gray: I thank Mr Kerr for that information. He will understand that I have not been a member of a committee, so I have not found myself in the situation. His knowledge of the procedures is much more profound than mine. I am grateful for his reassurance. Nonetheless, once the legislation is, as we hope, in place, conveners and members of committees, in taking decisions about whether to hold particular proceedings in private, will have to give consideration to the fact that such decisions could be challenged under the legislation.

The freedom of information regime cannot be undermined or sidestepped. On that basis, I am afraid to say that almost all of David McLetchie's contribution seemed rather irrelevant. He asked at considerable length for clarification of our position on disclosure of information. It is hard to imagine what greater or more detailed clarification he could have than a draft bill of 72 sections and all the explanatory notes that go along with it.

The bill is the Executive's view of how a freedom of information act should look. It is therefore a pity that David McLetchie largely ignored the draft freedom of information bill and instead took the time to dig over some sad old political point scoring, some of which went back a matter of years, even in a Parliament so young. What the Conservatives were displaying was could kail het again, as we have often had thrown at us from the Opposition benches.

David McLetchie raised the particular example of the decision on siting paediatric cardiac services in Edinburgh or Glasgow. As the former Minister for Health and Community Care, I have some insight into the process that took place, which was very different from the one that David McLetchie attempted to construct. I am clear why the quality of the advice regarding the siting of paediatric cardiac surgery in Scotland that was offered to health ministers at the time might have been compromised had it been made in the expectation of disclosure. It is extremely important, when taking a decision like that, that ministers receive advice that is clear and frank.

Ms MacDonald: I have a genuine question. Although I accept that some people may have given confidential and professional information to the Minister for Health and Community Care in the instance that Iain Gray mentioned, a Swedish expert, who is acknowledged as the world's No 1

expert, was approached. He gave an opinion that was contrary to that which the minister eventually reached. I know for a fact, because I inquired, that he would not have been in the least worried had that information been made available to people such as myself who inquired.

Iain Gray: Margo MacDonald has referred to one piece of work, one piece of evidence and one piece of advice that was available at the time. The minister, when taking a decision, must examine and assess all the advice, opinions and judgments that are available. I assure Ms MacDonald that much of the advice that was available to the health ministers had been prepared and given in the expectation that it would be treated confidentially.

Much of that advice was based on facts and statistical information that was made available at the time and would have to be disclosed under the draft legislation that we are discussing. Mr McLetchie posed the question, what would the difference be? The difference would be that, if the freedom of information bill was enacted, under the proposed regime disclosure could have been appealed to an independent judgment of public interest: the Scottish information commissioner.

David McLetchie: Does the minister acknowledge that the appeal, even if it had gone against the Executive, could have been overruled by the issue of a ministerial certificate pursuant to section 51 of the draft bill?

Iain Gray: Of course that is the case. I will return to the ministerial veto soon.

Mr McLetchie would also have to acknowledge that that veto would be subject to judicial review, were it felt that it was outside the powers that the freedom of information act gave for the ministerial veto, so it would not be the absolute final decision.

David McLetchie: The minister will be aware that the process of judicial review applies only on limited grounds. It is not on the substance of the issues; it is essentially about matters of law and procedure, not the content of the information.

Iain Gray: Mr McLetchie will also be aware—and Mr Wallace has made the point already—that the ministerial veto would seldom be used and only in unusual circumstances.

Mr Macintosh: Does the minister agree that, in the SQA inquiry, Mr Galbraith tried to meet the demands of the Education, Culture and Sport Committee? It runs counter to the events that took place to imply that he would have used the ministerial veto.

Iain Gray: That is a fair point.

The Scottish information commissioner sits at the heart of our proposals. Everything that has been said today has underlined the importance of

the commissioner's role as a powerful, independent arbiter to protect the public's right of access to information.

Mr Gallie raised questions early in the debate about the independence of the commissioner, given that the appointment is considered by the Parliament. I repeat the point that Mr Wallace made, which is that it is a decision of the whole Parliament, not the Executive. The Parliament will nominate the commissioner; the appointment is by the Queen. That is a protection of the independence of the commissioner, which applies to similar public bodies.

Phil Gallie: Is it not the case that the Parliament will endorse a proposed appointment made by the Executive—by the minister? Would it not be worth while to consider other means, such as an interview process with all-party participation, followed by a recommendation?

Iain Gray: That is the likeliest outcome. I certainly hope that it would be. In this country, that is what we call democracy.

In the course of the debate, the bill has been accused of making no change. The creation of the post of commissioner makes that a ridiculous assertion. The commissioner will be a vital watchdog protecting the interests of the public. If someone wants to find out why their local authority has taken a particular decision, for example, in allocating council houses, the bill will help. If a parent wants to know how money is being spent in their child's school, the bill will help.

I choose those examples advisedly, because Gordon Jackson and Pauline McNeill are right. The bill is about more than the hunger of Opposition parties for their next press release or their next witch hunt. It is, above all, about the right of individual citizens to know information that affects their lives. If a public body will not release the information being requested, the commissioner will consider an appeal. No longer will people find themselves involved in long-drawn-out exchanges of correspondence, a war of attrition that has in the past invariably been won by the authority.

Clearly, the effective operation of freedom of information will be driven by the commissioner. It is because of that that I am amazed at the attempts that we have seen today to identify, in great detail, what would and would not be disclosed under this legislation; it has almost been an attempt to develop a list of what might be made available.

Mr Quinan: In my speech I referred to an interpretation of a previous piece of legislation which relates to freedom of information: specifically, access to medical records, which has been interpreted by the Scottish Mental Welfare Commission as not applying to it. Could Iain Gray

address whether there will be the ability for anyone to make their own judgment on the issue?

Iain Gray: I will take that point away for consideration and perhaps respond to Mr Quinan—it is a new one to me.

We can have no list of what will be disclosed, because that will be decided and adjudicated on by the commissioner.

The ministerial veto has been discussed. I repeat Jim Wallace's reassurance that there is no watering down in this section of the bill. The veto is to be exercised collectively because that is the way the Scotland Act 1998 works.

I make the point to Roseanna Cunningham that there is no comparison between the use of the veto and the frequency of the use of Sewel motions. Sewel motions are a device unique to our Parliament and our constitution, whereas there are examples from similar freedom of information regimes where the ministerial veto is seldom used.

Much has been made today of the exemptions. Let me repeat Jim Wallace's assurance that those are not loopholes. Exemptions are found in every freedom of information regime around the world; access to information is not, and never has been, an unconditional and open-ended right. There will always be information that must be protected against disclosure, and our draft bill provides for that. The exemptions are about ensuring that freedom of information operates to the benefit of the people of Scotland. That is why we have maintained our harm test of "substantial prejudice".

I will deal with the case of the Lord Advocate and the Crown Office that has been raised by Ms Cunningham and others. The reason that the Lord Advocate is exempted is because, under the terms of the Scotland Act 1998, any decision taken by him or her as head of the systems of criminal prosecution and investigations of deaths must be taken independently of any other person, so under the terms of that act he or she could not be overruled by the commissioner. The Crown Office is subject to freedom of information and it is the duty of the prosecution service to act in the public interest, but in many cases there are competing interests, not only those of the victim and the accused, but between victims and between victims and witnesses. We will review the nature and type of information that can be made available privately to victims.

The great exemption of Cabinet minutes, which so exercises David McLetchie, begs the obvious question: does William Hague intend to publish his Cabinet minutes if, God forbid, he becomes Prime Minister? Will he signal his intent to do so by publishing shadow Cabinet minutes now? If so, I will be first in line for the shadow Cabinet minutes

for the first meeting after Ann Widdecombe's famous foray into drugs crime policy. I would like to see the minutes of that meeting. The truth is that Mr McLetchie is the one who is hiding. He is hiding behind the certain knowledge that he will never appear in the Scottish Cabinet minutes.

David McLetchie: Will the minister give way?

The Presiding Officer (Sir David Steel): Hang on, Mr McLetchie. We are over time.

Iain Gray: I apologise to Mr McLetchie, but I must wind up now.

We will have to consider and discuss the issue of the charging regime during the consultation. Members have raised some fair points in that respect.

So where do we go from here?

The Presiding Officer: To the wind-up, I hope.

Iain Gray: The consultation on the draft bill is important; it will run for 12 weeks and closes on 25 May. We will remain true to our commitment to introduce an effective freedom of information regime.

I commend the motion to the Parliament. This is the right bill at the right time.

Fisheries

The Presiding Officer (Sir David Steel): We move now to the debate on motion S1M-1760, in the name of Ross Finnie, on fisheries. I invite members who wish to speak to press their request-to-speak buttons now. As this is a very short debate, I will be strict on the timing throughout for every member. I call Rhona Brankin to speak to and move the motion.

11:31

The Deputy Minister for Rural Development (Rhona Brankin): This is a debate about the kind of coastal communities in which I lived for 25 years and about which I care passionately. The debate is about the future of those communities; it is not just about the needs of today, but about the needs of tomorrow, next year and decades to come. It is not just about the jobs of today, but about the jobs to come in the years ahead. It is about children and making provision to ensure that they have a job in the industry that sustained their fathers and their fathers' fathers.

A week ago, I stood in Parliament and announced a £27 million package—the biggest ever single investment in the Scottish fishing industry. The Executive is committed to a sustainable, prosperous future for this important industry, and I believe that the £27 million package announced last week demonstrates that commitment.

No one in the chamber or in the fishing industry would disagree that serious challenges must be faced in the weeks and months ahead. However, I believe that by working in close partnership with the fishing industry we can meet and master those challenges and face the future with confidence.

Amid the issues that are currently causing us difficulties, there are opportunities for the future. For the time being, there is in the fishing grounds a prevalence of small haddock, many of which are below the minimum landing size. Although it is a challenge to manage a natural resource, that prevalence gives us hope for the future.

As I said last week, the sustainability of fish stocks must be at the heart of our approach. Put simply, there are too many boats chasing too few fish. To achieve sustainable fishing, we must reduce the capacity of our fleet to allow fish stocks to increase. If we achieve sustainable stocks, we achieve a viable industry.

That was the background to last week's announcement of an unprecedented investment in the industry. At the heart of the £27 million package was a £25 million decommissioning

scheme, which is intended to remove about 20 per cent of the capacity of the Scottish white fish fleet. That will help not only to balance capacity with fishing effort, but to ensure a more secure economic future for the remainder of the white fish fleet. That investment was requested by the Scottish Fishermen's Federation and it has been delivered in full. Hamish Morrison of the SFF has called it "a handsome settlement".

The problem has been about the short term, not the long term. In particular, parts of the industry and the Parliament have expressed their disappointment about the absence of any short-term tie-up assistance. Let me explain the rationale. First, there is confusion about when the £25 million decommissioning package will begin to take effect. It is not some dim and distant prospect; we are already developing the scheme and want to open it up within weeks—in fact, by June. Although its implementation is a short-term matter, I believe that it will have long-term benefits.

Last week, I described the range of adjustments to fishing gear that I thought were necessary to tackle the short-term problem of the killing and discarding of excessive numbers of small haddock. Three cheap and simple measures—banning lifting bags, reducing extension pieces and moving the square-mesh panel—will enable significantly more small fish to escape from nets. On the basis of scientific data drawn from trials conducted with Scottish boats, we estimate that the impact of those measures will be a 70 per cent reduction in discards over the full year. A tie-up scheme inevitably has only a limited impact, but the measures I have outlined will have a sustained effect. Next year, as the fish grow, we will reduce the amount of fish thrown dead over the side by around a third.

Mr Alex Salmond (Banff and Buchan) (SNP): The minister seems to be claiming that she has reached agreement with the SFF. How is that possible when every member of the Parliament has this morning received an e-mail in which the SFF makes it clear that that is not the case? Did the minister reach agreement with the SFF on Tuesday night and, if not, why not?

The Presiding Officer: Order. There must be no noise from the galleries during the debate.

Rhona Brankin: No—Mr Salmond is wrong again. The SFF is happy that we are still in discussion. Does he deny that the federation thinks that decommissioning should be happening? Come on—let us get our facts straight.

The vast majority of fishermen agree that our measures will reduce discards. In fact, at the joint fisheries conservation group meeting earlier this

week, the measures were broadly accepted by the industry, subject to some relatively minor derogations. The Executive's short-term approach is to get gear adjustments made as soon as possible—voluntarily for a few weeks, and then through legislation. I know that Shetland fishermen are already implementing some of those gear adjustments, and I welcome that. At the same time, the Executive is urgently developing the longer-term approach of decommissioning.

On that basis, the Executive believes that haddock stock can be protected and that fishermen can earn an income. As a result, we believe that a tie-up scheme does not represent value for money. Last week, the Parliament took a contrary view, which the Executive must of course consider.

Richard Lochhead (North-East Scotland) (SNP): The minister talks about the best and most effective use of money. Will she confirm whether her decision not to deliver a tie-up scheme—for which the Parliament voted—was an economic one, or a matter of conservation?

Rhona Brankin: Let me be absolutely clear. The advice is that tie-up schemes do not deliver a conservation outcome. The SNP has been quoting scientists such as Professor McIntyre. Although he is indeed an expert in marine pollution, he is not a stock scientist. The other person quoted—

Richard Lochhead: Will the minister give way?

Rhona Brankin: No. [*Interruption.*]

The Presiding Officer: Order. The minister is not giving way, Mr Lochhead. We are very tight for time.

Rhona Brankin: I will not give way, because Mr Lochhead does not want to hear what I am about to tell the chamber.

Our scientist at the marine laboratory in Aberdeen, Robin Cook, has had more than 20 years' experience in fisheries management. He is the former chair of the International Council for the Exploration of the Sea consultative committee and is the ICES chief scientist. Furthermore, he is the UK member of the ICES advisory committee on fisheries management and an independent reviewer of the US Government's fisheries programme. I can tell the SNP and the rest of the Opposition parties that our advice comes from the top scientist in fisheries management and fish stocks protection.

Mr Salmond: Will the minister give way?

Rhona Brankin: I am sorry if Mr Salmond does not want to hear that—I am going to move on with my speech.

On the basis of that advice, we believe that haddock stocks can be protected and that

fishermen can earn an income. No fishermen want the imposition of long-term tie-ups; they want to be able to get back out there and fish. They can do that using enhanced technical measures.

I met industry representatives on 13 March to receive representations about the £27 million package. I thereby honoured the commitment that was given to the industry by Henry McLeish to meet them and to hear any reservations that they might have. No one will be surprised to learn that the issue of tie-ups was raised. It was one of the first options that was raised by the European Commission in response to the cod recovery plan, but at that time the industry flatly rejected it. However, as minds have changed, our long and detailed meeting explored all the options and included discussions of a tie-up. The industry was able to set out a specific proposal.

The industry representatives proposed a tie-up of up to 150 boats over a four-week period, at a cost of £6,000 per boat per week—a total cost of £3.6 million. However, they were unable to tell me how I should decide who would receive the cash and who would receive nothing.

The Executive's decision is now whether, having regard to the views of Parliament, the expenditure of £3.6 million for a one-month tie-up can be justified as value for money. We are also telling the Parliament that the conservation benefits of that would be minimal. It is a difficult decision and we need to establish what we would get—in relation to the overall questions of resource conservation and fleet viability—in return for that amount of money. We are being asked to provide a short-term economic subsidy rather than support a policy of investment for sustainability.

Having said all that, we made some progress in our meeting with fishermen. We have made £1 million available for a new partnership between scientists and fishermen, and tomorrow observers on fishing boats will be monitoring levels of discards. The industry is already involved in that programme, and I genuinely believe that it is the right way forward. We will engage active fishermen in conservation. We will draw a wide range of industry interests into our conservation efforts, involving them at the earliest possible stage and getting fishermen to buy into the process. I am sure that that is what we should do and I am optimistic that the programme will be welcomed by the industry.

In summary, we have listened very carefully to the views of Parliament. We believe that the £27 million package is a practical one that will, with some minor adjustments, provide support for the industry in the long term and allow fishermen to make a living in the short term. I urge Parliament to support the motion.

I move,

That the Parliament welcomes the record £27 million package for the fishing industry announced by the Deputy Minister for Rural Development on 8 March 2001; notes that the joint objective of the Executive and the industry is the conservation of fish stocks and a sustainable long-term future for the fishing industry; further notes that best scientific advice is that these objectives are most effectively achieved through a targeted decommissioning scheme and immediate technical conservation measures; welcomes further research into these practical measures intended to reduce the number of discards and protect stocks of fish, and welcomes the fact that the Executive, taking into account the view expressed by the Parliament on 8 March 2001, is engaged in continuing discussion with the fishing industry to explore a degree of re-balancing of the £27 million package of measures to address the short term needs of the industry by extending that research programme.

11:43

Mr John Swinney (North Tayside) (SNP): The minister said that the debate is about the coastal communities of Scotland. Of course it is about the coastal communities of Scotland. Therefore, the minister might have been better served in giving her litany of scientific advice if she had paid some respect to the attitudes of fishermen who believe that a short-term tie-up scheme is what the industry requires.

The debate is not just about coastal communities; it is also about the will of the democratic Scottish Parliament.

Mr Andy Kerr (East Kilbride) (Lab): Does Mr Swinney agree that he does not represent the views of all fishermen, as there is division among the west coast fishermen regarding their position on a tie-up?

Mr Swinney: The Labour party obviously knows how to go down the route of divide and rule. There has been unprecedented unity in the fishing industry over the past few weeks. The people who are not listening are the ones who are sitting on the Labour benches, who do not listen to the democratic voice of Parliament.

Mr Kerr: Will Mr Swinney give way?

Mr Swinney: I have given way already.

Last Thursday, Parliament met and resolved to provide financial support to our fishermen during the 12-week closure period, in the form of an immediate compensated tie-up scheme. We asked for a statement from the First Minister on the way in which he was going to implement that measure, but the First Minister sneaked out of Parliament without giving a statement. On Friday, we asked for all-party talks on the way in which the issue would be resolved, yet we still await a reply from the First Minister on that. On Tuesday, we requested a statement on the subject, but that was

refused. On Tuesday evening, the minister met the fishing industry and was unable to secure any agreement with it. The Government still refused to make a statement. On Wednesday, we tried to drag something out of the Government with an emergency question, which resulted in this debate. What does that say about the respect that the Executive has for the democratic Scottish Parliament?

We have had the debate about fishing; we had it last Thursday. Parliament came to a democratic conclusion at a properly constituted meeting at which everybody knew what was going on. The problem was that the Executive could not command a majority in the democratic Scottish Parliament. The minister now tells us that the Executive is "having regard to" and has listened to the Parliament. We are not interested in the Executive's "having regard to" or listening to Parliament; we want the Government to tell us how it will implement the will of Parliament. That is what today should be about.

Karen Gillon (Clydesdale) (Lab): John Swinney makes a great deal of cross-party consensus. Can he explain the press release that was issued by the Scottish National Party on behalf of the fishermen's action committee? Can he also confirm that the will of Parliament was 50-50, and then he phoned a friend?

Mr Swinney: That discourteous remark about the Presiding Officer is typical of the Labour party over the past few days, and such comments have been made worse by the shameful behaviour of the Minister for Parliament.

The debate is about ensuring that the will of Parliament prevails. Why is that important? Because it is deeply rooted in the democratic tradition of the people of Scotland. On 7 October 1999, the late First Minister was asked on Scottish Television:

"If the Parliament votes that tuition fees should go, is that it? Do they go?"

The late First Minister said:

"Of course. I can't defy Parliament."

On 25 January, I asked the present First Minister what he would do if Parliament voted at 5 o'clock to agree free personal care for the elderly. He said:

"I must say that the voice of the Parliament cannot and will not be ignored."—[*Official Report*, 25 January 2001; Vol 10, c 654.]

The First Minister (Henry McLeish): And that is what happened.

Mr Swinney: The First Minister says that that is what happened. He is absolutely right, and I am happy to put that on record. I am appalled that he

has not respected the will of Parliament in this case.

Johann Lamont (Glasgow Pollok) (Lab): I ask the member to clarify his own position, as he seems to feel strongly about the tie-up scheme. If the casting vote in the 50-50 split in the Parliament had gone the other way, would he have argued that a tie-up scheme was inappropriate?

Mr Swinney: I am sorry. I could not hear the last part of that question.

Johann Lamont: Mr Swinney thinks that the tie-up scheme is the solution. However, if it had been lost on the casting vote, when the Parliament was split 50-50, would he have stopped pursuing it despite the fact that some fishermen are still arguing that it is the solution?

Mr Swinney: The problem with that argument is that the vote on the tie-up scheme amendment was carried not by a tied vote, but by a straightforward simple majority of Parliament. The final vote was also carried by a majority.

We now know that the real issue is no longer implementation of the will of Parliament. An Executive spokesman last night said that it was about implementing

"the true will of Parliament".

Today, members were to be given the chance to examine the package properly and find out the true will of the Parliament on the issue. It seems that the "true will" is the will that suits the Labour party. Labour members lost the vote last Thursday and have spent the weekend in a pathetic sequence of excuses to explain their failure to deliver a parliamentary majority. We have experienced an absolutely shameful set of events.

Mr Frank McAveety (Glasgow Shettleston) (Lab): Will Mr Swinney give way?

Mr Swinney: I am sorry, but I am near the end of my time and must sum up.

The Presiding Officer: Please wind up.

Mr Swinney: Of course, the issue at the heart of this debate is how we deliver the clear parliamentary consensus in favour of a tie-up scheme, which was clearly expressed in a parliamentary vote after the debate in this Parliament last Thursday.

The minister looks bewildered and asks, "What about fishing?" The Parliament's position on fishing is absolutely clear: there should be a compensated tie-up scheme and the sooner that she gets on with implementing it, the better.

People expect Parliament to decide. I have spent the weekend talking to people who cannot believe that, although the Parliament voted for something last Thursday, the Executive is able to

wriggle out of implementing the will of Parliament. When I was in the House of Commons on Tuesday evening, I was struck by the principled remarks of John Home Robertson:

"As someone who has been committed to the principle of a Scottish Parliament for a long time, I say with feeling that the Scottish Executive cannot be allowed to sidestep its accountability to the Parliament."—[*Official Report, House of Commons*, 13 March 2001; Vol 364, c 866.]

There we have it: a clear view that Parliament's will should be obeyed.

The Presiding Officer: Please wind up.

Mr Swinney: My final remark is this: an accusation used to be bandied about that some people were interested in wrecking the Scottish Parliament. Indeed, in *The Scotsman* of 23 April 1997, an article written by Peter McMahon, who now peddles the Executive's myths around Scotland, quoted Jack McConnell saying:

"We are not ... prepared to allow the Nationalists to wreck Scotland's first parliament in 300 years".

Now we know that Labour wrecks the Scottish Parliament because it does not obey the Scottish Parliament's democratic will.

I move amendment S1M-1760.3, to leave out from first "notes" to end and insert:

"and calls upon the Executive to implement the will of the Parliament as expressed on 8 March 2001 in resolution S1M-1725."

[*Applause.*]

The Presiding Officer: Order. Enthusiastic applause takes time out of the debate.

Karen Gillon: On a point of order, Presiding Officer.

The Presiding Officer: I hope that it will not be about your previous remark.

Karen Gillon: Can you clarify whether it is in order for members to name civil servants in the chamber? You have previously ruled on that matter.

The Presiding Officer: Actually, I have not ruled on that matter. I will consider it, however.

11:52

Mr Jamie McGrigor (Highlands and Islands) (Con): Normally, I would be delighted to be back in the chamber debating fisheries. However, when the public—the people who pay for us to be here—examine the history of this episode, two things will astound them. First, that last Thursday the Scottish Parliament made a decision that the Scottish Executive has ignored. Secondly, that we are back in the chamber to debate the same topic. I doubt whether hearing more words spoken on the issue will be of any comfort to the fishermen

who depend on the industry for their livelihoods. They want and deserve action. A decision was made to take action and fishermen want that decision acted on now.

Last Thursday, fishermen saw a decision being made in the Scottish Parliament that was a victory for common sense and for the fishing industry. This morning, a week later, they are witnessing a cynical attempt by an embarrassed and smarting Executive to overturn that victory, not in the interests of the fishermen or people's livelihoods but in the interests of propping up the shabby, discredited Lib-Lab coalition that masquerades as the Government in this country.

Should the debate be about the conservation of fish stocks? [MEMBERS: "Yes."] Should it be about the conservation of our fishing communities? [MEMBERS: "Yes."] Should it be about the conservation of the disgraced coalition? [MEMBERS: "No."] I call on the Executive to recognise last week's democratic decision to implement a funded short-term tie-up scheme as an essential part of the cod recovery plan in order to stop the slaughter of immature haddock in the North sea. [*Interruption.*]

The Presiding Officer: Order. Members listened to the other speeches reasonably quietly. We must listen to Mr McGrigor with equal courtesy.

Mr McGrigor: Thank you, Presiding Officer.

Fishermen and scientists recognise that preventing the decimation of the young stock will hold the key for the future prosperity of the industry. I ask members of the Executive not to attach themselves to an agenda that might wipe out the seed corn of the North sea fishing industry. Who among us will vote for the destruction of young fish?

The Deputy Minister for Rural Development has said repeatedly that she follows the advice of the fishing industry and works with it. However, although the fishing industry has been telling her what it needs and the Scottish Parliament has voted for what the industry says it needs, the minister has ignored the fishermen and the Parliament. Who is she listening to? She is listening to Tony Blair.

The First Minister says that meetings are good. Big deal. They are good only if people are listened to and something is achieved as a result of them. In case he, Ross Finnie and Rhona Brankin want to know the latest advice from the Scottish Fishermen's Federation, here it is, sent by e-mail this morning:

"The federation maintains its view that a funded effort limitation scheme between now and the end of the cod closure period would yield a substantial conservation gain for the haddock stock ... If the Government rules out, as a

matter of principle, the introduction of funded effort limitation, it will be unable to meet its obligations under the EU-Norway five year cod recovery programme ... technical measures to conserve cod are ineffective in a mixed fishery and the welcome decommissioning programme will not be sufficient in itself to deliver the target already set for the cod recovery programme".

Rhona Brankin tells us that advanced technical measures will solve the discard problem. It is quite obvious, however, that the technical conservation measures were not working. That is why the fishermen stopped fishing and tied up in the first place. The advanced technical measures that the minister has talked about would not be in place for another month and even the best estimate is that they might reduce the discards by only 60 per cent. The recommended tie-up scheme, by comparison, would yield a 100 per cent reduction of discards at once.

The minister tells us that the west coast fishermen are not behind that plan. She is cynically dividing the fishing industry to suit her interests. Divide and rule is her motto, which is rich, given that the Clyde fishermen and others on the west coast have been affected by the Irish sea cod recovery programme for some time. The minister has done nothing for west coast scallop fishermen whose boats have been tied up because of amnesic shellfish poisoning. She has refused to draw down compensation for them, despite repeated calls, including from me and other members. The result of her current policy will be that white fish boats will divert their activity and fish for prawns, thus causing a glut in prawns and a subsequent fall in the price of a product that provides the livelihood of west coast fishermen. The west coast fishermen need a share of the action, but the minister will not give it to them.

What has the minister achieved? A revolt by fishermen, an armada up the Firth of Forth, a huge protest in Edinburgh, numerous angry demonstrations on the east coast and a democratic defeat in the Scottish Parliament. She should recognise the situation that we are in and she should respect the wishes of the Parliament as expressed last Thursday.

11:58

George Lyon (Argyll and Bute) (LD): On behalf of the Scottish Liberal Democrats, I would like to support the motion.

This debate is not about the rewriting of history, as the SNP and the Tories claim it is. It is in direct response to the demands made by the Opposition last Thursday in the chamber for the Executive to come to Parliament and respond to the vote. Not only has the Executive responded, but the proposal, as outlined in the motion, clearly demonstrates that the Executive has changed its position quite dramatically since last week. That is

important to the Liberal Democrats, as part of the coalition.

Mr Salmond: Will the member give way?

George Lyon: I will take the point later. I have something to say about Mr Salmond first.

The debate gives us an opportunity to hear the views of all fishermen, especially those on the west coast who, until now, have been ignored. Last week, we heard only one point of view: that of the fishermen's action committee which, according to the press release to which Karen Gillon referred, has now joined the Scottish National Party. Surprise, surprise—there is a coincidence for us.

In last week's debate, Alex Salmond urged us to listen to the fishermen. I agree that we should. The position of the west coast fishermen is clear: that £25 million should be spent on decommissioning, not on a tie-up scheme, and that, if there is to be extra money for a tie-up scheme, the scallop fishermen, who were tied up for months this year and last year, should have the first call on that money. That is the view of the fishermen who have not been listened to by the Parliament.

Richard Lochhead: Is the member—

The Presiding Officer: Order, Mr Lochhead.

George Lyon: I support the West of Scotland Fish Producers Organisation and the Mallaig people—

Richard Lochhead: The fishermen—

The Presiding Officer: Order.

Richard Lochhead: To help the—

The Presiding Officer: Order. I am sorry, Mr Lyon. Mr Lochhead, you must speak into the microphone. Would you repeat your question into the microphone, please?

Richard Lochhead: Is the member going on record as supporting tie-up schemes for Scotland's fishing industry?

George Lyon: I am supporting exactly the position that was outlined by the west coast fishermen. I had phone calls from them this morning. They said quite categorically that the Executive had better not waver in ensuring that the £25 million goes on decommissioning, not on a tie-up scheme. That is directly from what the fishermen told me this morning.

Today's debate should be clearly focused on the single most important issue facing Scotland's fishing industry: the fact that there are too many boats chasing too few fish. Will a tie-up scheme address that problem? No. If we used the money for tie-up, that would jeopardise the long-term future of the industry. Will a tie-up scheme save

the young haddock? No. Young haddock will be exactly the same size in 12 weeks' time as they are now.

John Young (West of Scotland) (Con): On a point of order, Presiding Officer.

Richard Lochhead: Will the tie-up scheme save boats whose owners are on the edge of bankruptcy?

George Lyon: The answer to that one is no. If someone is close to bankruptcy—

The Presiding Officer: Order.

Members: Sit down.

George Lyon: —a short-term fix will not solve the problem.

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

The Presiding Officer: Order.

George Lyon: I have given way twice already. Sit down and be quiet, Mr Ewing.

The Presiding Officer: Mr Lyon—*[Interruption.]* Order. I have a point of order from Mr Young.

Trish Godman (West Renfrewshire) (Lab): On a point of order, Presiding Officer.

The Presiding Officer: Mr Young's point of order is first.

Trish Godman: On a point of order.

The Presiding Officer: Mr Young's point of order is first. *[Interruption.]* Order. I must hear the point of order.

John Young: Presiding Officer, a few moments ago, you rightly addressed Mr Lochhead about his not using his microphone. I have watched Mr Lyon since he got to his feet: his speech has been directed at the Labour benches, not towards you. He is making a speech to the members over there on those benches, instead of to this all-embracing Parliament.

The Presiding Officer: I asked Mr Lochhead to repeat what he was saying because I could not hear what he said.

Mr Lloyd Quinan (West of Scotland) (SNP): George Lyon is not making a speech; it is a job application.

George Lyon: Well said—the weatherman, eh?

The Presiding Officer: Order.

George Lyon: Not much chance of your getting a job, Lloyd.

The Presiding Officer: Order. Would members please sit down while I am speaking? Sit down, Mr Lyon. *[Interruption.]* Sit down. *[Interruption.]* Sit

down, Mr Lyon.

As I was saying, I asked Mr Lochhead to repeat what he was saying because he was not speaking into the microphone, and I could not hear what he was saying. I can hear what Mr Lyon is saying.

Trish Godman *rose*—

The Presiding Officer: If Trish Godman has a genuine point of order, I will take it. However, every point of order takes time off the debate, and I cannot extend the debate.

Trish Godman: I am sorry to take time off the debate, but my point of order is that an SNP member has moved seats so that he can get George Lyon's attention to ask a question. That is not acceptable.

The Presiding Officer: I do not see anything out of order. Will George Lyon please continue? I will allow him another minute.

George Lyon: The Scottish Executive has a duty to all the fishing industry, not just to some of it. That means that a properly funded decommissioning scheme—not a tie-up scheme—should be our No 1 priority and there should be proper technical measures to stop the slaughter. That means standing up for all our fishermen, not toadying to the big boys with the big muscles.

Mr McGrigor *rose*—

The Presiding Officer: No, Jamie; Mr Lyon is over his time.

George Lyon: That means challenging the fishermen to use the new technical conservation measures today, not waiting for 45 weeks until the legislation comes in.

Dorothy-Grace Elder (Glasgow) (SNP): Will George Lyon take an intervention?

The Presiding Officer: No, he is over his time.

George Lyon: If the fishermen fail to use the technical measures, which will reduce the slaughter by up to 70 per cent, their credibility with the public will be completely undermined. They will be seen to be more interested in playing politics than in saving their industry. I urge the Executive to stand firm today, and to take action to save all our fishing industry, not just some of it. [*Applause.*]

The Presiding Officer: Order.

Dorothy-Grace Elder: On a point of order, Presiding Officer.

The Presiding Officer: I remind members that every point of order takes time from the debate.

Dorothy-Grace Elder: I think that George Lyon should apologise for using the phrase, "the big boys with the big muscles". He is referring to brave men, who risk their lives every day.

The Presiding Officer: That is not a point of order. We have only nine minutes left for the open debate. That means that I can call only three members, if they take three minutes each.

12:04

Dennis Canavan (Falkirk West): In a sense, this debate should not be necessary, as last Thursday we debated the problems facing the industry and reached a firm conclusion. Parliament called on the Executive to implement, among other measures, a compensated tie-up scheme. I do not want to dwell on the arguments for and against a tie-up scheme. The matter was thoroughly debated last Thursday and Parliament came to a decision on it.

Instead of implementing the will of Parliament, the Executive intends to flout the will of Parliament. It is clear from statements that have been made by members of the Executive since last Thursday that it has no intention of implementing the decision of the Parliament. That has caused great anger in the fishing community and, indeed, among the people of Scotland in general.

I do not agree with some of the ways in which that anger has been expressed. In particular, I deplore the burning of the effigy of Rhona Brankin. However, it would be wrong to try to sweep the whole matter under the carpet by blaming the electronic voting system, the Presiding Officer, or the Executive business manager. We all know that Tom McCabe is a man of many talents, but not even his great gifts of persuasion could get enough buttons on the consoles pressed last Thursday to win the day for the Executive.

The Executive lost the vote, and should accept that in good grace rather than try to force a replay. Support for the fishing industry is very important, but the accountability of the Executive to the Parliament is even more important.

My motion, S1M-1745, on adherence to resolutions of the Parliament, now has the support of all the Opposition parties—the SNP, the Tories, the Scottish Green Party and the Scottish Socialist Party. If the Executive is allowed to get away with ignoring the will of Parliament, that will be treating Parliament with contempt and will set a very bad precedent indeed. People would understandably ask what the point of having a Scottish Parliament is. The main reason why the Scottish Parliament was set up was to end the democratic deficit, whereby for many years Scotland was ruled by Executive diktat rather than the collective decisions of Scotland's parliamentary representatives.

The time has come for the Parliament to exert its authority over the Executive, in the interests of

Scotland's fishing industry and Scottish democracy.

12:08

Elaine Thomson (Aberdeen North) (Lab): The fishing industry is an important industry for Scotland, and this debate is key to the future of that industry.

Sea fishing is at a turning point. We can carry on as we have done for decades and in effect sign the death warrant for the industry, or we can take tough decisions to conserve fish stocks and create a sustainable industry for the future.

In its £27 million package of support for the fishing industry, the Scottish Executive has demonstrated that it can act swiftly and effectively. It is crucial that we put conservation of fish stocks and a healthy marine environment at the centre of fishing policy. We have an opportunity for a new partnership of the industry, the scientists and the Government so that we have a fishing policy that is made in Scotland for a Scottish industry.

Mr David Davidson (North-East Scotland) (Con): Will the member give way?

Elaine Thomson: No.

Many issues need to be resolved, such as reform of the common fisheries policy, industrial fishing and improved monitoring at sea. We will not be able to resolve those issues in Parliament today. However, we can ensure that the biggest ever investment in the fishing industry is used to the best advantage of the fishing industry, by allowing 20 per cent of the fishing fleet to be decommissioned and by implementing the enhanced technical measures, which can reduce discards by up to 70 per cent.

I support the long-term future of the fishing industry and will not support a proposal that seeks merely to perpetuate the current problems.

There is often much criticism by the fishermen of the basis of scientific information. I know that offers have been made by fishermen to work with the scientists. That could build confidence on both sides.

It is essential that enhanced technical measures are used and are shown to work. Fishermen and scientists working together could do that most effectively. Fishing—both catching and processing fish—is a traditional industry in many parts of Scotland and in the north-east in particular. I want fishing to be an industry with a future. We saw what happened in Canada, where the cod stocks and the onshore fish processing industry were lost. We know what happened in Scotland when the herring stock collapsed. When the herring recovered, the herring fish processing industry was gone and was lost to Scotland. We cannot let

that happen again, because fish processing is too important to Aberdeen.

I suggest that the fishermen's action committee made a mistake when it aligned itself so closely to a single political party, as that action alienated many people. As for the SNP, any self-respecting party that wished to promote the best interests of a group would not seek to politicise that group in such a way. The conduct of some of those involved has stooped to an all-time low. Burning effigies is not the sort of politics in which I wish to participate in Scotland.

I support the motion and I support a sustainable fishing industry.

12:11

Tavish Scott (Shetland) (LD): I want to set out the reasons why I believe that effective and adequate short-term aid, as part of the overall package that was announced a week ago by the fisheries minister, is so important. The Government's investment must be balanced: it must target short-term aid to give the industry an opportunity for long-term sustainability.

Last week, I met fishermen at Sullom Voe. Fishing accounts for a quarter of Shetland's economic output and employs more people directly and indirectly than any other primary industry. The Shetland fleet led the way in pioneering conservation measures, and the industry in Shetland is progressive, positive and determined. Fishermen tell me that, on the grounds of conservation, financial viability and the protection of future stocks, a targeted, short-term aid package is needed. I know that that is true and I support that objective.

I am not convinced by the arguments made against tie-up, but I want to push ministers on the alternatives.

The North Atlantic Fisheries College in Shetland has been trialling fishing gear for many years. I want the expertise of fishermen to be used—with that of scientists—on boats in order to expand trialling. In that way, fishermen could be employed to carry out scientific studies, which would benefit the industry, the crew and their families. For me, that would be better than tie-up, but I recognise that it is a limited solution and could not apply to the entire white fish fleet. However, it could be part of an overall tie-up package. It is about reducing fishing effort, which is, of course, the aim of a tie-up scheme. Trialling, by using fishermen and scientists, achieves many objectives. It reduces fishing effort, gets financial assistance to fishermen quickly and provides research for the future.

I resigned last Friday because I sought to convince ministerial colleagues of those

arguments for more short-term aid, but I failed. I was not able to change colleagues' minds last week and then I witnessed a determined line against tie-up. As I was not able to support Government policy on fisheries, I had no alternative but to resign. Let me be clear: when one is a minister, one supports the Government. If one cannot support the Government, one resigns.

There has been positive movement, and I urge ministers to continue the dialogue with fishing leaders. I believe that the proposed short-term measures are still inadequate and, on that basis, I cannot support the Government. Therefore, I will vote for a tie-up scheme at decision time.

The Presiding Officer: I am afraid that seven members who wanted to speak will be disappointed, as we must move to the winding-up speeches.

12:13

Lewis Macdonald (Aberdeen Central) (Lab): The Scottish fishing industry has reached a moment of truth and must choose now which course it wants to follow. The Parliament must also make a decisive choice. Those who believe that that choice was made last week fail to understand or acknowledge the nature of the choices that are before us. The choice between tie-up and decommissioning is not just between the long term and the short term, important though that is, but between two different points of view: how the fishing industry got to where it is now and where it should go from here.

I have talked to those involved in the protests in recent weeks and it is quite clear that some still do not accept that decommissioning is the way forward. Some reject decommissioning as merely a redundancy package for the fishing fleet. That rejection is based on the false hope that the fish can never really run out and that all the shortages, quotas and closures are the fault of meddling scientists and Brussels bureaucrats. If that was the case, there would be no need to cut capacity and fishermen could carry on fishing without change until kingdom come. There is another view, however, within the industry. Back in 1990, Danny Couper of the Scottish Fish Merchants Federation told an industry conference in Glasgow that if fishermen did not change the way they fished, they would end up wiping out fish stocks, which would deny future generations a livelihood. That warning rings only too true today.

The simple truth, which is recognised by many fishermen and processors alike, is that there are too few fish being chased by too many boats, because fishermen over the years have taken too many fish out of the sea. It is always tempting to blame someone else, but an industry that does not recognise that reality can have no long-term

future.

Mr McGrigor: Will Lewis Macdonald take on board the fact that we are delighted with decommissioning, but that we want a short-term tie-up as well? It is not a choice between the two.

Lewis Macdonald: That is an interesting proposition, and Mr Swinney was clear that he knew what the will of Parliament was. Reading about what was decided last week, I believe that it is not clear whether we were talking about a tie-up instead of decommissioning, a tie-up paid for out of decommissioning or a tie-up as well as decommissioning.

Let me say that fishermen on both sides of the argument agree on one thing: they are fed up with the minority of skippers who cheat on technical conservation measures. Those are people who place a small-mesh net inside a large one and who wedge a car tyre in the cod end. Those are the tricks of the trade of a minority that does not believe in conservation or which does not care about conservation.

Mr Davidson: Will the member give way?

Lewis Macdonald: No, I will not.

The message from Parliament must be as clear today as the message last week was confused and contradictory. That message must be: yes, to the fleet taking responsibility for its own actions; yes, to decommissioning and a cut in capacity; yes, to new and effective technical measures; and yes, to proper enforcement, so that every penny of public money that is spent on the industry is spent as it should be, to secure a sustainable future for Scottish fishing.

12:17

Alex Johnstone (North-East Scotland) (Con): The debate has been short and heated, but a short debate is all that we need if all that we are going to do is to rehash what we said last week. The truth is that the Parliament discussed the issue in great detail last week and a decision was taken, then the Executive decided to ignore that decision. Last week, we welcomed the £27 million, but we also expected that the Executive would listen to the Parliament. Unfortunately, that was not done.

We have been told today that we are confused and that technical measures will achieve what we believe they will not. We have also heard the minister rubbish Professor Alistair McIntyre and suggest that he is not qualified or able to give scientific opinion on the technical measures. That is one of the most cynical things—but possibly not the most cynical thing—that I have heard in the debate. Above all else, we have heard an attempt to drive a wedge into the heart of the fishing

industry.

Divide and rule is an old political gag. Today, we have seen that policy exploited mercilessly by more than one member on the Executive benches. The Scottish fishing industry and its many representative organisations will not be pleased at their treatment today. They have difficulty in finding unity, but unity has been achieved in Parliament and in the Opposition in support of the fishermen. Unity continues to exist in the fishing community.

The motion is designed to confuse. It is long, complex and fudges the issue. It takes us back to previous discussions about tuition fees and free personal care, when accommodation was reached that suited the Liberal Democrats. It is designed specifically to confuse the matter that was clearly and decisively decided in the vote last Thursday.

Pauline McNeill (Glasgow Kelvin) (Lab): Will the member give way?

Alex Johnstone: I will give way briefly.

Pauline McNeill: I thank the member. Will he address the motion? Will he urge fishermen to use the technical measures that were outlined by Rhona Brankin this morning—yes or no?

Alex Johnstone: I refer the member to my closing speech in last week's debate. At great length, I supported everything that had been proposed but pointed out that the industry believed that a short-term tie-up was necessary. That is what we debated last week and that is what we have debated this week.

Because of public confusion, Opposition members in this Parliament have often had to go round Scotland being accused of the ills of the Executive. If this whole debacle has had any practical function, it has been to ensure that the people of Scotland now know the difference between the Scottish Parliament and the Scottish Executive. We have stood up for the interests of a group that needed to be defended. We have been opposed by the Executive—but not in a fair and above-board manner. We won the vote last week fair and square. We have had to come back today to go through the process of briefly debating the same issue and then being subjected to a whipped vote that will defeat the Opposition and defeat the Scottish fishing industry. I suggest that it will also defeat democracy.

The Presiding Officer: Alex Salmond will close in support of the amendment.

Karen Gillon: Where is the fisheries spokesman?

Mike Watson (Glasgow Cathcart) (Lab): On a point of order, Presiding Officer.

Mr Salmond: The fisheries spokesman—

The Presiding Officer: One moment, Mr Salmond. There is a point of order.

Mike Watson: On a point of order, Presiding Officer. Is it in order for the fisheries spokesperson to be brushed aside at the last minute, to be replaced by a back bencher? *[Interruption.]*

The Presiding Officer: Order. The member has long experience in two chambers and he knows that who is called is a matter for the Presiding Officer.

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): On a point of order, Presiding Officer.

The Presiding Officer: There cannot be another point of order.

Mr McNeil: There can.

The Presiding Officer: Come on, then.

Mr McNeil: You can rule whether it is a point of order or not. *[Interruption.]*

The Presiding Officer: Order. Members should let me hear the point. Mr McNeil, is it on the same point as the previous point of order?

Mr McNeil: On a point of order, Presiding Officer. Have you changed the list of speakers at the insistence of the SNP whip?

Mr Swinney: I will not have this nonsense peddled in the chamber about my party. *[Interruption.]*

The Presiding Officer: Order. There are no such things as party lists. Who is called in a debate is a matter for the chair—full stop. There is no debate about it.

I call Alex Salmond.

12:22

Mr Alex Salmond (Banff and Buchan) (SNP): For the benefit of Labour members, I was always down to sum up this debate—as I did last week. The conversation that I had with our fisheries spokesman was about me offering the spot to him. Having heard that, Mr McNeil will perhaps have the grace to apologise.

We now have a new explanation for what happened last week. Apparently it is no longer that people were on the road to Inverness; it is no longer that some consoles were mysteriously not working; and it is no longer the perfidy of the Presiding Officer as claimed by the Minister for Parliament. We now hear from Mr Lewis Macdonald that the motion last week was confused and contradictory. This is the motion from last week:

"That the Parliament supports the aims of the cod recovery plan; acknowledges the financial sacrifices made by the Scottish fishing fleet ... calls upon the Scottish

Executive to utilise funding from the Financial Instrument for Fisheries Guidance or other appropriate financial resources to provide financial support to our fishermen ... in the form of an immediate compensated tie-up scheme ... and to outline its plans for the protection of other stocks such as haddock and a programme for vessel decommissioning”.

What is contradictory or confusing about that motion?

Lewis Macdonald: Will the member give way?

Mr Salmond: Lewis looks as if he is on the bow of the Titanic, but I will give way.

Lewis Macdonald: Does Mr Salmond agree with commentators who took the view that the vote on that motion last week was a rejection of the decommissioning scheme that was offered by the minister, or not?

Mr Salmond: The only commentator who could possibly have said that is the Minister for Parliament, because he has thought up every other excuse for his incompetence last week.

I want to read to the Parliament a letter that has been sent to the minister with responsibility for fisheries. It is from Marisa Bruce, aged 13. She recently visited the Scottish Parliament to debate a young persons health bill. She writes:

“I had a lot of fun and it made me understand the way the Scottish Parliament functions ... When debating the amendments there were a lot I did not agree with but they were voted for so I just had to go along with them.”

If a 13-year old from Peterhead can understand the basic tenets of parliamentary democracy, why cannot the fisheries minister?

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Does Alex Salmond accept that the motion before us today specifically recognises last week's vote, and that the Executive is now engaged with the fishing industry to reorientate some of the £27 million package to help the short-term needs of the industry? That is the very point that Liberal Democrat colleagues and I who voted against the Executive last week wanted and got.

Mr Salmond: I noticed that Mr Rumbles, very correctly, did not applaud the speech by his colleague George Lyon. It will do enormous damage. If Mr Rumbles actually believes that the Deputy Minister for Rural Development will do what the Parliament says, he must be the only person in Scotland, apart from his other gullible colleagues, who believes that there has been a substantial shift.

I note from the *Berwickshire News & East Lothian Herald* that David Shiel, chairman of the Anglo-Scottish Fishermen's Association, who had a meeting with the new Liberal whip on Saturday, said:

“Our MSP voted with the Executive but he came to see

us on Saturday and explained why he had voted that way which was to get the money on the table. But he has said he will vote with us when it comes up again.”

Euan Robson should go back to that association in Eyemouth and explain his vote later today. The only consolation is that Euan Robson's likely successor, George Lyon, who has been angling for Euan Robson's position in this debate, is sitting on his left.

Johann Lamont: Will the member give way?

George Lyon: Will the member give way?

Mr Salmond: No, I will not.

I want to turn to the substantive issue—

Members: Give way.

The Presiding Officer: Order. The member is not giving way.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): On a point of order, Presiding Officer. Are we going to get a summing-up from the SNP spokesperson, or are we going to get what the papers said?

The Presiding Officer: I have said many times that the content of speeches is not a point of order.

Mr Salmond: That was an inappropriate point of order from someone who did not even bother to attend the vote last week.

Professor Alistair McIntyre, who, according to the minister, is somehow not equipped to give us advice on fisheries research, is the professor of fisheries at the University of Aberdeen and the immediate former director of Fisheries Research Services, the very organisation that the Deputy Minister for Rural Development is relying upon for advice. I will tell the minister the difference between Professor McIntyre and Dr Robin Cook, whom she cites—Professor McIntyre is no longer paid by the Government, but the expert whom she cites is under her pay and under her control.

Rhona Brankin: That is an absolutely disgraceful slur, and I hope that Mr Salmond will retract it. Does he agree that Professor McIntyre is an acknowledged expert on marine pollution, and not an acknowledged expert on stock management?

Mr Salmond: But he is not paid by the Government, and therefore is free to speak his mind.

There are two issues before us. The first is the democratic vote of the Parliament. The second is the future of the fishing industry. A future is possible for the industry. I have never seen the industry more united than it has been over the past few weeks. I have never seen the industry

more willing to engage in dialogue with the Government. If the Government would just allow the fishermen to get through the next six vital weeks, it would be amazed by the amount of co-operation on technical measures and a range of other issues.

Men have been on strike for three weeks with no income whatsoever. Would they have done that unless something important was at stake? If the solution was as simple as a technical fix, would not they have implemented it by now, at no cost to themselves? For goodness' sake, listen to the voices of the working fishermen—the people who work the sea and care desperately about the future of their communities.

12:30

The Minister for Rural Development (Ross Finnie): The debate has shed more heat than light on two important matters. Many members have talked about clear decisions of the Parliament—those decisions have been read out to us—but we must be clear about two things. First, Parliament did not vote for any more money. Secondly, Parliament did not vote to change the Executive's current position on the financial instrument for fisheries guidance. I do not say those things to disrupt the will of Parliament. They are two important facts. When the Executive gave due consideration to Parliament's vote, those two facts had to be taken into account.

Mr Murray Tosh (South of Scotland) (Con): Will the minister give way?

Ross Finnie: I want to make this point.

We therefore believed that we were considering the £26 million package. We had to face the fact that our financial instrument for fisheries guidance contains no provision for a tie-up scheme. Such a scheme would have required a change, which could take three to four weeks. That is not to suggest that we could not do that, but it is an important consideration when discussing the period that is in immediate contemplation.

Mr Salmond: I have the details of the tie-up scheme that was introduced in Belgium on 1 March. It provides money for the crews and boats to sustain them in the period that the cod recovery plan covers. The European Commission approved that scheme on 22 February, because the cod closure was an unforeseen requirement. If that can be done in Belgium, why cannot it be done in Scotland?

Ross Finnie: I am well aware of the Belgian position. I am sorry to tell Mr Salmond—but maybe not sorry about the fact—that that scheme has not received final approval. I checked with the European Commission this morning. We are on the same wavelength. The Commission has not

approved the scheme.

Mr Salmond: Will the minister give way?

Ross Finnie: I am moving on. I will not give way on that point.

When we met the fishing industry, it was clear to us—taking account of all that had been said in Parliament, and given that we believed that we had a £26 million package—that we were talking about whether the way in which the package had been announced could in any way be rebalanced to meet some of those requirements.

Of course, the fishermen's representatives wanted to explore tie-up schemes in great depth. That was a difficult discussion. There are difficulties with implementing such a scheme and its timing. The Executive did not seek to divide and rule, but it was clear that there were differences of opinion between representatives of the east and west of Scotland. When they were pressed on who required the more immediate aid, there were differences of opinion about whether such aid would most appropriately be given to larger or smaller vessels.

Richard Lochhead: Will the minister give way?

Ross Finnie: In discussing the principles of effort reduction, it emerged that a strong body of opinion held to the position that effort reduction was required not only in the immediate period, but in the next year and the year after that. Given the envelope of money that we had, that fact made the discussion more confused than it had been. No one disagreed—as I think all members have acknowledged—about the need for a decommissioning package. If we are to deliver an effective package within that financial envelope, the Executive would need to consider a reduction in capacity of about 20 per cent.

We did, however, look at other means by which we might assist the industry. Rhona Brankin and I looked at that even before last week's debate. Indeed, given the industry's commitment to adopting technical measures, we had rather hoped that, within that package, there might have been ways of, for example, making some contribution towards the purchase of technical measures gear. We also looked at other efforts that might assist the industry financially and that might help to point the industry in the right direction. I regret to say that the financial instrument does not permit that kind of thing.

Richard Lochhead: I thank the minister for giving way. The number of excuses that are coming from the minister for not delivering the will of Parliament is embarrassing and absolutely pathetic.

The First Minister is on record in January as saying that the Government would abide by the

will of Parliament. He said that as First Minister he would do that. Will the Minister for Rural Development tell us his position? Does he believe that Government should abide by the will of Parliament, which is the voice of the people of Scotland?

Ross Finnie: I have been at pains to explain to Mr Lochhead—I am sorry that he is not listening—that Parliament did not vote for any extra funds. This Government was entitled to consider that motion in its terms and within the financial envelope—which is a larger package of investment in the fishing industry than any Government provided in the past.

Donald Gorrie (Central Scotland) (LD): To make it absolutely clear to the Parliament, I think that it would be helpful if the minister reaffirmed that the Executive absolutely accepts the will of Parliament when the Parliament votes for something. In this case, the Parliament was voting for short-term assistance for the fishermen.

Will the minister give us an absolute assurance that he and his colleagues have done, and are doing, their best to try to deliver that and that they will continue to do so, not only by extending the research programme, but in every other possible way?

Ross Finnie: I am grateful to Donald Gorrie for that intervention. I was just moving on in my final minute to explain where we have reached.

The measure that we are examining is about the short term and about expanding the scientific element, in which fishermen would be taken on to provide further fleet-wide experimentation on the technical conservation measures that are essential to the industry.

Dr Winnie Ewing (Highlands and Islands) (SNP): Will the minister give way?

Ross Finnie: When our discussions concluded, both sides went away to examine by what means we might do that.

Dr Ewing: Will the minister give way? My intervention is on the technical measures.

Ross Finnie: No.

In that spirit, I say to Donald Gorrie that we are looking to see whether there are means within the financial envelope, or whether there are legal means provided by the FIG, through which we might assist in the short term, and I mean the short term. That is the spirit in which the discussions took place.

The Executive understands well that a vote of Parliament is important, but it is also important that we take account of restrictions. Government is about examining difficult choices and making harsh decisions. The only harsh decision that we

have made is one of which I am particularly proud; we have allocated £26 million to the fishing industry.

The difficult decision is on how, under the regulations as they stand, we will produce a package that will deliver short-term means of support to the industry. That is what the fisheries minister and I are trying to work at. That is the undertaking that we are giving. That is the subject of the motion, and I urge the Parliament to support the Executive in its efforts.

Ministerial Appointment

12:40

The Presiding Officer (Sir David Steel): We come now to motion S1M-1746, in the name of Henry McLeish, on the appointment of Euan Robson as a junior Scottish minister. I call the First Minister to move the motion.

Michael Russell (South of Scotland) (SNP): I have a genuine point of order. [MEMBERS: "Oh."]

The Presiding Officer: That will make a refreshing change.

Michael Russell: It will make a very refreshing change.

Rule 4.8 of the standing orders requires you, as Presiding Officer, to notify the Parliament when a minister resigns. Obviously, that must happen before the Parliament agrees to the appointment of a new minister. There has been no such notification in the business bulletin, or in a statement or a message from you to MSPs. In those circumstances, I ask you to consider whether the debate can continue.

The Presiding Officer: Let me inform the Parliament that yesterday I received Tavish Scott's resignation in writing.

Michael Russell: On a point of order, Presiding Officer. You mentioned that after you called the motion for debate. The announcement was therefore not made before the motion was called for debate, and indeed it was not made before the motion was lodged. That is contrary to the spirit of the standing orders. I ask you to consider that seriously. [*Interruption.*]

The Presiding Officer: Order.

I take your point seriously, but I am looking at the standing order and it does not say anything about timing. It says simply that I am required to

"notify the resignation to the Parliament."

I apologise, and regret that I did not do that. I must confess that I had forgotten about that standing order. I have technically announced the resignation now, and it is in order for the First Minister to propose a replacement for Mr Scott.

12:41

The First Minister (Henry McLeish): I am pleased to move that Euan Robson be appointed as a junior Scottish minister. The purpose of the motion in my name is to get the approval of Parliament for the appointment. I would thereafter present Euan Robson's name to Her Majesty the Queen. We do not need to delay the chamber further on this busy day. However, I know that

Euan Robson will serve Scotland with pride and distinction. I hope that colleagues on all sides of the chamber will support him this afternoon. I cannot promise that he will always have a smooth time in government, but I can say that they will be interesting times. I wish him all the best.

I move,

That the Parliament agrees that Euan Robson be appointed as a junior Scottish Minister.

12:42

David McLetchie (Lothians) (Con): As members will be aware, we have argued since the inception of the Parliament that there are far too many ministers in the Scottish Executive and Scotland Office. We have a situation in which 23 ministers perform functions that, back in 1997, were more than adequately performed by five.

Accordingly, the non-replacement of Mr Scott would have been a welcome commitment on the part of the Executive to cutting down the size of government in Scotland. Indeed, Mr Robson may well come to regret that the First Minister has not taken our advice. He may come to regret his appointment to a post that has been shown to be something of a poisoned chalice—he is our third Deputy Minister for Parliament in five months. It is not so much a ministerial job as an occupational hazard and it should come with a public health warning.

I am sure that Mr Robson will bring to the post the same diligence that he has brought to his work as a back-bench member of the Parliament, but I offer him one word of advice on the conduct of his responsibilities. His biggest challenge will be to sort out the schizophrenia in his own party. It cannot be a party of Government and a party of Opposition at one and the same time. It has been two-faced for too long. Unless Mr Robson addresses that fundamental issue and sorts it out, I suspect that he will not be in post for any longer than were his predecessors.

Good luck to him anyway in that challenging and demanding post. It would be churlish of me to refuse his appointment to the dying embers of the coalition Administration.

12:44

Michael Russell (South of Scotland) (SNP): I shall oppose the appointment, but not on the basis that Euan Robson is unfit for it. Indeed, I have spoken to him and I think very highly of him.

I am sorry that I cannot say that of some other members in the chamber. It is a difficult thing to be a business manager, even for a well-disciplined and well-ordered party such as the SNP, so it must be absolutely impossible for the Liberal Democrats. However, I must tell Mr Wallace that

to lose one business manager is a misfortune, but to lose two is careless. At 5 o'clock tonight we may lose a third if the piece from the *Berwickshire News & East Lothian Herald* that Mr Salmond quoted is true, because Euan Robson cannot, in all conscience, support today's motion if what he is reported to have said to the fishermen is true. Fortunately, however, there is a fourth candidate in the wings—George Lyon. We all heard his stomach-churning application for the post a few minutes ago, which was delivered with his customary charm.

The Parliament and the Parliamentary Bureau are not a rubber stamp for the Executive. It cannot be business as usual in the Parliament if the bureau and the Executive believe that all they need to do is trot out another name, trot out another motion and try and rerun history and all will be well. My voting against Mr Robson's appointment today is not a vote against Mr Robson, but against what the Executive is doing in this country. We will go on voting against that until members of the Executive become democrats and, perhaps, until the Liberal Democrats become democrats, too.

12:46

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): It would be tempting to rise to some of the bait, but I want to put on record the fact that, under the terms of the partnership agreement, it was I who recommended Euan Robson to the First Minister for appointment. I endorse the First Minister's motion and I wish Euan Robson every success in carrying out his duties.

I would like to pick up on what Mr McLetchie and Mr Russell said about having yet another Deputy Minister for Parliament. It would be unfortunate if the debate took place without proper and formal recognition of the contribution that Tavish Scott made and of the dignified way in which he made his resignation speech in the chamber this morning. *[Applause.]*

The Presiding Officer: Under standing orders, this is one of the motions that I must put to the chamber right away. Members should therefore check that their cards are in place and that the light in front of the card is out. If there is a division after I have put the question, members should check that the flashing light becomes a solid light. That way, we will know that everybody's vote has been recorded.

The question is, that motion S1M-1746, in the name of Henry McLeish, on the appointment of Mr Euan Robson as a junior Scottish minister, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Glasgow Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)

Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 86, Against 35, Abstentions 0.

Motion agreed to.

That the Parliament agrees that Euan Robson be appointed as a junior Scottish Minister.

Mr Gil Paterson (Central Scotland) (SNP): On a point of order, Presiding Officer. Have you any indication of who is on the substitutes bench?

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

Foot-and-mouth Disease

The Presiding Officer (Sir David Steel): We have another important item of business, which is a ministerial statement providing an update on the current foot-and-mouth disease outbreak. I ask members who would like to ask questions to press their buttons while the Minister for Rural Development makes his statement so that I can make a judgment as to how long to allow the item to run, bearing in mind that we are now well behind our usual time for adjourning.

12:49

The Minister for Rural Development (Ross Finnie): I am grateful for the opportunity to inform members of the new measures that are being put in place to assist the eradication of foot-and-mouth disease.

We are all well aware of the problems being created by this dreadful disease. It is impacting on the lives of a wide range of people and work is in hand to examine the impact on other industries such as tourism and food.

Considerable effort has been made since the disease was first identified to ensure that it is tracked and that clinical cases are isolated and destroyed. That work has gone well but we are now entering a new phase of the disease, which we believe requires new action. Our aim is to try to get ahead of the disease and to allow the progressive relaxation of restrictions, area by area.

It has become apparent that the sheep flock has the potential to act as a reservoir for foot and mouth. In some instances, sheep can be infected without showing clear symptoms. They are nevertheless still able to pass the disease on to other sheep, cattle or pigs.

I, together with other agriculture ministers in the United Kingdom, have therefore decided, on the advice of the chief veterinary officer, that we must now take pre-emptive action to destroy the potential reservoir of infection. That means identifying sheep flocks that may be harbouring the disease and destroying them, whether or not signs of the disease are yet evident.

There is no need to take similar action for cattle and pigs; we can see clearly when either species has contracted the disease. When that happens, we will continue to monitor, act to isolate and destroy the animals concerned. Different solutions may be appropriate elsewhere in Britain.

The new action on sheep will undoubtedly come as dreadful news to the 500 or so farms around the country that are affected, but I hope that everyone will agree that this is the right thing to do. It will mean that all sheep flocks on farms

within 3km of infected premises will be destroyed. The Dumfriesshire and Twynholm areas will be particularly affected. In addition, all sheep flocks that contain animals that can be traced to an area of infection will be destroyed. In particular, farmers who bought sheep at the Longtown mart near Carlisle on 15 or 22 February will have their flocks destroyed. Finally, we are considering whether we need to take action in cases where there are links with any of the sheep dealers who have been affected by the disease.

Taken together, the action will mean the destruction of something in the region of 200,000 sheep in Scotland—2 per cent of Scotland's total flock. The owners will receive market level compensation, but I am under no illusion about the tragedy that those farmers face. Many will see a lifetime's work being destroyed simply because they have the misfortune either to live within 3km of an infected farm or innocently to have bought a few replacement sheep at the Longtown mart on the days concerned.

I know that everyone in the chamber will feel for those farmers and will know how heartbreaking that will be for them, but I hope that every member will also agree that the steps are necessary to stop this dreadful disease in its tracks. If it succeeds in doing so, it will have been worth it.

By identifying and destroying all sheep that we believe could have been in contact with the disease, we hope to halt its progression. If we can do that, we will save many more farmers from the same heartbreak and will speed up the day when our wider rural communities can return to their normal lives.

Obviously, there are no absolute guarantees when dealing with such a virulent infection, but the fact that movement from the farms involved has been prohibited since the beginning of the outbreak should give us a very good chance of getting ahead of the infection and bringing it under control.

The farms concerned will mostly know which they are because they have already been identified as part of the major tracking exercise that has taken place since the start of the disease. There will, however, be borderline cases and possibly some which have been identified for other reasons. The Scottish Executive rural affairs department will contact everyone concerned over the next few days to explain what will happen. The bulk of the farms affected will be in Dumfriesshire, but there are other farms where action will be taken as a precaution, particularly in the Borders.

We will begin the slaughter programme immediately and complete it as fast as the logistics allow. Obviously, the scale of the task will mean that it will take several weeks but every effort is

being made to complete it as soon as possible. The precautionary slaughter of sheep is being introduced as part of a change in our direction, based entirely on the work that we have carried out so far; it is a logical progression of that. It involves cracking down hard where there is a risk, but we hope that that will lead to a gradual lifting of restrictions in other areas as we become satisfied that the disease is under control.

Experience over the past few weeks has shown that the disease is clustered in specific parts of the country; here in Scotland, Dumfries and Galloway has been especially badly hit. Other parts of lowland Scotland have been identified as having a number of potential cases, albeit no signs of clinical infection. There are other areas where, to date, there has been no sign of infection and very few, if any, physical links to infected areas. The north of Scotland above the Forth and Clyde comes into that category.

The advice from our vets is that, if we work carefully and thoroughly, we will soon be able to begin to treat these three types of areas in different ways. Obviously, the priority must be to ensure that we do not lift restrictions too early. It would be crazy to undo the good that we have done with the movement and access restrictions that have been imposed since the beginning of the outbreak. On the other hand, I am all too well aware of the very real problems being faced by many other businesses as a result of the restrictions and I want to do what I can to alleviate those as soon as possible.

The Executive has issued guidance asking for decisions on access to be proportionate to risk. The key countryside agencies in Scotland are working together, in consultation with farmers and landowners' representatives, to deliver that. Where decisions are taken in that way, I would expect blanket bans to be removed and restrictions to ease gradually. Clearly, it will be in everyone's interests for that to be done in a way which is as speedy as possible without removing the need for vigilance.

I am also aware that many farms are facing acute welfare problems as a result of the very strict movement restrictions that have been imposed. We will be doing what we can to relax those as soon as it is safe. In particular, we will be aiming to allow more movements in the north of Scotland and the islands as soon as possible.

We start from the general principle that we must not allow movement from high-risk to low-risk areas. In areas where it is safe to do so, we will extend the maximum journey length. These movements will continue to be licensed on welfare grounds and subject to veterinary inspection and strict cleansing and disinfection.

There will, nevertheless, be farmers who are facing very real problems because they are unable to move animals. That is especially difficult when animals are beginning to calve or lamb, or in pig farms where there are problems with overcrowding. A scheme is therefore being put in place to allow farmers to choose to destroy stock if it cannot be moved for fear of spreading disease. Where that happens, compensation will be paid. Details will be made available in the next few days.

In conclusion, this has been a difficult decision, but I believe that it is the right one. It is vital that we eradicate this disease as quickly as possible. There is a high emotional and financial cost in doing so, but the cost to other industries, such as our tourism and food industries, to name but two, and other rural businesses of not doing so is even higher. We owe it to everyone to do all that we can to eradicate this disease as quickly as possible.

The Presiding Officer: Members will recognise that this is a very serious statement; indeed, 17 members have indicated that they want to ask questions. Although that would not normally be possible, I want to try to get everyone in, which means brevity on everyone's part.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I begin by expressing the Scottish National Party's support for today's measures, which must be taken in accordance with the advice of the chief veterinary officer. I express my party's sympathy for the 500 or so affected farmers, with up to 200,000 sheep being slaughtered.

No statement announced in this Parliament has contained news that caused more anguish than will be caused by the one that we have just heard. In the same spirit of constructive opposition that we adopted towards the statement of 28 February, I will ask several questions. First, is the minister satisfied that the rigorous policy of disinfection that I advocated on 28 February is being pursued, particularly within infected areas and on the road network? Is there a need for more rigorous disinfection, especially at entry points to the UK, which is a policy that has already been pursued for some weeks in other countries?

Has there been sufficient precision in the advice that has been given to the public so far? I seriously urge that we adopt the proposal of a public information campaign that was suggested on 28 February, especially in the light of this grave ministerial announcement and the possible implications that it might have if it is not effective from this morning.

Furthermore, will the minister very carefully consider the Road Haulage Association's evidence this week to the Rural Development

Committee about the possible contamination at abattoirs and the possible lack of rigorous disinfection procedures for vehicles? Will he endorse the approach of a risk assessment, which is the advice that has been issued by the foot-and-mouth disease unit in relation to issues of allowing limited access in areas such as the north of Scotland that are outwith infected areas?

Finally, we must ask when the advice from the chief veterinary officer was first given. Although we support today's measures, why has it become apparent only now that the sheep flock has the potential to act as a reservoir? If there is a need to bring the virus under control, why did Nick Brown state last Sunday that he was absolutely certain that the disease had been brought under control? I hope that the minister will clarify those inconsistencies in his response.

Ross Finnie: I do not think that there has been any inconsistency in anything that I have said either to this Parliament or publicly.

The question of how the disease has progressed is difficult to answer. Although we were absolutely certain that we had the proper restrictions in place—and although it seemed that the disease was appearing essentially in the Dumfries and Galloway area—towards the end of last week we became very concerned by the appearance of cases that could not have had the disease when the restrictions were put in place. It became clear that we were moving into a second, and perhaps even third, wave of infection.

That was the problem to which the chief veterinary officer and, in Scotland, Mr Leslie Gardner were addressing their attention. We have always indicated to Parliament that, in sheep, this particular strain of foot-and-mouth disease has proved very difficult for even the most experienced farmer to detect. It was at that point during the course of this week that we began to consider and contemplate alternative forms of treatment and action. It is only in the past two days that the other UK ministers responsible for agriculture, the chief vets and I have concluded that this change in direction is necessary because potentially large numbers of sheep are acting as carriers of the disease.

Mr Ewing also raised the issue of disinfection. We are fairly sure that the movement restrictions that we have in place are working and that the greatest risk of spreading the disease exists within the flocks, through contact with the flocks and in moving animals from those areas, unless that is done under the licence system.

We have made enormous efforts to improve the flow of public information, with the resources that are available to us, and we will continue to do so. I heard of the concerns of the Road Haulage

Association about the licence arrangements at abattoirs and the disinfection of them, and that situation is being examined.

In restricting movements in the north of Scotland, we are taking pre-emptive action that will involve around 500 farms. That must be viewed in the context of the overall observation and control. Some 830 farms are currently under review, and we aim to restrict that number to those farms that have a direct link with Longtown mart on the dates that I have specified.

Our top objective remains to eradicate foot-and-mouth disease. The next objective, to be achieved by those measures, is to divide the country into two areas: north of the Forth and the Clyde and south of the Forth and the Clyde. If the measures are successful, it is hoped that the north will prove to be a low-risk area. Regrettably, there is no question but that Dumfries and Galloway and some parts of the Borders may become high-risk areas, and that other areas in the south may, in time, become a medium risk. What we will be able to do, in relation to those other industries, is to relax some of our other controls relative to the status of the area involved. That will not happen quickly, but I hope that it will give some structure to how we propose to proceed in the weeks to come.

Alex Johnstone (North-East Scotland) (Con):

I thank the minister for the advance copy of his statement and I identify with the remarks that were made by the minister and Fergus Ewing. My heart goes out to those who will be affected by the proposal. As a livestock farmer, I feel the effects of such a proposal. However, it has my full and unreserved support, as have previous proposals that the minister has made. We need to eradicate foot-and-mouth disease before it spreads further across Scotland.

I have one or two concerns relating to the statement and additional to it, which I would like to raise. If the minister could address them now, that would be helpful. However, if he is unable to address them now and would prefer to do so later, I would be pleased to receive his responses on that basis.

First, a number of farmers are concerned that farmers who did not purchase stock but were present at Longtown market when the infection became rife may have transferred the infection back to their stock. I would be grateful if the minister could tell us whether any effort is being made to monitor the health of stock on farms belonging to farmers and others who were present at Longtown market but did not buy sheep on that day.

Secondly, I have received representations regarding the resources that are available for

carrying out the slaughter programme. The proposal to kill up to 200,000 extra sheep will require a great many additional resources, especially in manpower. Can the minister reassure me that the manpower will be made available to carry out that slaughter in the short term, and that there will continue to be a speedy delivery of service, where necessary, for the destruction of flocks and other herds that have been identified as having the disease? People are concerned about the time lag between first identification of the disease and the final disposal of some herds.

Concern has also been expressed by farmers in the north and north-east that the licensing scheme that the minister implemented some weeks ago, for which we are very grateful, is being used to move livestock through potentially infected areas to abattoirs in the north and north-east. Although those animals are being killed in those abattoirs, there is grave concern that stock is being moved north. I wonder whether the minister's division along the Forth and the Clyde will apply to stock being transferred directly to abattoirs in the north and the north-east.

I must qualify the next point that I want to raise by saying that it is, in some respects, speculative. I hope that no one who is listening today assumes that my point indicates the existence of a problem. South of the border, there is a suggestion that the process of the disposal of infected stock will no longer necessarily take place on the farm in which the infection has been detected. The suggestion is that the animals may be transported to a rendering plant after they have been slaughtered and that that will be done in sealed lorries. Is that policy likely to be adopted within the context of the outbreak in the south of Scotland? Will the minister give a guarantee that no infected stock that has been slaughtered south of the border will be brought to Scottish plants for rendering?

My final point is relatively less serious, but is equally concerning to some farmers in a specific areas. The infection has now reached the top of the Clyde. The fishing season opens around now—I believe that the trout fishing season opens tomorrow. A number of farmers in that area expressed concern to me on the phone before I came to the chamber that anglers might spread the infection on the banks of the Clyde. I have mentioned that previously to the minister and continue to have concerns about the activities of anglers. I would be interested to know whether the minister has any further statement on that or any recommendations to make to people who want to take advantage of the opportunity to fish in Scotland's rivers.

Ross Finnie: I thank Alex Johnstone for his general support for the measures. His first question is almost impossible to answer. The

records that we have relate to the movement of animals. We would have no record of whether a person was present at the sale in Longtown, unless a sederunt had been taken at the mart and I rather suspect that none was. If Mr Johnstone wants to provide me with names of people who are concerned about the issue that he raises, I will be happy to follow that up.

Alex Johnstone: Will the minister give way?

Ross Finnie: In fairness to the Presiding Officer, I will continue.

We are devoting as much resource as we can to ensuring that we dispose of the animals as expeditiously as possible. We are enormously grateful to the British Veterinary Association, which is directing attention to giving short-term training to student vets. Although we are tackling the sheep flock, there will be a continuing need for the monitoring of the beef cattle and pig establishments. We are running out of people to do that and will be assisted by student vets in that monitoring programme.

On the issue of the movement of animals from south to north, Mr Johnstone will be aware that, within the regulation, it is impossible to move from an infected area to a non-infected area. There might have been some movement from south to north, but, unless someone has breached the regulation, that movement will not have been from an infected area.

On the issue of the place of disposal, it is the view of our chief veterinary officer that disposal should, where possible, take place in the immediate vicinity of the affected farm. I am unable to give Mr Johnstone the guarantee that he seeks. We have to accept that we are dealing with an enormous logistical project. We are in the hands of the vets and must do the job of restricting any possible source of infection as best we can.

On the issue of anglers on the Clyde, we issued clear guidance last week to all associations about the commonsense steps that any sportsperson should take when taking part in their sport. We will have further meetings with the National Farmers Union, the Scottish Landowners Federation and others and will move towards a situation in which, after having issued a letter of general guidance, we will come up with a code of practice. The sensible practice is that someone from an infected area should not travel elsewhere but someone from an area in which there is no infection should be able to take part in their sport.

George Lyon (Argyll and Bute) (LD): I wish to say how stunned I am after hearing the minister's announcement. I do not think that any of us ever believed that we would see 200,000 healthy stock in Scotland being slaughtered as a precautionary measure. That is a phenomenal number of stock.

The minister mentioned movement from a high-risk area to a low-risk area. I think that he mentioned drawing a line along the Clyde and the Forth. What effects will that have on each of the two areas? Do the very severe restrictions stay in the high-risk area, and is he considering rolling back some of the restrictions in the low-risk area? If so, how quickly will that happen?

The minister also mentioned that farmers who have to deal with severe welfare problems—of whom there are many in my constituency—will be able to apply for a scheme to destroy stock if animals cannot be moved. I ask him to expand on what he means by that. To which areas of the country does that apply: the high-risk areas or the low-risk areas?

Ross Finnie: I think that we are all fairly staggered by the steps that we are having to take. The objective will perhaps involve having three areas, but it will initially concern an area north of the Clyde-Forth line, which will, we hope, be declared a low-risk area. The area south of that line will be declared a high-risk area. As matters move on, I may be able to designate a high-risk area and an intermediate-risk area within the initial high-risk area; however, that would be done only on the advice of veterinary staff.

Once we have taken the pre-emptive strike of slaughter, I hope to move quickly to a position where, if we declare that the north area is a low-risk area, we can contemplate a relaxation of some of the draconian movement orders that are in place. George Lyon is right—that is the intention. I cannot, however, give him a firm date. That will be done only as this policy development moves into place and as the vets declare it possible.

The negotiation was completed only while I was in London yesterday. Finance was to be made available to allow those with almost no alternative to elect to kill their animals for animal welfare reasons. I am not able to state that there will be financial compensation, although I hope that I will be able to give details on that in the next two days. I merely wish to indicate to the Parliament that, in recognition of the real difficulties being experienced, it was necessary to secure some alternative, by means of allowing the option of slaughtering animals.

The Presiding Officer: Now that the party spokesmen have had their say, I appeal for very brief questions in an effort to be fair to everybody and to get everybody in.

Dr Elaine Murray (Dumfries) (Lab): I welcome the minister's speaking to us today about the current development. I am absolutely stunned about the effect that it will have on my beleaguered constituents. At the moment, many of

them are living in a pall of dense, stinking smoke, and are surrounded by fields bereft of animals.

The minister may be aware of the disappointment in Dumfries and Galloway that, two weeks after the outbreak, he has not yet been down there to witness the sterling work being done by Dumfries and Galloway Council, in its attempt to try to contain the disease. I plead with the minister yet again for him, or another senior minister, urgently to come to Dumfries and Galloway. I know that he cannot do anything to make this situation better, but I plead with him to come to express his solidarity with the suffering and the courage of my constituents.

Ross Finnie: I am very sorry that—apparently yesterday or the day before—someone in my office, when asked whether I would be going to Dumfries and Galloway, stated categorically that I had no such plans. I deeply regret that statement, because I have made it clear for some days now that the first place that I will go to will be Dumfries and Galloway.

I hope that Dr Murray will also understand that, in arriving at today's statement, an enormous amount of time and effort, including meetings, has been involved. It is a very difficult decision for a minister to have to take, to make announcements such as today's without being in possession of a great deal of information. This is a very serious announcement. I am very keen to visit the area. I hope to do so very soon if at all possible. The First Minister and I are planning to visit the Dumfries constituency, with any luck, within the next 48 hours.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): It is fairly obvious that this is not a short-term problem, and that we are in it for the long haul, certainly in relation to public perception. The knock-on effects on many other industries in rural areas and the rest of Scotland will be severe, particularly in Dumfries and Galloway. What steps are being taken to communicate with local authorities and UK Government ministers to see what can be done to help the cash flow of the many other businesses that are being hit severely?

I know that the matter is not in the minister's gift, but—in light of the fact that this problem will not be solved in the next couple of weeks—some of us in rural areas think that it would be most inappropriate to hold a general election campaign while the problem continues.

Ross Finnie: As I said in the debate last week, I have established a group of officers who are drawn from the rural affairs department and the enterprise and lifelong learning department and environment officials to begin the task of examining the consequential effects. I chair that

group. Members will have read that Mr Michael Meacher has established a committee in England. While I was in London, we discussed the most effective way in which we could co-operate, as there are clearly matters that should be dealt with on a UK basis. I assure members that we have a group that is concerned with the Scottish interest, which draws on local authorities and other organisations. Similar work will be done in England and Wales, and there will be a co-ordinated UK effort. We are acutely aware of the knock-on effects and at Government level we are taking steps to examine them and to produce proposals.

David Mundell (South of Scotland) (Con): It is not possible to appreciate the human tragedy of this matter. To take out 200,000 sheep from a relatively small area that is associated with sheep farming is devastating and truly awful. I hope that as the process goes on, the human element will be recognised. I am pleased to hear that the minister is coming to Dumfries and Galloway. It is important that he does so, as people feel very isolated and alone. The mood music that came from the minister's office was not helpful. What was said surprised me, as the minister himself had indicated to the contrary. Will the minister confirm that the human element will be taken into account?

Secondly, what thought is being given to the logistics? As Dr Murray said, the burning has started to be very intrusive in our communities. When we had one fire, people could take it, but when there is smoke in the streets of their town, it is difficult to take. How will we deal with the logistics of such a huge operation?

Ross Finnie: I think that everyone in the chamber associates themselves with the thoughts of David Mundell and Elaine Murray. We are all acutely aware that this is about people and their livelihoods and livestock. We should never forget that, and I hope that the media recognise that when reporting the measures that we are taking. I hope that tremendous emphasis is not placed on mass slaughters, and that there is proportion in how these serious matters are reported.

I tell David Mundell and everyone else in Dumfries and Galloway that we are acutely aware of the difficult logistical problem that we face because of the sheer number of sheep. We have to consider all the points that have been raised. We may have to consider other means of slaughter. I give my assurance that we are giving every consideration to ways of dealing with this very difficult problem, particularly as it affects Dumfries and Galloway. I apologise, as I did to Elaine Murray. There has been horrendous confusion, as I never had any intention other than to visit Dumfries and Galloway first.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I have dreaded hearing an announcement of the kind that the minister made today, with all its resonance for the Borders, the south of Scotland and the rest of the country. I heard it today with deep emotion and real apprehension, and I recognise the emotion demonstrated by Elaine Murray and David Mundell. We understand the dreadful pressures that led to the announcement being made and the dreadful news that it contains for individual farmers and for farming communities.

I know that the minister may not be able to give precise details, but I wonder whether he will look into certain technical matters. He talked about the 3km envelope, but what is the position of farms that dip into that area, if the rest of their territory is outside it?

Will the minister clarify—when he is able to—the precise nature of the connection with the Longtown mart, which draws people into the ambit of the regulations? What is the position of farms that have been inspected and cleared? I suspect that the minister will tell me that they may now fall back within the ambit of the regulations.

A practical problem that was drawn to my attention overnight affects certain areas in which logging has been taking place to facilitate the desperate task of fuelling the pyres. Logging has been happening in unaffected areas, with the wood being taken into infected areas on lorries that travel back and forth. Will the minister ensure that the regulations apply tightly to those lorries? Finally, when will the regulations take effect?

Ross Finnie: Ian Jenkins's first question concerned the technical matter of the 3km zones, which we have discussed with the veterinary officers. It is clear that there will be some difficulties, and it will be for the veterinary officers to make the final judgment on whether a farm is inside or outside a zone. However, we are not in the business of taking silly decisions should there be no connection between a farm and a zone.

We will also have to examine other difficult issues, as the matter that was raised by Ian Jenkins is not our only minor logistical or technical problem. I discussed those problems earlier. However, the overriding feature will be the view of the veterinary officers—if, in their view, there are potential carriers of the disease within an area, in all the circumstances they will have no alternative but to decide that that flock will have to be slaughtered.

We are aware of the concerns about logging lorries. What is important is the point at which they enter the infected area. The areas from which they come are not infected, therefore the lorries should not affect the situation.

The relevant dates are those that I gave in my statement and the relevant flocks are those that can be traced to movements from, and farmers who bought sheep at, the Longtown mart on 15 or 22 February. Those are the relevant dates in relation to linking animals to the current outbreak.

I had to bring my statement to the chamber as quickly as possible, but we hope to have the details of the scheme available soon. The regulations that are required will be published in the next few days. We must move as quickly as we can, but we must also ensure that the logistics and the relevant orders are in place and that we are able to give proper effect to the measures, rather than going off at half-cock.

Mr Kenny MacAskill (Lothians) (SNP): I concur with the sentiments that have been expressed by all members about the tragedy that has befallen farming. I am grateful to the minister for his acknowledgement that the crisis is not only deepening in agriculture, but broadening out into other areas, such as tourism and food.

While I acknowledge that primacy in such matters must come from the veterinary and scientific advisers, I am intrigued by the concept of low, medium and high risk and where we should take those risks. From the perspective of tourism, a clear problem has been conflicting information and advice about what activities could be pursued. For example, the ski slopes were open, but the hills were closed. One could walk on the west highland way, but one could not walk off it. Such stories have come from a multiplicity of organisations.

My plea is that the minister's office ensures that a clear, coherent and consistent message on the situation vis-à-vis agriculture is communicated in Scotland and, for the tourism industry, that that also happens outwith Scotland. More important for tourism, the message should let people know what they cannot do in Scotland. Can we ensure that there is one clear voice?

Ross Finnie: We will not get uniformity of instruction throughout the whole of Scotland. As I indicated in my response to Alex Johnstone, the response to the guidelines that we issued earlier has been positive. We recognise that we need to take that guidance further. That is why we are in discussion with tourist organisations, the Scottish Landowners Federation and the National Farmers Union to try to ensure that one source of information gives consistent guidance as it might apply in a particular area. That is what we are trying to achieve. I regret that, across the various agencies that are involved, there have—from time to time—been conflicts in the guidance given.

Alex Fergusson (South of Scotland) (Con): Members have used the word "stunned", and it is

absolutely the right word. This is the time of year that, as a sheep farmer, I always enjoyed. It is almost lambing time and although lambing was extremely hard work, it was extraordinarily rewarding to help to bring next year's product to life amongst the fields. This will be an extraordinarily emotive time for the people involved as, in the time scale that the minister envisages, we will be slaughtering sheep slap in the middle of their lambing season—shooting stock as it lies down to lamb. I do not wish to overemphasise that point, but it is vital. I urge the minister to indulge in joined-up thinking with other departments to ensure that all agencies that look after the mental welfare of those involved are brought into full play.

Will the minister confirm whether the 3km distance will start from the centre of the farm or, if it will not, exactly how it will be measured? That may sound a strange question, but there are some large farming units and the method of measurement will have a serious effect on the number of farms that are taken into account. Will the minister also tell the chamber whether the measure is to be UK wide? Given the proximity of Dumfries to Cumbria, what will happen across the border? Members need to know that.

Ross Finnie: I will deal with the last point first. The meeting that I attended yesterday was a meeting of UK ministers. Although there will be minor differences in application, the principles will be uniform throughout the UK. I assure members that there will be no discrepancies in the way that the issue is treated in Cumberland, Northumberland and Scotland.

The disease knows no boundaries—that is why ministers met yesterday to finalise our approach. As I explained, our initial approach will be to try to move to two areas. Before we get to three areas, it may be possible in England to do things slightly differently. However, that is a matter of detail.

On Alex Fergusson's other point, I do not wish to mislead him. I assure him that I will check where the 3km point will start from. I think that I know the answer, but it might be very silly to give it, because where the area impinges is important. I assure members that that information will get to Alex Fergusson and will be made available to members in general.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I was telephoned this morning by a friend of mine, Rev Richard Frazer. The Church of Scotland is sending him to counsel and help farmers in this dreadful situation.

None of us can imagine the misery, anguish and despair of farmers who are caught in the foot-and-mouth situation. We read about police forces taking away shotguns from farmers for their self-

safety.

I realise that the minister's department is working extremely hard and is heavily burdened. What contacts has the minister made with churches and other agencies that could counsel and throw an advice or support lifeline to farmers? I am interested in the minister's views. Alex Fergusson touched on the point.

Ross Finnie: As members are aware, I made available not an enormous sum, but a small and significant sum to those agencies that deal with counselling for farmers. We are acutely aware of the problem. I cannot repeat often enough that the tragedy is about people. Everyone in the chamber is well aware of that.

We are in touch with the relevant agencies. Clearly, we will have to keep in touch with them, because as this problem grows, the matter that Mr Stone raises could be a further matter of concern. We are well aware of it.

John Scott (Ayr) (Con): I want to associate myself with the remarks that have been made about the horror of this situation. The devastation that farming families will feel cannot be overstated, as they see a lifetime's work going up in smoke.

I appreciate that my head may not be ruling my heart—indeed it may be the other way round, with my heart ruling my head—but I feel that the 500 farms that the minister mentioned may be too many. I would like to see the scientific justification for that decision, if that is possible. I am a sheep farmer—I even have sheep on my tie—and I feel that 500 farms and 200,000 sheep is too much.

I welcome some of the things that the minister said. I welcome the voluntary compensated slaughter scheme on welfare grounds—but who will be the arbiter of whether there is a real welfare problem or not?

I welcome the relaxation in movement controls. Will the minister be more specific about the distances involved? I know that the minister will probably not be able to assure us that he will never go down the road of having a vaccination policy, but none the less I ask him to do so. I do not believe that such a policy would be in the best interests of the industry.

Ross Finnie: John Scott, a farmer, has highlighted the clear conflicts and difficulties that have arisen in reaching certain decisions. I will start by assuring him that we do indeed rule out vaccination as the answer.

The advice on which I gave the indication that up to 500 farms and some 200,000 sheep would be involved is based entirely on the information that we have. The figures will not be exactly the ones that I have given, but they will be of that order. I assure Mr Scott that we will not order the

slaughter of animals on a farm if we cannot meet the criterion of making a connection to the Longtown mart. However, the advice of the veterinary officer is that, if we are to make a pre-emptive strike, we have no alternative. We can make no distinction: if people bought sheep from Longtown on the dates in question, and the sheep are on now their farms, those farms are potential sources of infection. That is a hard decision to take and I assure Mr Scott that we do not take it lightly. However, we must take it if we are to get on top of this disease.

I do not have specific proposals on the relaxation of movement controls. If we can get to a situation of having a high-risk category, perhaps a medium-risk category—although not immediately—and a low-risk category, I will amend the orders that are in place. At that time, I will give members the full details. Clearly, we will wish to relax the controls in a way that is proportionate to the risk.

The Presiding Officer: We have gone well past the time that the Parliamentary Bureau authorised for ministerial statements. However, I would like to ask the minister whether he can take another five questions.

Ross Finnie: The only minor difficulty is that we are all due to be back here at 2.30.

The Presiding Officer: I will vary the procedure and ask the five remaining questioners to ask their questions now, after which the minister will give one reply. That will speed things up. I have no authority to do that, but I realise that this is an exceptional circumstance. I do not want this to be quoted against me in future.

Tavish Scott (Shetland) (LD): Does the minister accept, and will he look into, the difficulties that crofters and farmers in Orkney and Shetland are facing as they seek to get cattle away—as they normally do at this time of year—to Aberdeen, given the movement restrictions that apply to them? They also face difficulties because of calving and the lack of fodder—it is extremely difficult to obtain fodder at this time. Will the minister undertake to look into their case, in the context of the answers that he has given on the restriction policy?

Mr Jamie McGrigor (Highlands and Islands) (Con): Will the minister tell us the position regarding red deer and roe deer—especially roe deer, which will be on farms in Dumfries and Galloway? Will he also tell us the position regarding carrion such as foxes and badgers that live in the woods around the fields where the infected animals are?

Will the minister assure us that stock will not be left lying in fields where carrion feeders can get at them after they have been slaughtered?

Bruce Crawford (Mid Scotland and Fife) (SNP): The gravity of this situation is staggering. The manner in which the Minister for Rural Development has handled it today is a credit to him.

Last week, there was concern in Perthshire about the movement of animals, in particular the movement of sheep from a farm in Perth to Shropshire under the current licensing scheme. The greatest concern arose from the fact that the sheep were being moved by a lorry that came from Longtown, near Carlisle. Now we are moving to a situation in which there will be high-risk and low-risk areas. There is concern that that movement of sheep occurred under the current licensing conditions. Will it be impossible for such movement to happen in future?

Ben Wallace (North-East Scotland) (Con): My sympathies go out to those who will be, and are, affected. Has the minister had contacts, or does he intend to have them, with either the Secretary of State for Defence or the armed forces, to involve them in the planning for what will inevitably be a huge logistical problem? Already there are grave concerns about the delay between the slaughter of animals and the disposal of carcasses.

Mr Murray Tosh (South of Scotland) (Con): My question is about compensation and subsidies. I understand that payments are made only if sheep are retained on the land for the full retention period. Obviously, if animals have to be slaughtered, that will not be possible. Does the minister have the power, and will he exercise it, to waive those rules in the circumstances and pay the full payments?

The Presiding Officer: Can we have an omnibus answer, minister?

Ross Finnie: I will try to deal with the questions as quickly as I can.

To Tavish Scott, I say that we are acutely aware of the problem in the northern isles with regard to fattening stock and animal welfare considerations. We hope that if we can move to the position that I described—of the north area being a low-risk area—that will greatly assist us, but I cannot assure the member that that will happen immediately.

To Jamie McGrigor, I say that on the basis of our current risk assessment, deer do not become carriers, therefore we are talking about the slaughter of sheep in the areas to which I referred.

I thank Bruce Crawford for his kind remarks. I will look into the issue that he raises. There is concern about whether it falls within the regulations, because we are talking about an area that is under restriction, so I am slightly surprised to hear of that movement. I will look into it.

The answer for Ben Wallace is that officials in England, Wales and Scotland have had preliminary discussions with the Secretary of State for Defence. It is not our current plan to bring to bear the resources to which Ben Wallace referred, but as resource becomes a difficult issue as we consider the logistics, it may be that we will have to have recourse to the action that Ben Wallace mentioned.

In reply to Murray Tosh's question, we are looking for the most liberal interpretation of the current regulations. The beasts that will be deemed to be infected will also qualify for the current valuation. There will be two options. To effect valuation quickly, there will be a standard value rate. If a farmer elects to have the animals valued, that is the farmer's right, but that may delay the slaughter process. We are trying to introduce the standard value option to hurry matters along, but we are not trying to do that in a way that will prejudice the financial position of farmers.

The Presiding Officer: I thank the minister and all members for their co-operation this morning.

13:44

Meeting suspended until 14:30.

14:30

On resuming—

The Presiding Officer (Sir David Steel): I have two announcements to make before we begin question time. First, there will be a camera in the chamber during the later part of the afternoon for the tartan day debate. I have given permission for that, in case any member is concerned about it. Secondly, Karen Gillon raised a point of order this morning about naming civil servants in the chamber. I gave a detailed ruling on that on 2 March 2000, which members can look up—I do not propose to waste time by reading it all out again. The guidance already exists.

Question Time

SCOTTISH EXECUTIVE

Health Boards and Trusts (Arbuthnott formula)

1. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive how it will monitor in what ways the application of the Arbuthnott formula to health boards and trusts is being used to increase access to NHS in Scotland services. (S10-3115)

The Minister for Health and Community Care (Susan Deacon): The Executive currently has well-established performance monitoring arrangements. However, as part of "Our National Health: a plan for action, a plan for change", existing arrangements are being reviewed and a new performance management framework for the NHS in Scotland will be announced soon.

Mary Scanlon: Thank you. Given that the Arbuthnott funding was to address inequalities in access to health care, is the minister concerned that health trusts, such as Highland Acute Hospitals NHS Trust, are having to use that additional funding to reduce their financial deficit, leaving them no opportunity to address the problems that were set out by Arbuthnott in the document "Fair Shares for All"?

Susan Deacon: I am bound to say, for no reason other than the factual one, that I regret that once again Mary Scanlon is somewhat confused about the facts. It is worth pointing out that Highland Health Board, under the Arbuthnott provision, is receiving a 9.75 per cent increase in funding next year—the highest in Scotland. That is because the Arbuthnott review put in place a fairer system of allocating resources, which takes greater account of need, particularly in deprived and rural communities. A key part of the overall strategy for the NHS, in the Highlands and throughout Scotland, is to address health

inequalities in local areas.

Mr Andy Kerr (East Kilbride) (Lab): Does the minister agree that the 6.5 per cent increase for Lanarkshire Health Board is much welcomed? In addition, two new hospitals in Lanarkshire, including Hairmyres district general hospital in East Kilbride, will improve access to the health service. That is in contrast to what we will see under the Tories if they are ever elected—a £16 billion cut in public services.

Susan Deacon: I am pleased that Lanarkshire is one of many parts of the country that is getting new hospitals and where other new developments are taking place, which are part of the long-term investment that the Executive is making—and will continue to make—in the NHS in Scotland. That contrasts sharply with the past record of the Conservatives and with their future plans, were William Hague to sneak in after the next election. I think that it is time that the Scottish Conservative party admitted that a vote for it at the next election would mean cuts and privatisation—something that it has yet to admit.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The minister will be aware that there is something of a question mark over maternity service provision in my constituency. People who live in Caithness and Sutherland are very concerned that it might be downgraded to a midwife-led service. If that happened, expectant mothers would have to undertake a return trip of over 200 miles to give birth in Inverness. Can the minister assure me that, in view of that worrying situation, she will keep the closest possible eye on what is happening at the Caithness general hospital?

Susan Deacon: As Jamie Stone is aware, I have taken a keen interest in maternity services in general and I am aware of the concerns in Caithness. It is important to stress that no decisions about the future of maternity services in that area have been reached. Widespread consultation is taking place and it is right and proper that those discussions are had, to ensure that we provide services that meet current and future needs.

In that respect, I am pleased that last month we published the first national framework for maternity services in Scotland. It sets a clear framework for the health boards that must consider the needs of rural areas. The framework will enable those boards to achieve a balance between delivering services in remote and rural areas and maintaining quality and safety. I am sure that, as the consultations and discussions continue, those matters will be carefully considered.

Homeless People (Health Services)

2. Patricia Ferguson (Glasgow Maryhill) (Lab): To ask the Scottish Executive how it plans to improve the delivery of health services to homeless people. (S10-3132)

The Deputy Minister for Health and Community Care (Malcolm Chisholm): On 8 March, I announced the appointment of a health and homelessness co-ordinator who will support NHS boards in their work to improve health care services to homeless people. The co-ordinator's work will be led by a national health and homelessness steering group whose membership comprises NHS, local authority and voluntary sector representatives and officials from the health and development departments. Draft guidance to the service on improving the health of homeless people and their health care services will be issued in the next few days.

Patricia Ferguson: I am grateful for the minister's answer and I welcome the new initiative. However, will the minister assure me that the complex health needs of homeless people will be addressed on the ground—or on the street—where help is badly needed? I draw his attention to the great need that many homeless people have for services to which he or I might give much less priority, such as chiropody and podiatry.

Malcolm Chisholm: Addressing the problems of health and homelessness is an important part of our priorities for dealing with health inequalities. Part of that involves ensuring that access to the services that Patricia Ferguson mentioned is as convenient for homeless people as it is for us. The guidance that will be issued in the next few days will place a new requirement on health boards to develop action plans and to involve homeless people in developing those plans. The co-ordinator to whom I referred will drive forward that agenda in the next few months.

Mr John McAllion (Dundee East) (Lab): At the recent opening of Dundee Survival Group's new premises for the homeless in the city, one of the residents paid moving tribute to the importance of his doctor in helping him to overcome his alcoholism and, as he said, to get his life back. Given that the doctor to whom he referred was one of the new breed of salaried general practitioners who are employed directly by the health care trust, is not it the case that the best thing that we can do for the homeless is to encourage the spread of salaried GPs? The whole health service would benefit from the spread of that group of doctors.

Malcolm Chisholm: John McAllion is right to refer to the personal medical services initiative, which results in the employment of salaried GPs, particularly in deprived areas. In my constituency,

the same excellent development of GP services for homeless people has taken place. That is a key part of what we are discussing.

In my original answer, I referred to what we will do, but I remind people of the initiatives that are in place. We have given £4 million this year from the health budget to the rough sleepers initiative, and we have supported other initiatives. This week, Susan Deacon announced a new public health role for nurses and health visitors. That is also highly relevant to the agenda.

Nursery Nurses

3. Mrs Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive whether it plans to initiate a review of the pay and conditions of nursery nurses. (S10-3109)

The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen): The pay and conditions of nursery nurses are matters for their employers, which are local authorities and a range of organisations in the private and voluntary sectors. The Executive has no role in the negotiations and no plans to initiate a review.

Mrs Mulligan: Does the minister accept that, despite their increasing responsibilities, many nursery nurses feel that their role is not being recognised? Does he agree that a nationally implemented career structure could lead to improved pay and conditions and raise the morale of nursery nurses?

Nicol Stephen: I am sympathetic to the issue of nursery nurses' low pay. I would like a more professional pay and conditions structure to be adopted, which would offer better career progression prospects for nursery nurses. The Executive is working hard on training and on developing qualifications for nursery nurses. Recently, we produced two documents on that. I understand Mary Mulligan's concerns, which we are working with others to address.

Irene McGugan (North-East Scotland) (SNP): Does the minister agree that the current framework of child care qualifications in Scotland remains overly complex? What reassurance can he give nursery nurses that they can in future progress more easily through the main routes for advancement in early-years services?

Nicol Stephen: Yes, I do agree. The reassurance that I can give is that we are working through the documents that I mentioned to try to address those issues for nursery nurses and for others who are involved in looking after and helping to educate children of that age. We are also working through other initiatives; for example, the child care forum—which I chair—includes a range of representatives from the sector.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I will declare an interest before I ask the minister the question. As a member of Unison and as the mother of a student nursery nurse, this matter is obviously important to me and to my daughter's development.

Does the minister accept that the proposals on registration in the Regulation of Care (Scotland) Bill will place a further onus on nursery nurses' career progression? Will he therefore undertake to ensure that nursery nurses are appropriately rewarded in the future?

Nicol Stephen: Perhaps I should also declare an interest as the father of a nursery-age child. I understand the issues. I can say only that the changes that have been introduced by the Regulation of Care (Scotland) Bill have been widely welcomed within that sector and by nursery nurses specifically. There has been a lot of support for the changes. Those changes seek to bring greater professionalism into the area. Over time, we will see progress, but that progress might be slower than many of us in the chamber would wish. The issue is difficult, but we are determined to tackle it.

Anti-social Behaviour

4. Mr Lloyd Quinan (West of Scotland) (SNP): To ask the Scottish Executive what measures are in place to tackle anti-social behaviour. (S10-3106)

The Deputy Minister for Social Justice (Ms Margaret Curran): We have recently announced the appointment of a sociable neighbourhood national co-ordinator, who will promote good practice across Scotland, and work with councils and others to develop successful strategies. We have also made provision in the Housing (Scotland) Bill to give additional powers to local authorities and registered social landlords to help tackle this problem. Those measures are in addition to the existing powers and guidance that are available to local authorities and other landlords.

Mr Quinan: I thank the deputy minister for her reply. Admittedly, it was in her speech yesterday. However, can we have a system whereby we make people more aware of the methods by which they can make complaints? I ask that because of the enormous number of inquiries that have come into the SNP's west of Scotland regional office about problems in the Greenock and Inverclyde area. The local authority, although it is sympathetic, tends to refer clients to the police. There appears to be a great deal of confusion about the process. We ask for an information campaign to outline clearly to people the structures that they can use to address anti-social behaviour.

Ms Curran: I understand and agree with the need to tackle that serious social problem. We made clear yesterday the Executive's determination to deal with the problem and to understand the experience that many people have. As I said in my speech yesterday, we firmly believe in zero tolerance towards any level of disorder and violence in communities. We are taking measures in the Housing (Scotland) Bill that will bring about great progress in that area. However, we also recognise that there has to be action across the Executive and we are determined to take such action. We will take any opportunity that we can to publicise the great work of the Executive and its determination to deal with the problem.

Phil Gallie (South of Scotland) (Con): Is the minister concerned that a deficiency in the control measures that are available to children's hearings adds to the problem of anti-social behaviour? If so, what remedies are planned?

If the minister would like me to repeat the question, I will.

Ms Curran: I am terribly sorry. I think that I grasped the question. I genuinely do not wish to be impertinent and not listen properly.

I understand that junior criminal offences are under review. It might be appropriate for Mr Gallie to address his question to my colleague in the justice department. I am aware of the issue as a local constituency member. I pursue it regularly, because it is a great concern of mine.

I assure Mr Gallie that the issue has been given great consideration throughout the Executive. Yesterday I made clear in my reply to the debate on the Housing (Scotland) Bill our determination to work across the Executive so that we get a joined-up approach. I know that the ministers in the justice department are keen to pursue the issue with us.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Will the minister assure the chamber that the national alcohol strategy that the Executive is in the process of developing will address the anti-social consequences of alcohol misuse?

Ms Curran: Having worked with Keith Raffan in the Social Inclusion, Housing and Voluntary Sector Committee, I have no doubt about his interest in the issue. I accept that it is an issue of great importance. We want to consider cause and effect in our work. We do not want only to be punitive in our response to anti-social behaviour in communities, but we want to consider the causes of that behaviour. That is why we have a joined-up strategy. I encourage the member to raise that matter with the appropriate minister.

New Housing Developments

5. Paul Martin (Glasgow Springburn) (Lab): To ask the Scottish Executive what measures can be taken to ensure that developers of new housing include local amenities in planning applications. (S10-3086)

The Deputy Minister for Environment, Sport and Culture (Allan Wilson): A range of mechanisms is available for securing the provision of local amenities in residential developments, including development plan policies, planning conditions, planning agreements and development and design briefs.

Paul Martin: I thank the minister for his reply. Does he share my concern that developers are able to volume-build in areas such as Robroyston and to submit planning applications that give no consideration to local amenities such as schools and nurseries? I ask the minister whether I can meet him to discuss my general concerns on the matter. My declaration of interest is that I stay in Robroyston.

Allan Wilson: The relevant national planning policy guideline in the matter is NPPG3, which defines the considerations that must be taken into account when local authorities are determining planning policies and planning applications. That would include amenities such as those referred to by my colleague, Paul Martin. Last November, Sam Galbraith announced a review of those guidelines. I am always available to meet Mr Martin or any other member to discuss the general principles of the guidelines. However, I cannot discuss the specifics of any particular application or anything that might in future go forward for an appeal decision.

Dorothy-Grace Elder (Glasgow) (SNP): On the same subject, is the minister concerned that local defects, such as the hideous mobile phone masts that seem to be springing up everywhere like something out of an old science fiction movie, can be erected without notification? I understand that current planning law does not require the mobile phone companies to notify—

The Presiding Officer: I am sorry, but you are well wide of the question. That is not in order.

Dorothy-Grace Elder: I understand that, and I will communicate with the minister afterwards.

The Presiding Officer: There will be a letter in the post.

Caledonian MacBrayne (Fare Structure)

6. Mr Duncan Hamilton (Highlands and Islands) (SNP): I, too, will try to communicate with the minister.

To ask the Scottish Executive what its position is in relation to the current fare structure of Caledonian MacBrayne. (S10-3127)

The Minister for Transport (Sarah Boyack): I expect presently to receive a report from CalMac on the conclusions of a review of its current fares structure. I will take decisions in the light of those conclusions.

Mr Hamilton: The minister will be aware that high ferry fares act as a barrier to economic growth on the Scottish islands. Why, in its preliminary response, has CalMac ruled out the prospect of considering RETs, or road-equivalent tariffs? Is the minister aware of the unanimous support of Highland Council's transport committee and Western Isles Council for a pilot scheme for such a proposal? Will she give her support to a pilot scheme to put Scottish islanders on the same, equal basis as their counterparts in Scandinavia?

Sarah Boyack: I am well aware of the debate, especially about freight costs from our highland and island areas and the key role that is played by CalMac in providing opportunities. The difficulty with Duncan Hamilton's suggestion is that, as the consultants concluded, the introduction of RETs would result in substantial reductions in the company's revenues. Consequently, there would be a need for much greater subsidy. At nearly £20 million a year, we are already at record levels of subsidy for CalMac.

I am keen to see whether improvements can be made. The point of an extra review is to let us consider carefully how we can improve fares structures throughout the Western Isles and the islands communities and to work out whether we can get better deals from the current services. That matter is firmly on my agenda.

Rhoda Grant (Highlands and Islands) (Lab): I welcome action to ensure that fares are kept under review, and I ask the minister what steps are being taken to ensure that community groups, especially on the islands, are fully involved in the consultation process.

Sarah Boyack: It is important that the people who are affected by services and fares are involved. That is why CalMac ensured that libraries had copies of the consultation document, so that local people could read it. I understand that the company also made the consultation exercise available on the internet, which is one of the ways that we are all trying to use to communicate more effectively with people throughout the country. I hope that that made the consultation exercise more accessible to people. The extension by a week of the consultation exercise will ensure that all who wanted to contribute will have their views fully considered.

George Lyon (Argyll and Bute) (LD): Is the minister aware of the views of my constituents in Tiree, Coll and Mull, who have asked me to raise with her the need for an essential goods rebate for the island communities that are served by CalMac? Will the minister consider such a scheme for those islands?

Sarah Boyack: There is an opportunity for people to contribute their views to the review that is currently being carried out. Once we have everybody's views, we will be able to see how to move forward. We are aware of the fact that the subsidies that CalMac provides are absolutely vital to the social and economic future of communities on our islands and remote peninsulas, so we are keen to continue that. If we can improve the measures that we have at the moment, we shall consider the consultation exercise carefully when the CalMac review is completed.

The Presiding Officer: The next two questions are specifically about the fish processing industry.

Fish Processing Industry (Redundancies)

7. Mr Andrew Welsh (Angus) (SNP): To ask the Scottish Executive how many people employed in the fish processing industry were made redundant during the past year. (S10-3119)

The Deputy Minister for Rural Development (Rhona Brankin): That information is not available to the Scottish Executive. Employers are not required to inform the Executive of numbers of employees who are made redundant.

Mr Welsh: Given that the fish processing industry provides some 20,000 jobs and involves more than 300 businesses, what job losses does the minister predict will take place over and above the 1,000 redundancies in the past year? The Executive might not know the figure, but the industry does. How will she stop that haemorrhage of employment and ensure that fish processing emerges as a viable part of an overall fishing industry?

Rhona Brankin: Because of concern about the fish processing sector, the Executive set up a fish processing working group in December and I met members of that group just last week. I am sure that Mr Welsh will also welcome the fact that I announced £1 million for the fish processing sector. If he is so concerned about the fish processing sector, will he urge his party to abandon its policy of tie-ups, which would lead to irreparable damage and job losses in the fish processing sector?

The Presiding Officer: I call Lewis Macdonald to ask question 8.

Members: Let him answer.

Mr Welsh: It is a sad day for Scotland when the

Executive asks the Opposition what it should be doing. I asked the minister how she is going to prevent the haemorrhaging of jobs, but she does not even know the number of jobs that has been lost. If she has so much contact with the industry, she should know that. What is she doing to stop that haemorrhaging of jobs to ensure that we have a viable fish processing industry?

The Presiding Officer: I call Lewis Macdonald to ask question 8.

Rhona Brankin: What? Wait a minute.

The Presiding Officer: Are you going to answer?

Rhona Brankin: Well, he just asked me another question.

The Presiding Officer: I thought that you were shaking your head.

Rhona Brankin: No. I urged him—[*Interruption.*]

The Presiding Officer: Order. I am sorry. I misunderstood you. I thought that you were shaking your head.

Rhona Brankin: No, no. I urged Mr Welsh to do something. I did not ask him a question, but now he is asking me another question.

The Presiding Officer: Please go on then.

Rhona Brankin: Let me say yet again that we have announced the biggest ever package of aid for the fishing industry, and Mr Welsh is accusing me of not being concerned about the fish processing sector. I think that Mr Welsh ought to talk to the fish processors, who earlier this week encouraged the fishermen to go back to work.

Fish Processing Industry (Meetings)

8. Lewis Macdonald (Aberdeen Central) (Lab): To ask the Scottish Executive when it last met representatives of the fish processing industry and what matters were discussed. (S1O-3121)

The Deputy Minister for Rural Development (Rhona Brankin): I met representatives of the fish processing sector on 6 March to discuss the report that was presented by the fish processors working group.

Lewis Macdonald: Is the minister aware that 100 fish processors from Aberdeen and Buchan met on Tuesday this week and unanimously called for an end to short-term tie-ups, to protect the jobs of thousands of factory workers in the fish processing industry? Does she accept that, in welcoming last week's announcement of £1 million in Executive support, those processors will continue to look to the Parliament for a positive response to their willingness to restructure their sector of the fisheries industry?

Rhona Brankin: I am very much aware of that meeting. I want to ensure that fishermen and fish processors have a long-term, sustainable and viable future. I recognise the number of jobs that are involved in fishing, fish processing and ancillary sectors. Because a lot of jobs are involved, we must ensure a long-term, sustainable future for the whole of the industry. [*Interruption.*]

The Presiding Officer: Members should not shout.

Richard Lochhead (North-East Scotland) (SNP): I, too, attended the meeting of 100 processors at Newburgh in Aberdeenshire. Lewis Macdonald and his Westminster counterpart, Frank Doran, spent the whole meeting trying to turn the processing sector against the—

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

Richard Lochhead: Their action was despicable.

I draw the minister's attention to yesterday's *The Press and Journal*, in which one fish processor, Rob Burnett, who is the managing director of Fisher-foods—which processes 40 per cent of North sea haddock, is the biggest fish processor in Scotland and employs 1,000 people—says:

"We would like to see consideration given to a scheme similar to the temporary lay-up scheme currently in operation in Belgium."

That is what the processors are saying. Will the minister start listening to the fishing industry and stop defying the industry and Parliament?

Rhona Brankin: Mr Lochhead manifestly was not allowed to speak this morning and so he is trying to make his speech this afternoon.

I reiterate; fish processors are dependent on fishermen. The whole industry is intertwined and what we must do is ensure the future of that industry. I welcome Lewis Macdonald's involvement and his close work with the fish processing sector. I intend to continue to work closely with the fishermen and the fish processors. That is what I have been doing since I came into this job.

Dr Winnie Ewing (Highlands and Islands) (SNP): On a point of order.

The Presiding Officer: I have not heard anything that was out of order. What is the point of order?

Dr Ewing: Is it in order for a minister to criticise the Presiding Officer's choice of speaker? [MEMBERS: "That is not a point of order."] That is a point of order, Presiding Officer.

The Presiding Officer: The minister was not criticising my choice of speaker.

Mr David Davidson (North-East Scotland)

(Con): Following the minister's response to Lewis Macdonald's disgraceful outburst, may I again ask her this question? I have read the report that was commissioned and paid for by the Scottish Executive through Grampian Enterprise. It is intended to inform the long-term delivery of support and new technical measures that are to be taken by the industry. All the processors to whom I speak regularly are asking for short-term support—employment support or other forms of support—to tide them over. What will the minister offer them in the short term? Are they going to get the same answers as the fishermen?

Rhona Brankin: I can assure Mr Davidson that fish processors have very much welcomed the £1 million that I announced last week. If he cares to read reports and talk to the fish processors, he will know that they have gone on record as welcoming the £1 million.

The Presiding Officer: Question 9 is withdrawn. We move to question 10.

Freedom of Information

10. Mike Watson (Glasgow Cathcart) (Lab):

To ask the Scottish Executive how its proposals for freedom of information contribute to its wider objectives of social justice. (S10-3131)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): The proposals that are set out in the draft freedom of information (Scotland) bill, which was published on 1 March, would guarantee for all a legally enforceable right of access to information that is held by a broad range of Scottish public authorities. The Executive's freedom of information proposals are but one example of the work that is being taken forward to improve everyone's ability to participate equally in Scottish society, which is a central objective of our social justice policy.

Mike Watson: I note what the minister said about the wider aspects of the proposals. When the draft bill was discussed in the chamber this morning, there was a large measure of approval for it across the parties.

I am concerned that the bill should not improve access to information for only journalists and politicians. Will the minister comment on how the general public might expect to benefit from the information that will be available to them in areas such as education, health and justice?

Mr Wallace: Mr Watson makes an important point. Indeed, the thrust of his colleague Gordon Jackson's speech this morning was that the measures will entitle every citizen in Scotland to have access to information about, for example, local services, such as refuse collection, road maintenance and snow clearing; information about

schools, such as how much money is spent in each school; and information on hospitals, for example, the number of doctors and nurses. All those are pieces of information that citizens might want to know for one reason or another. The point is that they will be entitled to know; they will not have to establish a need to know.

Ms Margo MacDonald (Lothians) (SNP):

Having published the draft bill, will the minister take into account in the consultation the difficulty that people might have in obtaining information from companies that are described as self-standing, hands-off or arm's-length, and which were previously the preserve of local council departments and have been hived or spun off?

It is very difficult, since those organisations are operating to commercial criteria, for any member of the public to gain information from them. I have had recent experience of that when mothers in Edinburgh, who were using the facilities of Edinburgh Leisure, were unable to get the direct answers that they needed from that company, because it was not acting as the council used to.

Mr Wallace: The measures that we are introducing relate to public authorities in Scotland, but I am sure that Margo MacDonald will be interested to read section 5(2) of the draft bill, which gives ministers further power to designate Scottish public authorities. That includes "persons", which no doubt includes corporations, who

"(a) appear to the Scottish Ministers to exercise functions of a public nature; or

(b) are providing, under a contract made with a Scottish public authority, any service whose provision is a function of that authority."

That is the kind of provision which, I am sure, will be the subject of comment and consultation in the consultation period and when the bill comes before this Parliament.

Housing (Insulation and Draught-proofing)

11. Tricia Marwick (Mid Scotland and Fife)

(SNP): To ask the Scottish Executive what plans it has to provide insulation and draught-proofing for homes in the socially rented and private sectors. (S10-3102)

The Minister for Social Justice (Jackie Baillie): Both sectors will continue to benefit from the warm deal and will now also benefit from the central heating programme, which includes insulation and draught-proofing.

Tricia Marwick: If a house has an old or inefficient central heating system, and so fails to qualify for the heating system that was announced on 23 February, will the minister clarify whether it will also fail to qualify for the insulation and

draught-proofing that is outlined in the package?

Jackie Baillie: The criteria that we have set for the socially rented sector and the private sector vary slightly. In both cases, the house must lack any form of central heating. In the socially rented sector, it should not be demolished within a period of three years.

We are clear that entitlement to insulation and draught-proofing is covered by the warm deal, so if somebody does not qualify for central heating they will receive draught-proofing and insulation through the warm deal.

“North Channel Economic Study”

13. Dr Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive what consideration it has given to the recent report “North Channel Economic Study”, which was commissioned by the North Channel Partnership and produced by Pidea Consulting. (S10-3124)

The Minister for Transport (Sarah Boyack): The report was received on 17 February and discussed at my meeting with the partnership on 6 March. My officials will be writing presently with our detailed response.

Dr Murray: If the minister has had a chance to examine the study, which was produced by a consortium of local authorities and commercial interests in south-west Scotland and Northern Ireland, she will have noted that, in addition to the £21 million that is provided for the local economy, the A75 supports 2,500 jobs in Scotland through the Lochryan ferry operations and half a million tourist trips, and that it contributes £114 million to the Scottish economy, which equates to another 3,800 jobs.

Does the minister agree that the A75 and A77 are roads of national and international importance? Will she confirm that the Executive will seriously consider their economic importance to Scotland?

Sarah Boyack: We are well aware of the economic importance of Cairnryan and Stranraer to the Scottish economy. That is why I was so keen to meet with the partnership, to ensure that it had an early opportunity to speak to me about some of the conclusions. The report pulls out some important information about the growing volume of freight that is going through those ports.

The study does not deal with some of the traffic issues. I have agreed that my officials can discuss, with Dumfries and Galloway Council, how we can move together on the route action plan. I am keen to ensure that we get going on some of the key improvements that must be made in the next few years.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): On the suggested improvements to the A75 and the A77 south of Girvan, many of which are not in the route action plan, is it clear that both Stranraer and Cairnryan are being disadvantaged against Holyhead in the south and Troon in the north, because improvements in the south-west have not kept pace with improvements elsewhere?

Sarah Boyack: It is important to say that about £117 million has been invested in the route over the past two decades. That is a substantial improvement.

I am aware of the problem of platooning, which is a result of the success of the routes, as the large number of lorries makes it difficult for people to overtake. We intend, through the route action plan, to tackle first the key priorities. We are keen to have dialogue with councils. One of the matters that my roads engineers are keen to consider is the issue of platooning.

We do not agree with one or two of Dumfries and Galloway Council's minor suggestions, because we think that the current route action plan is a better way forward in the short and medium term.

Mr Murray Tosh (South of Scotland) (Con): I thank the minister for her tribute to the previous Conservative Government's investment programme for the A75.

Has the minister's consideration of the study led her to concur with Dumfries and Galloway Council's view that some of the key road improvements that it wants between Stranraer and Newton Stewart should, after all, be included in the strategy for investment in the A75?

Sarah Boyack: Mr Tosh listened to the part of my answer that he was keen to hear, but not to the other part. Our discussions with the council are based on our belief that the route action plan gives the best short, medium and long-term improvements to the A75. We must see the plan in the context of wider improvements to the A77 and the long-term improvements that we are making to the M77 north of Ayr. A lot of investment is going into the area and we want to ensure that it is agreed locally. However, the route action plan is our top priority and I hope that, when I introduce the roll forward on the motorways and trunk roads programme, my meeting with the North Channel Partnership will be useful in setting my priorities.

Further Education (Glasgow)

14. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive what plans it has for future reorganisation of further education in Glasgow. (S10-3136)

The Minister for Enterprise and Lifelong Learning (Ms Wendy Alexander): That is a matter for the Scottish Further Education Funding Council, which is working with the Glasgow colleges to identify and evaluate the strategic options for the provision of further education in Glasgow.

Pauline McNeill: I ask the minister to note that I have a necessary interest in this matter, as four of the 10 colleges of further education are in my constituency. Does she agree that the Parliament has an obligation to ensure that any changes or mergers create positive benefits for further education? Will she specifically address the issue of the protection of the specialist nature of vocational courses in the FE sector? Will she confirm that no merger will result in site closures, which would affect the delivery of further education in the area that the colleges serve?

Ms Alexander: The review presents us with the opportunity to strengthen the excellence of further education in the city. I am particularly aware of what Cardonald College is doing in the field of adult literacy, what Anniesland College is doing on the issue of access, what the Central College of Commerce is doing on the issue of small and medium-sized enterprises, and what is being done at the Glasgow College of Building and Printing, from which I believe the member is a distinguished graduate. There is no doubt that, with a 50 per cent increase in the further education budget, the excellence of further education in Glasgow will be strengthened.

Foot-and-mouth Disease (Rural Businesses)

15. Alex Fergusson (South of Scotland) (Con): To ask the Scottish Executive what plans it has to alleviate any consequential losses to rural businesses as a result of the current outbreak of foot-and-mouth disease. (S10-3101)

The Minister for Rural Development (Ross Finnie): The Executive is already providing support to some directly affected businesses either through compensation for livestock or by advice from the enterprise networks. However, as I have intimated to the chamber on several occasions, I have commissioned work to assess the immediate consequences of the foot-and-mouth outbreak on a wider range of affected industries; I will chair a meeting of the assessment group this afternoon. As I indicated in my statement earlier today, the work of that group has now been integrated with the work being carried out in England and Wales, where there are common features and industries. I look forward to an early response so that we can consider the most effective way of assisting our rural areas.

Alex Fergusson: I am sure that the minister will agree that, although foot-and-mouth appears to be

confined to a relatively small geographic area of Scotland—we all hope that the situation stays that way—the economic effects are being felt nationwide. Will he undertake to explore with colleagues at Westminster the possibilities of Government agencies such as Customs and Excise and the Inland Revenue deferring demands for payments and of the local authorities deferring their rates demands until the rural community is back to something approaching normal? Will he assure the chamber that the Executive will look with sympathy and generosity on the inevitable demands that will come from agencies—particularly those in Dumfries and Galloway—for extra funding to kick-start the local economy once this appalling outbreak is over?

Ross Finnie: The member will understand that I cannot at this stage give any financial commitments. However, I can assure him that all the matters that he has raised are being taken on board. Some of those matters are reserved, which is why the group that I shall be chairing later this afternoon is now linked with the committee that is considering the matter on a UK basis.

Maureen Macmillan (Highlands and Islands) (Lab): I am sure that the minister is aware that the tourist industry is feeling the effects of the foot-and-mouth disaster. Are there plans to support the tourist industry, particularly in the rural areas, in the months to come? Marketing will be essential if we are to bring visitors back to the Highlands.

Ross Finnie: I assure the member that, on the committee that I chair, I am assisted by the Minister for Enterprise and Lifelong Learning and the Minister for Environment, Sport and Culture. All the matters to which she refers are being given urgent consideration.

First Minister's Question Time

SCOTTISH EXECUTIVE

Cabinet (Meetings)

1. Mr John Swinney (North Tayside) (SNP):

To ask the First Minister what issues he intends to raise at the next meeting of the Scottish Executive's Cabinet. (S1F-918)

The First Minister (Henry McLeish): Before I answer the question, I ask the Parliament to welcome a very special guest to the public gallery. Mrs Emily Galbraith, from Penicuik in the Tweeddale, Ettrick and Lauderdale constituency, is 105 years old. Along with Rhona Brankin and Ian Jenkins, I had the privilege of meeting her prior to question time. She was pleased to tell me that, if I was looking for advice about the way in which the coalition should work, she is 105 and is still a Liberal Democrat. [*Applause.*] I might add that, on some days, I feel 105 as well.

The Scottish Executive's Cabinet discusses matters of importance to the people of Scotland.

Mr Swinney: I hope that, for the sake of us all, the coalition does not last for 105 years. [*Laughter.*] It certainly will not, believe me.

Last Thursday, Parliament discussed the future of the fishing industry, on which the jobs of 25,000 people are dependent. Parliament voted for an immediate compensated tie-up scheme. Seven days later, we do not have one and, according to the Deputy Minister for Rural Development, we are not going to get one. Why not?

The First Minister: Much has been said today about respecting the will of Parliament. I am proud to have been one of the architects of the procedures of the Scottish Parliament. I repeat what I said in the chamber in January. I could not be any clearer when I said that, as First Minister, I will not ignore the will of Parliament.

In this case, the Executive has listened to the views of Parliament. We have also listened to the fishermen, and we have a duty to take responsible decisions. To govern is to choose, and we have chosen to provide a record £27 million to secure the long-term future of the fishing industry. We are a listening coalition. The short history of the Scottish Parliament demonstrates that the Executive listens and takes account. We listened on poundings and warrant sales; we listened on the census; we listened on tuition fees; and we listened on long-term care for the elderly. On all those issues, the Executive's actions followed careful consideration of the views expressed in the chamber.

Mr Swinney: In his new year's day message to the nation, expressed in the *Sunday Post*, the First Minister said:

"I believe voters want to see a little more straight talking from their politicians. The hallmark of my leadership will be to say what I mean and mean what I say."

It would be nice if the First Minister ever got around to doing that. He told us that he was not going to ignore the voice of Parliament. Parliament voted last week for an immediate compensated tie-up scheme, but we are not going to get one. That means that Parliament has been ignored. Why has the First Minister broken his word to the Parliament and to the people of Scotland?

The First Minister: When I am out and about in the country, people appreciate that I am a plain talker about what we can achieve. That may not be convenient or comfortable for members of the Parliament, but that is the way in which I operate. Let us not forget, in the heat of the kind of debate that we had this morning, what is at the heart of the issue—the sustainability of the Scottish fishing industry and the lives of the families who depend on it. The SNP may huff and puff, but can it deny that that is the core issue that faces the fishermen and the Parliament?

We have provided an unprecedented £27 million to the fishing industry. That money is not being given to tie up boats temporarily in a scheme that all our scientific advice says would not preserve the fish stocks to anything like the extent that would be achieved by the measures that we propose. The issue is to ensure the long-term, viable and sustainable future of one of Scotland's key industries, which the Parliament is debating and on which the Executive is deciding.

We are exploring—[*Interruption.*] I apologise to members of the SNP, but I want to continue to give the nation the facts. We are exploring with the industry the options for some rebalancing of the package, which is warmly welcomed by many in the chamber. We are delivering the biggest ever amount of Government support for the fishing industry, with the aim of strengthening and furthering the programme of research and conservation methods. When I spoke to Hamish Morrison yesterday, he was keen to press ahead with further discussions. We have a window of opportunity and intend to ensure that we deliver for the fishermen's future in Scotland.

Mr Swinney: If that was straight talking, I have no idea what convoluted talking might be.

In that answer, the First Minister did not mention democracy and he did not mention the fact that the Parliament has voted for an immediate compensated tie-up scheme, which the Scottish Executive is not going to deliver. He has ignored the will of Parliament.

In the old days, before the First Minister and I had leadership thrust upon us, I was the convener of the Enterprise and Lifelong Learning Committee and he was the Minister for Enterprise and Lifelong Learning. In our many discussions at that time, I took him as a man of his word. He told Parliament that he would not ignore the will of Parliament, but he has done so. Why is the First Minister ignoring the will of Parliament? Why has he broken his word to the Parliament and to the people of Scotland?

The First Minister: If that question had not been synthetic, I would have been inclined to put my democratic credentials on the table. I resent the fact that anyone in the chamber should be accused of not supporting the Parliament and of ignoring the will of Parliament.

To put the record straight, I have a challenge for John Swinney, because, in some respects, what he said could be classified as interesting. The most striking element of this affair is the contrast between responsible coalition government and the skulduggery of the SNP. While the fisheries minister, Rhona Brankin, was working late into the night with industry representatives in the best interests of the fishing industry to finalise the largest ever investment in Scottish fishing, the SNP was rounding up the media to watch people burn effigies of her. If that is not a disgrace, it certainly does not serve the people of Scotland or the Scottish Parliament well.

We will never ignore the will of Parliament. We are moving towards the best settlement that the fishermen have ever had. Let us get on with delivering what the fishermen want.

Secretary of State for Scotland (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he plans to raise. (S1F-912)

The First Minister (Henry McLeish): I last met the secretary of state on Friday 9 March. We have no immediate plans to meet.

David McLetchie: I am sure that, when the First Minister and the secretary of state meet, they will get round to discussing the future of the Lib-Lab Scottish Executive coalition.

I draw the First Minister's attention to the so-called Rumbles doctrine that I heard enunciated at the weekend. That doctrine appears to state that, if a policy is not agreed in the partnership agreement, Liberal Democrat back benchers do not have to support the Scottish Executive's policy, even if—as turns out to be the case with fisheries policy—the policy is drawn up by a department that is headed by a Liberal Democrat Cabinet minister. Does the First Minister agree

with Mr Rumbles's proposition and does he think that it is any way in which to run a Government?

The First Minister: What happens when one governs from within a coalition is that one is able to work on behalf of the people of Scotland and to deliver for them. [*Laughter.*] Despite the foolish and childish behaviour of the SNP, I have to say that a coalition between Labour and the Liberal Democrats is a much more attractive proposition than a right-wing coalition between the SNP and the Conservative party. [*Interruption.*]

The Presiding Officer (Sir David Steel): Order. We cannot have members shouting from a seated position. First Minister, please continue with your answer.

The First Minister: I will not, despite being encouraged by my colleagues to go a bit further, as it seems that I may have struck a raw nerve with the SNP.

Roseanna Cunningham (Perth) (SNP): On a point of order, Presiding Officer.

The Presiding Officer: Before I hear the point of order, I repeat that the content of ministerial answers should not be the subject of a point of order.

Roseanna Cunningham: Is it correct for the First Minister to mislead Parliament in that way when the only place in Scotland where the Tories are in power is on Perth and Kinross Council, where they are in formal coalition with the Labour party?

The Presiding Officer: Order. We cannot have political speeches in a point of order.

David McLetchie: Far be it for me to intrude on a little private discussion, but this is my shot, Ms Cunningham.

Let us get back to the original question, which the First Minister avoided answering. The question goes to the heart of the principle of collective responsibility. The Scottish ministerial code and the Scottish Executive's guide to collective decision making both set out that principle very clearly, as it applies to ministers and junior ministers—unless of course, like Mr Nicol Stephen, they conveniently forget to vote.

Is the partnership just a coalition of ministers, or is it a coalition of parties? Is it not time for the two-faced, two-timing Liberal Democrats to come off the fence and finally decide whether they are a party of government or a party of opposition? How long will the First Minister put up with that schizophrenic behaviour and when will enough be enough?

Dr Richard Simpson (Ochil) (Lab): On a point of order, Presiding Officer.

The Presiding Officer: I hope—

Dr Simpson: It is a real point of order—

The Presiding Officer: Just a minute. I have had several completely bogus points of order today. I hope that this is indeed a real one.

Dr Simpson: Could you ensure, Presiding Officer, that members of the Parliament do not use terms such as “schizophrenic” in relation to political matters? That stigmatises people with mental illness.

The Presiding Officer: That is a perfectly legitimate point of view, Dr Simpson, but it is not a point of order. I call the First Minister to reply to Mr McLetchie’s question.

The First Minister: This is about the battle between social progress, as illustrated by the coalition, and continual constitutional conflict, on the part of the SNP, a party that wants to go further with its contempt of Westminster, and the Conservatives, a party that loves Westminster but that treated the idea of this Parliament with such contempt. I say again: there is a right-wing coalition at work in Scotland. If the SNP and the Conservatives do not like that, they can stop coalescing with each other.

Iain Smith (North-East Fife) (LD): Can the First Minister confirm, for the avoidance of any doubt, that the Scottish Executive has taken into account the decision that the Scottish Parliament made last week? Will he also confirm that the Executive is still in discussion with the fishing industry about how the short-term aid can best be provided within the record £27 million package of support for the fishing industry, which has been provided by the Liberal Democrat-Labour Executive with the objectives of conserving the fishing stock and of providing for the long-term sustainability of the fishing industry, particularly in areas such as the East Neuk of Fife?

The Presiding Officer: It would have helped if you had mentioned the Secretary of State for Scotland somewhere in that question, Mr Smith.

The First Minister: I support the points that have been put forward. *[Laughter.]* The lady from Perth is now laughing, which I suppose is an improvement on her past behaviour.

We moved a good motion in the fisheries debate, which we can support and around which we can unite. Let me also tell Iain Smith that negotiations are taking place—we have listened to Parliament and we want to ensure that the listening translates into positive action in those discussions. Iain Smith and his fellow Liberal Democrats can be assured of that.

Budget

3. Bristow Muldoon (Livingston) (Lab): To ask the First Minister what contribution the budget announced by the Chancellor of the Exchequer last week will make to achieving the objectives of the Scottish Executive. (S1F-915)

The First Minister (Henry McLeish): The budget will ensure that the UK economy continues to provide the strong and stable macroeconomic environment that is vital to the achievement of the Executive’s objectives. The chancellor announced a wide range of measures that will contribute to the Executive’s goals, including measures for families, for pensioners and for enterprise. The Scottish Executive will gain additional spending consequentials of £200 million spread over three years.

Bristow Muldoon: Will the First Minister outline how decisions will be taken on investing those resources in education, health and transport in Scotland? Does he believe that the stability that has been achieved by the economic policies of the Government will contribute to the maintenance of the 25-year low in unemployment? What damage does he believe that the Tory cuts agenda would do, if the Tories ever had the chance to implement it with the help of the SNP?

Mr Kenneth Gibson (Glasgow) (SNP): On a point of order, Presiding Officer.

The Presiding Officer: No. I know what you are going to say.

Mr Gibson: No, you do not.

The Presiding Officer: Yes, I do.

Mr Gibson: What am I going to say?

The Presiding Officer: Order. I have repeated many times that the First Minister is not responsible for Opposition policies. With that in mind, the First Minister should answer.

Mr Gibson: On a point of order.

The Presiding Officer: What is it?

Mr Gibson: We have heard references to Tory-SNP coalitions. Is it not the case that the only coalition in Scotland is between—

The Presiding Officer: Mr Gibson, that is not a point of order. I am getting tired of false points of order, of which we have had at least half a dozen today from members of different parties. Members should realise that points of order are about the standing orders of the Parliament rather than about political argument.

The First Minister: I suppose that it would be appropriate for me to apologise to you, Sir David, for raising issues that are so sensitive for the SNP.

The budget that was announced last week is a very important one for Scotland and the Scottish economy. The impact of the budget is felt in many areas of the Scottish economy, but it is clear that it has benefited those who have been unemployed. When we look at the differences between May 1997 and now, we can see that the number of unemployed, on the claimant count, is down by 32 per cent; youth unemployment is down by 37 per cent; youth unemployment under the new deal is down by 79 per cent; and the number of older people who are unemployed is down by 48 per cent. That is an impressive record. It has been achieved through the stability created by the chancellor's measures at Westminster and through the partnerships that we have here and with Westminster MPs, all of which will continue to the long-term benefit of Scotland. That is attractive to Scotland, which may have the chance soon to vote on it.

Alex Neil (Central Scotland) (SNP): In his discussions with the Chancellor of the Exchequer, will the First Minister mention the growing crisis in tourism and related industries arising from the spread of foot-and-mouth throughout the country? Will he make representations to the chancellor to make the necessary resources available to deal with any crisis in the tourism and tourism-related sector in Scotland, which is vital to our economy? Will he also accept that I would never be a member of any right-wing coalition, which is why I am not a member of new Labour?

The First Minister: I recall that Alex Neil has a long history in politics, so I will move on to answer the serious questions that he asked. We embrace the—[*Interruption.*] An SNP member asked the question and I am trying to answer it—a bit of sanity would be in order.

We embrace the concern that Alex Neil raised, as clearly there is an impact on tourism throughout the United Kingdom. There are two important activities. First, there is a task group at Westminster in which we are involved. Secondly, Ross Finnie, Sam Galbraith and Wendy Alexander are leading a task group up here, to examine the implications of foot-and-mouth for the wider community and not only for farming and livestock, but for haulage, the environment and tourism. I assure him that we will do everything that is humanly possible to ensure that, with the Easter vacation coming up, we will make up some of the time that we have lost. We want to provide as much help as possible to that vital industry.

The Presiding Officer: I hope that members note that, because of the noise and the bogus points of order, we reached only question 3 today. There is a lesson to be learned from that.

Credit Unions

The Presiding Officer (Sir David Steel): We come to the debate on motion S1M-1751, in the name of Jackie Baillie, on credit unions. I ask members who wish to speak in the debate to press their request-to-speak buttons now.

I call Jackie Baillie to speak to and move her motion. [*Interruption.*] Order. Let us make a start. Members who do not wish to stay for the debate should leave the chamber quietly.

15:31

The Minister for Social Justice (Jackie Baillie): I am pleased to be able to open this debate on the credit union action plan for Scotland "Unlocking the Potential", which we published on Tuesday. The action plan is backed by funding of £1.5 million to kick-start its implementation.

Last March, we pulled together the key movers and shakers in the credit union world in Scotland and a range of organisations that we considered had a useful contribution to make. There were two aims: to remove barriers to growth and to ensure that credit unions throughout Scotland have access to the development and support services they require.

I say straight away that far from the action plan being an indication that the Executive is trying to take over the movement, we fully recognise the movement's autonomy and that its ethos—community involvement, the role of volunteers, its mutuality—is its strength, which we wish to support. We wanted to explore how the Executive could best deploy its support and how others, such as the banks, local authorities, the local enterprise companies and the wider voluntary sector, could best contribute to the movement.

The action plan is not just about resources, although they are important. It is also about bringing people together and maximising the use of their skills and expertise. Partnership is at the heart of our approach to tackling exclusion.

Tommy Sheridan (Glasgow) (SSP): Will the minister give way?

Jackie Baillie: I will give way to Tommy Sheridan in a second.

This strategy is a first-class example of what can be achieved if people are prepared to sit down together and work through the issues positively and constructively.

Tommy Sheridan: I thank the minister for giving way.

Would the minister care to respond to a question

that my local credit union asked me to raise with her? It is about partnership and bringing together the whole community—not just individuals, but the business community.

Is the Executive of a mind to change the regulations on the ability of credit unions to fundhold for organisations as well as individuals? That would allow them to attract investment from the local business community as well as savings from individuals.

Jackie Baillie: As Tommy Sheridan will appreciate, those matters are reserved. However, we are in constant dialogue with the credit union movement and intend to set up a Scottish credit union partnership to implement the action plan that I am outlining and to consider other matters of mutual interest.

I thank all those involved in helping the Executive to draw up this strategy, because I appreciate their efforts. As I said, the strategy recommends that a Scottish credit union partnership be established to implement the actions set out in the plan. I hope that many members of the working group will continue to be involved through that partnership.

Success in tackling financial exclusion is essential if we are to achieve our wider aims of eliminating social exclusion. Most people need an affordable lifeline of financial services just to get by. They need to be able to pay bills and to cash cheques; they need to have a place to save; they need insurance policies; and they need to have access to affordable credit.

Too many Scots in disadvantaged communities, often those in the greatest need, do not have access to the financial services that the rest of us enjoy. As a result they are worse off: they pay more to meet their household bills; they do not have home contents insurance; and they do not save effectively.

The number of people who are excluded from financial services may not be growing, but the consequences of being outside the mainstream are getting more serious. Living in the cash economy is becoming increasingly expensive, as people have to pay more for their fuel and the price of credit can be extortionate. The context that we have to consider is that 7 per cent, or 1.5 million households, use no mainstream financial products. That means that they manage their household finances without a bank or a building society account and do not have money saved or invested. They have no pension, no mortgage and no insurance.

Figures vary across the United Kingdom, but we know that the levels of non-use are highest in Scotland, with close to 13 per cent of households having no financial products. That is twice the UK

average and three times the level in the south-east of England. Non-use tends to be concentrated among certain types of household and in particular types of neighbourhood. Those people make less use of financial services for complex reasons and there is no simple or single solution. Outright refusal by banks or other institutions to do business with people in those households is relatively rare. More often, the problem is about a mismatch between potential customers' needs and the products that are on offer. The way forward lies in developing products that are appropriate to the needs of people on low incomes.

The importance of quality, independent advice and information is also critical. Earlier this week, I was pleased to be able to announce that we have been successful in securing funds of £1 million from the Treasury, matched by the private sector, to pilot a telephone debtline in Fife.

Why are credit unions so important? Credit unions not only help to deliver appropriate and accessible financial services, but train and educate their members in the wise use of money and in the management of their financial affairs. Although credit unions alone will not solve financial exclusion, the services that they offer have a critical part to play.

Credit unions are open to low-income groups and young people, and they encourage saving. They provide low-cost credit, which is a very useful alternative to the high-cost services that too many people are forced to use. In the long term, they can offer a bridge to other financial services. I was reminded of that when I visited North Edinburgh Credit Union earlier this week, accompanied by Helen Liddell, who is another long-time supporter of credit unions.

A £500 loan from a credit union attracts £30 of interest. The same loan from a bank will cost £110 and from the Provident it will cost £279. That is a stark illustration.

There is potential for credit unions to offer many more services, such as debt redemption services, business start-up loans and bill-paying services. That is possible where they are run as professional financial service providers. It does not mean that they have to lose their community spirit or their democracy.

However, membership needs to grow. Currently, there are 120,000 members in Scotland. That is just 1 per cent of the population. It is higher than the figure for England, but paltry in comparison with Ireland, where 48 per cent of the population are members.

The issue is not about making all credit unions big, which is simply not possible in many areas of Scotland—especially where rural population densities are low; it is about ensuring that as many

people as possible within a common bond are engaged. That enhances the impact at the local level.

The credit union movement faces challenges such as new legislative changes and Financial Services Authority requirements, which are causing concern. Legislation and the regulatory framework are reserved matters, but there is much that we can do in Scotland to ensure that credit unions are in a position to flourish. That is the focus of the action plan.

The action plan centres around five objectives: developing sustainable credit unions; helping credit unions to meet the new regulatory framework; growing the movement in Scotland; increasing the number and skills of volunteers; and bringing about a change in public attitude to credit unions by promoting the ethos and their services to the wider population to remove the tag of the poor man's bank.

The working group has not only identified where action is required but prioritised areas for action and funding. Those areas are: stabilising current activity so that we have a firm base from which the movement can grow; concentrating support in the critical early stages when credit unions are getting going; supporting and developing the skills of volunteers, and increasing their numbers; and taking advantage of information technology. We have allocated £1.5 million over the next three years to run a health-check programme to ensure that as many credit unions as possible are able to comply with the new regulatory framework. The funds will also be used to provide an early support package to new credit unions, enabling them to get off the ground quickly and achieve the critical mass that will make them self-sustaining.

Recognising the unique volunteer control of credit unions and the important role that volunteers play, we will make additional funding available to look at specific initiatives. There are many and varied examples of successful credit unions right around Scotland. I hope that our new strategic approach to developing and supporting credit unions will help to ensure that successful sustainable financial services are available throughout Scotland to everyone who wants them.

Mr David Davidson (North-East Scotland) (Con): Will the minister give way?

The Deputy Presiding Officer (Mr George Reid): The minister is on her last remarks.

Jackie Baillie: In conclusion, our vision is for a vibrant and self-sustaining credit union movement in Scotland that is accessible to all and used by all. It must be based on the principles of mutuality and economic justice.

I move,

That the Parliament recognises that credit unions are a valuable provider of low cost financial services and an important way of tackling financial exclusion; welcomes the Action Plan for the credit union movement in Scotland, and supports its implementation and the objective of building a vibrant self-sustaining credit union movement in Scotland, accessible to all, with credit unions as broad based, community owned financial institutions operating in a sound commercial manner but based on the principles of mutuality and economic justice.

15:42

Fiona Hyslop (Lothians) (SNP): I hope that I will not receive too many groans when I say, "credit where credit is due". The minister knows that the SNP—and I in particular—are not backwards in coming forwards when we have things to criticise, whether it be wholesale stock transfer or the extension of the right to buy, but I hope that she also recognises that when we see initiatives that we welcome, we give credit where it is due. We gave credit to the Executive on its domestic abuse strategy and I welcome the action plan and the funding that has been announced this week.

I would like to pay tribute to the members of the many credit unions for the time and dedication that their work demands. It is important that this Parliament supports that work. A good friend of mine was involved in the creation of the Gorgie/Dalry Credit Union in Edinburgh. I went through the birth pains with her so I understand the perseverance, the time and the patience that it took to set the credit union up. I have also recently visited Blackburn Seafield and District Credit Union in West Lothian. I pay tribute to the sterling work that it does. An issue that has arisen in its work is the continuing development, training and support that is required. The action plan has recognised that such issues have to be tackled.

In the Parliament, a number of debates and inquiries have pointed to the need for community-based cheap credit facilities. Time and again, we have come back to the fact that there are real money problems in Scotland. Only last month, the subject that I chose for a member's debate was debt awareness. Robert Brown has raised the issue of homelessness. Yesterday, we perhaps did not spend long enough on the point that he has been arguing on the need for independent advice on money matters. I am sure that we will come back to such issues.

Cathie Craigie's Mortgage Rights (Scotland) Bill has also raised the money problems that people experience. The minister has mentioned fuel poverty. We can address all those issues. Credit unions will not solve all the problems, but again and again in evidence we hear that credit unions can often be a solution that allows people to get on a firm financial footing.

In debates during the passage of the Abolition of POUNDINGS and Warrant Sales Bill, we heard compelling evidence of the problems in society and of the need to ensure that we have solutions that are different from the ones that are at present on offer. For a country racked with debt, it is remarkable that the credit union movement is so underdeveloped. In Canada, each province has a central credit union that provides investment of funds, liquidity and access to payment systems. They also serve as provincial trade bodies, linking with a central credit union. Interestingly, Québec has its own separate structure which, among other things, acts as an industry self-regulator and is linked to public authorities. There are similar arrangements in Poland, and it will be interesting to see developments on such issues in the action plan.

In Australia, a service corporation for the whole country has branches in each state. It combines trade association functions and services such as liquidity management, corporate banking, treasury insurance and mortgage securitisation, and IT financial management and planning. In Ireland, the Irish League of Credit Unions is a trade association and sponsoring body for credit unions north and south of the border, and has an extremely good track record. We welcome the action plan, but it puts into perspective how far we have to go if we are to ensure that the credit unions of this country match what is available in other countries.

It would be an achievement of this Parliament and ministers if we facilitated an expansion in credit unions. However, there is a danger that this could be too much of an apple-pie debate. We need to make progress. Key questions have to be asked. The action plan was meant to address the findings of the report "Credit Unions of the Future", some of which are very pertinent. There is an issue about the role of the regulatory system and the FSA. As somebody who used to work in a business that was regulated by the FSA, I realise the importance of having financial regulation, but how will it operate on a UK basis? I do not mean to make a constitutional point, but if we are to support credit unions, how will we co-operate and ensure that what is required in Scotland is served by that UK function?

The central research unit of the Executive also raised some issues. It asked whether we need a statutory instrument similar to that which was required in Northern Ireland. It will be interesting to see what legislation may be required in Scotland. Is it possible to have a compulsory share protection scheme for members? How do we deal with the size of common bonds? Do we need to go to Westminster to get agreement on that, or can we do it here? We need to examine equal access, and IT training, equipment and software. This is a

challenge for Scotland. We are one of the financial services capitals of Europe. We should be looking for support, particularly with regard to equipment.

We have to look also at local issues. Visible and affordable premises are required. One of the reasons Blackburn Seafield and District Credit Union is successful is that it has the use of local authority premises and is centrally based for those who need it.

Accessible and affordable training and support must be available and it is important that there are connections to training for union management and access to in-depth specialist support. Those services are needed. We need to find where the funding will come from and how it will work. So much is dependent upon the action plan of the Scottish credit union partnership. We do not have full details of that, but no doubt they will be forthcoming.

There are concerns about liquidity issues and regulation by the FSA. I hope that the minister will address them, because she will be familiar with the concerns expressed in the *Sunday Herald* about how credit unions will cope. There is the question of whether we will have different versions of credit unions, that is, version 1 and version 2. I have not worked out what that means, so I hope that we will have an explanation.

I also have concerns about local authorities being responsible for eight of the action points. Some of them are self-evident, for example with regard to education, but where will the funding come from? We need to identify how we deal with debt in this country, and how much credit unions and the strategy will be the responsibility of the joint ministerial committee on poverty. Will the minister raise that issue when she next attends the committee?

We need to look at what is happening in America. I know that Jackie Baillie and Wendy Alexander went to America. I was interested to hear about the Community Reinvestment Act. Many of the powers in that act would be reserved in this country, but I am interested in hearing the minister's comments.

I will end by paying tribute to the work of those who are involved in this field. Blackburn Seafield and District Credit Union says in its promotional leaflet:

"The Credit Union motto is 'Not for profit Not for charity But for service'".

I hope that this Parliament, and the ministers of the Executive, can serve credit unions as well as credit unions serve the people of Scotland.

The Deputy Presiding Officer: That was a perfect seven minutes.

15:49

Bill Aitken (Glasgow) (Con): Which is a bit different from the perfect 10.

On the basis that the Minister for Social Justice and her deputy have probably had enough excitement for one week, they will both be relieved to hear me say that I do not take great issue with the minister's speech. The Conservatives will not oppose the motion.

The minister is correct to say that credit unions play an invaluable role in poorer communities by providing finance where it would not otherwise be available. She highlighted the stark contrast with the loan repayments rates involved when dealing with banks and building societies. She might also with advantage have dealt with the effects on individuals who fall under the pernicious and malevolent clutches of moneylenders and illegal loan sharks. That is an aspect that we might consider from another direction.

The Conservatives support the principles on which good credit unions are founded. We also recognise that they are not banks and are not intended to be banks. We pay tribute once again to the voluntary effort that has made many such bodies successful.

I took some of the minister's remarks quite tongue-in-cheek when she said that she had no wish to interfere with that voluntary aspect. If I find her remarks less than reassuring it is because her track record of wishing to interfere with what people do is fairly considerable. To some extent, she should butt out and learn that success is a result of the input of people on the ground. There are many instances of people working together and achieving a common goal.

Jackie Baillie: It is astonishing that Bill Aitken should suggest that I would interfere. I remind him that the action plan is owned not only by the Executive, but by the credit union movement, which drew it up and agreed its terms. I wonder whether the member wants to retract his statement about me interfering.

Bill Aitken: Not for a moment, because, knowing the minister as I do, I think that she may have unduly influenced the credit unions to produce the recommendations.

Anyway, back to the point. A not inconsiderable amount of public funding will go into the new set-up. We have no objection to that, because that injection of funding will be beneficial. However, I am somewhat intrigued that the minister and her colleague, the Secretary of State for Scotland, chose to go to North Edinburgh Credit Union to announce their plans. My understanding is that that has not been one of the more successful efforts. At one stage, it cost £211 per member to

administer savings when the overall share balance was only £207 in each case. That is the fact of the matter. However, I concede that that may not be a typical case and that credit unions have value.

Time and again, the clear message is that when people are left to get on with the work, they achieve a result—without any ministerial interference. Some credit unions have run with no full-time staff but with people who worked part time. However, the more sophisticated techniques that are now needed to control anybody's money mean that staff are necessary. That always involves a cost. Part of the cost is material and part comes from independence.

I say to the minister that we take no great exception to what she said. We fully endorse the principle of credit unions, which we regard as invaluable, particularly in poorer areas. We wish them every success. The work that the minister has announced will benefit them and lead towards greater success.

15:53

Donald Gorrie (Central Scotland) (LD): Like others, I welcome the proposals. The action plan is rather better than many Government documents tend to be. It contains some serious and good points and the garbage content is much lower than that in some other documents. That is a big plus.

The action plan deals with the slight threat of the FSA's regulation of credit unions. I hope that the minister will keep a close eye on that situation with her advisers and ensure that the heavy-handed attitude of people who are used to operating at a big level is not pushed on people who operate at a lower level.

My next point is that prevention is better than cure. Recently, I received an answer from Jack McConnell to a written question about financial advice being taught in schools. If we can make our school pupils more compos about finance than many of us are and have been, that will be a great step forward.

The availability of credit is a new thing. In the past, one had to earn one's money. Someone got a sixpence, a shilling or whatever and went out and spent it. Now, credit is widely available. It is difficult to manage. At a relatively young age, people are expected to run a tenancy or whatever, but with little information. The educational side is important. I hope that the minister will liaise with the educational people to try to get that right.

As often as I can, I go round the citizens advice bureaux in central Scotland, many of which have excellent debt advisers or debt counsellors, but all of them have their funding on a very shoochy nail. I hope that the Executive can produce more

consistent funding for those people, who do a vital job. They give people one-to-one advice on their debt and can help them to use credit unions.

One bureau drew to my attention the fact that some shops advertise that they will give cash for benefit cheques. Obviously, they charge. When they can be cashed for free at a post office a few doors down, there has to be a question-mark over who the people who are cashing those cheques are. Have they stolen them? Do they not intend to pay their rent using the housing benefit cheque? The people who run the shops in question seem to be aiding and abetting dishonesty, which we should look into, since that is, in a sense, part of the loan shark industry. We need to get people to use good organisations such as credit unions rather than suspect ones.

Fiona Hyslop: Fuel poverty causes a great deal of debt. One of the problems when the £200 winter-fuel allowance cheque arrives is that for many pensioners it goes nowhere near paying for their fuel. I have heard stories that it goes straight to loan sharks, who are using and preying on pensioners. The money goes straight to finance debt. That is why we have to ensure that there are credit unions, not just in some communities, particularly for pensioners. There is a lot to be said for using credit unions to avoid exactly the sort of trap to which Donald Gorrie refers.

Donald Gorrie: Those are important issues, which I hope the minister will address. By encouraging credit unions, we will discourage those who lend in the wrong way.

My next point is that we have to pay more attention to rural areas. One or two are listed in the action plan, but on the whole credit unions are seen as urban, housing estate things. Credit unions are important in that setting, but rural credit unions could play a part in encouraging small local businesses to grow.

The action plan mentions that there have been studies in Edinburgh about banks helping credit unions. The banks could help much more. They do not like spending money on management, except at the top level, where managers get huge salaries. They do not like managing lots of small accounts. Credit unions will manage those for them efficiently. The credit unions know the local chancers and have good control of who is a good bet and who is a bad bet for lending. If we could get the banks to lend what for them are relatively small sums of money—six-figure sums—to well-established credit unions, that would be a big boost for the credit union movement. It deserves that and I hope that we will all do what we can practically to help it as well as speaking for it.

15:59

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): The debate is important. The way in which credit union development has been addressed shows the Parliament and the Executive at their best rather than at their worst, as we have perhaps seen on other occasions.

I am delighted to be able to speak in this debate. Shortly after I was elected to the Parliament, I lodged a couple of questions. The first was on whether the Parliament would consider using Fair Trade products in its catering facilities. I am delighted to say that there was a fairly speedy response. It is appropriate to mention that, as this is fair trade fortnight. The second question, in August 1999, was on whether the Scottish Parliamentary Corporate Body would investigate the possibility of establishing a credit union for members and staff of the Parliament. To be diplomatic, the initial response was not entirely committed to the notion. It said that there were no plans to establish a credit union for members and staff of the Parliament and that no approach had been made to indicate any interest in the idea.

People who know me will know that I am not easily put off, certainly not when it is a matter of principle. The availability of such facilities is a matter of principle. I felt that it was important to ascertain, from MSPs and their staff—and indeed from the work force of the Scottish Executive—whether people would be interested in pursuing the matter. Over time, we have had discussions with the credit union movement and have come to the conclusion that a credit union is something that we ought to pursue. There are important reasons for that. We are talking about the Parliament and the Executive creating a climate in which local credit unions can flourish.

There are two credit unions in my constituency: the Ayr Co-operative Credit Union and the Cumnock and district credit union, which is being set up. I am very supportive of that, but there is a wider role for credit unions. I restate something that I have said previously in the chamber: this is not just about debt and poor people, but about the opportunity for those of us who have slightly more finances to invest them so that they can be used for the collective good.

I have pursued the matter with other MSPs and their staff and I have the support of the Scottish Executive, the trade unions and the credit union movement. I am delighted to be able to say that, after many months of pursuing the matter, there is agreement on the way forward. We have the support of the SPCB, which has agreed to assist with the provision of payroll deductions. The Scottish Parliament information centre will give us advice on literature and information. We have the use of the Parliament's intranet to circulate

information and of its meeting rooms. We also have the use of the foyer, for exhibitions to promote the work of the credit union.

In the early stages, we considered whether to set up a credit union for the Parliament in its own right or one for the Parliament and the Executive. Partnership is the name of the game everywhere these days and I am delighted to say that, after successful negotiations, Capital Credit Union has agreed to allow the Scottish Parliament and the Scottish Executive to be sponsoring employers.

I want to say a word about Capital Credit Union, because I know that there are people here from that organisation—we had a great deal of help from them. It began in 1989 as a local authority employees credit union, with about 600 members. It now has 22 sponsoring employers, including local government, the fire sector, the police, the water services, further and higher education institutions, public transport and voluntary organisations. It has more than 7,500 members and assets of more than £7 million. It has set up a charitable trust, which has awarded more than £15,000 in grants to local credit unions and individuals working in the credit union movement. It has also awarded funds to help set up a British foundation for the training and development of individuals in the credit union movement.

We have an opportunity to show, not only by words in the chamber, but by our actions, that we are actively supporting the development of the credit union movement. I thank every MSP and their staff, the people in the Scottish Executive, the Association of British Credit Unions Ltd, Capital Credit Union and everyone else who was involved in the process of securing a successful outcome. We have the opportunity to put our money where our mouth is.

16:04

Alex Neil (Central Scotland) (SNP): I start by congratulating Cathy Jamieson on her announcement—it is an example to organisations throughout the country of what can be done.

I associate myself with two points that Cathy Jamieson made that need to be underlined. First, credit unions should be part and parcel of a wider strategy for dealing with poverty and debt management and recovery in Scotland. I see them relating to the debt recovery working party and the legislation that will, I hope, flow from that and the many other initiatives that have been taken and must still be taken in the months and years ahead.

Secondly, it is extremely important that credit unions are not seen as just a poor person's bank. There are a number of reasons for that. If we see credit unions as relating only to poor or deprived people, it stigmatises the people and the credit

unions and does no one any favours. From the point of view of the financial stability, growth and development of the credit unions, it is much better to have a diverse customer base than a narrow one. That is the case for any business. I hope that credit unions will grow to such an extent that they will, in some respects, act as competitors to the retail banks that have had it too much their own way for far too long, particularly in relation to personal finance and overdraft facilities for people in lower-income groups.

We must walk before we can run, but I hope that we will see the initiative as the start of a long-term development of credit unions as a key player in the financial services sector in Scotland and in the rest of the UK. There are two or three developmental issues that we should start to think about, some of which need to be addressed sooner rather than later.

Donald Gorrie mentioned the specific problems of rural communities, particularly those in remoter areas, where it is more difficult to get the critical mass of membership that is required. I do not believe that we should just write off those communities as potential development areas for credit unions simply because they are in remote areas. We should consider the potential for creating a Highlands and Islands credit union specifically targeted at the more remote areas, where a locally based organisation is difficult to establish. We must examine the rural position, because there is no doubt at all that rural poverty in many parts of Scotland is as bad as, and in some cases worse than, urban poverty and the problems that go with it.

We must also consider the need for parallel organisation in relation to microbusinesses, small businesses and the self-employed. Very often, the communities that we are talking about could do with encouragement for indigenous small businesses that buy locally, employ locally—albeit only one or two people—and service the local market. Those are the very people who find it the most difficult to get assistance from the banking sector, not just as individuals but for their businesses. I hope that credit unions will develop so that they can act as an agency for local economic development and expansion in that way, rather than simply being a credit union for individuals dealing with individual debt.

I stress the important role of public agencies, local authorities, trade unions and other such organisations. Many of those organisations have their bank accounts with large financial institutions that are doing nothing for the local community and, in many cases, nothing for Scotland. Unity Bank, however, provides a different model. When I was running the Cumnock and Doon Valley Enterprise Trust, I tried to put together a deal whereby the

local authority kept its account with Unity Bank and, in return, Unity Bank would use its funds to invest in local businesses and create local employment. It is that kind of attractive and innovative financial packaging that I would eventually like the credit unions to be capable of providing in partnership with those organisations.

Finally, I underline the important role of a central organisation. We can learn from the experience of the United States, where the role of the central organisation has been absolutely vital in developing and, in some cases, saving individual credit unions. There are three roles for the central organisation: to share best practice, to provide services and products to individual credit unions and to provide, where required, a central financial facility. If we could put that in place, it would act as a great catalyst for the growth and development of credit unions.

I will finish by doing something that I will perhaps never do again—congratulating the Executive on bringing the proposals forward.

16:10

Elaine Smith (Coatbridge and Chryston) (Lab): I start by congratulating Cathy Jamieson on her announcement. I also welcome the joint statement made by Jackie Baillie and Helen Liddell on the £1.5 million action plan to expand the credit union movement in Scotland.

From the debate so far, it is clear that everyone recognises the excellent work done by credit unions. As Jackie Baillie mentioned, Government ministers, at Westminster and here, see credit unions as a significant element of their strategy for addressing the injustices of social and financial exclusion. Community-based credit unions provide affordable, manageable credit for many families and communities. Credit unions depend on the work of volunteers who are committed to the movement and to their communities. They must also be able to secure affordable local premises, which is an issue that has been raised with me.

Many people in Scotland cannot access the financial services that others take for granted. Many do not have bank accounts. The unemployed and people on low incomes often have to turn to companies such as the Provident or, worse, find themselves caught up with unscrupulous loan sharks.

It is worth pointing out that there are currently a number of adverts for companies that offer to consolidate debt and reduce monthly payments—I am sure that we have all seen them. Such arrangements, although they may seem attractive in the short term, can often cost a lot more in the long term. Also, the better-off can access discounts by paying cash for consumer goods.

People living in poverty, who are on the margins, often end up paying more for such goods.

Credit unions are sometimes seen as the poor man's bank, but although they are particularly helpful for those on low incomes and in tackling exclusion, they can benefit many people and have members from a wide range of income brackets. As Jackie Baillie said, at present only 1 per cent of the population are members, but the investment by the Government should make a difference, by helping to raise the profile of credit unions and, I hope, encouraging more people to volunteer in their communities.

Kirklands Credit Union in my constituency has a number of committed volunteers who care about their community and have different skills and experience. They are concerned about some of the proposals in the consultation paper on the regulatory framework: the approved persons regime, the liquidity requirements and the capital requirements. They are also concerned that the FSA might be appointed to supervise credit unions. Many credit unions support the need for monitoring, early intervention and, if required, provision of support systems, especially in the early stages of establishment. Many also accept that there are problems in the movement that need to be addressed. However, it is felt that such problems cannot be solved by an organisation that, by its very nature, can never fully comprehend the fundamental ethos of the credit union movement. The gulf in culture between those in the FSA, who are trained to deal with profit-driven companies and international finance, and the volunteers and members of small, friendly credit unions is evident from the document on regulation.

Of particular concern to Kirklands are the liquidity requirements, which seem to mean that all credit unions will have to maintain a minimum level of liquid assets of 15 to 20 per cent of shares. That does not take into account monthly, weekly or daily fluctuations, which should surely be taken into consideration. Perhaps the credit union movement could follow the Northern Ireland model of supervision. There, I understand, the monitoring of credit unions is done by the local Registry of Friendly Societies, which has a history of providing support and of examining and helping to resolve any problems that small friendly societies and mutual organisations may have.

I will finish on a question, similar to that which Fiona Hyslop asked. Is the consultation paper a reserved matter? If it is, what input can the Executive have to ensure that the fears of Kirklands and the credit union movement can be addressed?

16:15

Mary Scanlon (Highlands and Islands) (Con):

I am delighted to be able to declare an interest in the debate. I am a member of the Inverness Credit Union, which I joined on its launch last year. I am also delighted to have the opportunity to speak in the debate, because I am enthusiastic in my support of credit unions.

When I read in the local paper last year that a credit union was to be set up in Inverness, I wrote to it to offer any support necessary. I am pleased to say that I was able to help when Christine Gower and her team seemed to be faced with addressing endless bureaucratic problems in order to gain registration with the Registry of Friendly Societies. If anyone thinks that it is an easy process, Christine would confirm that it is complex. It should be so, to ensure that it rigorously tests the ambitions and ideas that people put forward.

The criteria included business planning, marketing, policies, procedures, financial forecasts, grant funding, approving the common bond and the business plan. It is, rightly, a complex matter to set up a credit union. In the move to the FSA, I hope that it will continue the rigorous checking and monitoring of applications, to ensure that they are fully thought through and have an established business plan.

As a member of the Inverness Credit Union, I commend Christine Gower and her team on reaching 120 members and more than £5,000 in deposits in five months. It was Christine's persistence, encouragement and motivation of the volunteers that ensured that the credit union successfully met the criteria necessary for launch and continues to grow.

Presiding Officer, I hope that you will join me in welcoming Christine Gower to the Parliament and commend her on her journey from Inverness to the Parliament in a wheelchair. *[Applause.]*

I welcome the key targets on page 5 of the action plan. I hope that all MSPs will join a credit union to help increase the proportion of the population who are members of a credit union from 1 per cent to 5 per cent. We are in a unique position from which to raise public awareness and understanding of credit unions.

As several members have said, including Donald Gorrie and Alex Neil, there is tremendous scope to establish credit unions in remote and rural areas where banks and post offices are closing down. Not only does the principle encourage individuals to save and help themselves; it enables them to help others, it helps communities and it helps communities to help each other.

A concern is that some existing credit unions

would be likely to fail the FSA requirements. That is documented on page 8 of the action plan. I am sure that the financial commitment that has been given today will give them the support that they need to address any problems.

On page 19 of the action plan, a comment is made that there is strong feeling that the way funding has been distributed in the past could be more effective. By highlighting that, the action plan gives us an opportunity to ensure that funding is directed to maximise the potential of credit unions.

I ask the minister whether the Executive would consider using rural post offices and community councils. Those are a unique part of our rural network and it provides wonderful local access and contact. The plan mentions 100 per cent rates relief on premises. Will that also include water rates, as they can be a significant commitment in these times?

I hope that this boost to the credit unions will put paid to the perception that they are a poor man's bank. Indeed, committing to save in a credit union is an excellent way for those who can afford it to increase the size of the fund and to help others. I hope that, given Cathy Jamieson's encouragement today, every MSP will become a member of a credit union and do everything possible to encourage and support the movement.

16:20

Nora Radcliffe (Gordon) (LD): I also welcome this significant step forward in rolling out credit unions. Most of the work of the citizens advice bureaux revolves around helping people deal with debt, which has sometimes been exacerbated by banks. Credit unions help people to save, budget, borrow at low interest and manage their money wisely. They extend financial services to people in areas where such services can be difficult to access.

In my own area, I want to hold up as an example the Strathbogie credit union. It is a groundbreaking venture as its common bond is defined by a map, which is part of its registration, and is then further defined by a list of postcodes. It covers a wide rural area including Strathdon and Strathbogie and the towns of Huntly, Inch and Alford.

Although I was not directly involved in setting up the credit union, I have watched it develop and have seen how long and hard a number of dedicated people worked to get it going. I know that they would also want me to mention the help and encouragement that they received from the Glasgow-based Scottish League of Credit Unions, to which the union is affiliated.

Although credit unions make a significant contribution to fighting social exclusion, they do

much more than that. No one needs to be poor or excluded to benefit from membership of a credit union; it offers ethical financial services and a means of community co-operation for mutual benefit that retains wealth within that community.

Credit unions have developed to fit particular gaps in financial services that have not been filled by the mainstream financial sector and they are now to be brought within the regulatory scope of the FSA. On page 8, the document states:

"It was recognised earlier this year that some existing credit unions would be likely to fail to meet the FSA requirements."

Those are existing credit unions that have demonstrated their sustainability, and it bothers me that the credit union square peg might be forced into the FSA round hole at the expense of some of the credit unions' unique strengths. I seek the minister's assurance that we end up with slightly rounded pegs in slightly square holes.

Action point 2.4 on page 9 also concerns me. It says that the Scottish credit union partnership should

"Look at measures to improve the dialogue between the regulator and Scottish credit unions including the possibility of establishing an FSA office with credit union expertise in Scotland."

The Executive should promote dialogue where both sides listen.

I believe that we have better government in Scotland because our Government is in Scotland and understands the country. I urge the minister to do everything possible to ensure that the possibility of a Scottish FSA office becomes a reality, because it will be very important to have such a knowledge of Scotland to inform regulation.

16:23

Des McNulty (Clydebank and Milngavie) (Lab): As a member of the Scottish Parliamentary Corporate Body, I add its congratulations to Cathy Jamieson on helping to establish a credit union to cover people working in the Scottish Parliament. Her work—and the work of Jackie Baillie in the Scottish Executive—provides a substantial extension of facilities to people in the Parliament. Furthermore, by taking away the idea that credit unions are simply for poor people and extending the spread, it has a symbolic resonance outside this forum.

However, I want to puncture slightly the general atmosphere of congratulation in the debate. Let us compare the statistics on the spread of credit unions in Scotland with those on the operation of the Consumer Credit Association, which is the posh end of non-bank lending. There are some pretty stark contrasts. Throughout the UK, the

Consumer Credit Association has 4.5 million customers, whereas credit unions have just over 300,000—that is a huge disparity. A £400 loan to be repaid to the Consumer Credit Association over 24 weeks incurs £160 of interest, whereas a similar loan from a credit union incurs just £11.62 in interest, including loan protection insurance. Trying to reverse those statistics, to encourage a greater number of people to join credit unions rather than approach the Consumer Credit Association—or other organisations that charge an even higher rate of interest—is a significant step that we need to take. We should not underestimate the amount of work that is needed to change the situation.

It is hard to argue with the principles that Jackie Baillie set out in her speech, and I endorse them. We need to develop sustainable credit unions; we need to help credit unions to meet the new regulatory framework; we need to grow the movement in Scotland; we need to carry out training to increase the skills and number of volunteers, as well as the skills of staff; and we need to change public attitudes. However, there is a long way to go before we can be satisfied with what has been done. The record of Governments trying to intervene by allocating money to encourage credit union development is not generally a happy one. Therefore, the new resource that has been allocated must be used wisely, effectively and in a targeted way.

I am fortunate, because Dalmuir Credit Union, in my constituency, has more than 6,000 active members and is the largest community credit union in the UK. It is a model organisation. It has been established for a long time and does a tremendous amount of work. Yet there are also five cheque-cashing shops in Clydebank—five shops that prey on financially vulnerable people in my constituency. I regard the growth of the credit union movement as important in changing that situation.

There are some ideas and actions that I would like the minister to consider. One of the concerns of the credit union movement is that there will be an emphasis on the provision of start-up grants rather than a focus on providing adequate capitalisation for credit unions. Anybody who has been involved in local government as long as I have knows the problems attached to start-up funding that is time-limited. Organisations become dependent on it and collapse when that funding is withdrawn. If credit unions are to achieve sustainability, they require sustainable, co-ordinated and targeted funding.

We must develop the bigger organisations as well as start up new ones, and we must consider carefully how the Scottish Executive will respond to the Goodwin report. We must examine the

central finance facility and determine whether the critical mass exists in Scotland to implement the recommendations of that report in a Scottish context or whether we should look to a UK solution. That is a technical issue, but one that will become important, and credit unions would like the matter to be resolved.

There are two other issues that I would like to address. First, is it possible for credit unions to establish relationships with banks that would allow them some risk capital, which would enable them to engage in cheque cashing in direct competition with the cheque-cashing agencies? How we can achieve that will have to be negotiated with Westminster, as it will require changes in financial operations. However, that is an important requirement if credit unions are to develop.

Secondly, if one of our major impulses is to establish community businesses, developing the economic inclusion agenda alongside the social inclusion agenda, why cannot credit unions invest in local community businesses? I understand that they are prevented from doing so at present.

Those are the kinds of things that would allow a community-based finance system to operate. We cannot view credit unions in isolation as small organisations that we spawn across Scotland because, in a vague way, we think that they are a good idea and we agree with the principles. If they are to be effective in the war against social exclusion and economic exclusion, they have to become part of a co-ordinated strategy. They have to be seen to be organisations that are freed up to do the job that we want them to do and which many of them want to take on.

This is an important debate. While congratulating the minister on setting out the principles, I want to press her to take further action. I warn members about complacency in this area, as there is a huge amount to be done.

16:30

Mr Kenny MacAskill (Lothians) (SNP): I am happy to enter into the consensus and broad unanimity that exist today. I have listened to points about credit unions being a poor man's bank; I think that the direction in which we want credit unions to go is correct. Our aspirations for credit unions are laudable and admirable. There is an initial need for credit unions to exist in many areas. The analogy that I would use in relation to many areas is not the choice between shopping at Jenner's and shopping at Kwik Save, but the choice between shopping at Kwik Save and not shopping at all. We want credit unions to evolve, but, in many areas, we simply need them to exist.

I am happy to support the cause not only because of what credit unions can do but because

of what they can stop happening. The lack of credit is a significant problem in far too many areas of Scotland, particularly in peripheral housing schemes where there is no access to cash, finance or even a crisis loan at a time of need.

The minister has made correct points about the cost of cash. One of the travesties that we face in the 21st century is that, even as the price of power comes down, the poor are paying more, pro rata, for power because those of us who can pay our power bills by direct debit pay less while those who live in the cash economy pay more. There is something manifestly wrong with that.

We live in a consumer-oriented society in which the mass media exert significant pressures on individuals to buy and acquire even if they cannot afford it. I do not know what the statistics show, and we will probably never be able to find out, but I bet that there is an increase in the number of people going to loan sharks in the period before Christmas when they want to buy presents that they could not otherwise afford, in order to meet what they perceive to be the needs or wants of their children. We have to address that.

I also want to address the point made by Donald Gorrie. He mentioned the advertising of ways out of debt. I am appalled by many of the television advertisements that advertise ways of consolidating one's debts. Organisations that provide that service not only compound the debt but often end up removing people's houses from over their heads. People are suckered into a scheme that massively increases their debt and leaves them with no home. Besides, such a service might not benefit many people in Easterhouse who may not have the ability to obtain such a loan as they do not have the heritable security to go with it. It is important that we address that.

What is important about credit unions is that banks will not provide the service that credit unions do. There is no commercial return. I endorse what Donald Gorrie said: banks should do more to help. I know of instances in which banks have been prepared to put in cash support to assist credit unions. There is no immediate commercial return for banks, but it might be in their interest to encourage people who are prepared to set up credit unions. Indeed, at a time when we are trying to encourage banks to keep branches open in rural areas, we would be shouting into the wind if we tried to encourage banks to open more branches in other areas.

Credit unions can stop loan sharks. During the debate on warrant sales, it was suggested that, if we abolished warrant sales, we would put people into the hands of loan sharks. I never subscribed to that view and I thought that it was a nonsensical

and disingenuous argument. Loan sharks take advantage of the times when people cannot get money immediately—when the pay packet has been lost, when there has been a bereavement and so on. In rural Scotland and in peripheral housing schemes, people often have no access to a bank, no collateral and no heritable security. They are left with no alternative but to go to the person down the road whom they know, and who can give them money there and then. In such cases, the problems grow and are compounded.

I view credit unions as laudable, but we need to address the direction in which they are going. What credit unions can do is important. During my career in politics, I have noted that it is very difficult for unemployed people, when they are in receipt of no salary and are claiming housing benefit directly, to be made to believe by politicians that society cares. Someone who is living in a damp house and who is unemployed cannot withhold their labour or their rent. Society has, to all intents and purposes, forsaken them.

One of the benefits of credit unions is empowerment—which is more than just a buzzword. It is about persuading people that, if they come together, things can change. It is people's consciousness that can be raised. Des McNulty and other members have spoken about that as being the right direction for the development of credit unions. It is not just about addressing the plight of somebody who needs cash immediately; it is about realising that, collectively—and I am someone who believes that there is such a thing as society—we can change things on a micro, as well as on a macro, scale. That is why we have to support the motion.

We cannot simply replicate practice in Ireland here. We have different needs, which need to be taken into account. The Executive's intention is laudable, and the support of the Parliament for the motion shows what can be achieved. I can only hope that credit unions go from strength to strength.

16:36

Cathy Peattie (Falkirk East) (Lab): I had not originally intended to join in the debate, but I felt that I wanted to add some people power. I believe in empowerment. I have been involved in setting up credit unions. Credit unions exist in places where people feel that they want to take some control in their communities, often where there is no local bank—and where it costs a bus fare to get down to the nearest bank—or to assist people who will not get a loan because they are on benefit or a low wage.

Sometimes, the loans are small. A woman told me that she had obtained a £50 loan because her

sister was coming to visit her from Australia, and she wanted to paint the house and so on. What bank manager would entertain a woman on benefit coming through the door and saying, "I want £50 to go to B & Q to buy paint"? The possibility of being given that loan was important to her.

Perhaps credit unions have the wrong name. They are not just about credit; they encourage people to save. The same woman told me that her loan repayment included the allocation of an extra £5 a month into her savings. At the end of the period, not only would her loan be paid, but she would have some saved money in her hand. What bank would give her that opportunity?

Local credit unions need support. They cannot be parachuted in because the Government or politicians such as us think that they are a good idea. They work because of people power. They need support. It can take some time, sometimes as long as two years, to set up a credit union. People need to learn the appropriate skills to run a credit union. People need the support, tools and premises to ensure that credit unions work. This is not just about giving someone a big cheque; it is about support. Credit unions might often benefit from the employment of a local worker, helping them develop. The skills that are required have to be recognised; developing a credit union involves much people development.

Credit unions are an important part of the social economy, which I hope we can start to consider. In that, I include food co-operatives; let systems, under which people can trade their skills rather than money; growth schemes; and the whole development of community business, when people have power in their own communities.

We should look to other countries when we consider how credit unions have developed, on both small and larger scales. I include countries such as Ireland, as well as India, where women work together to produce garments, which they sell through co-operatives.

We need to consider how we can support credit unions, as I said. The debate is long overdue. For many years, people have been looking for recognition of credit unions. As I also said before, we cannot simply parachute them in. It is a matter of sustainability. The only way in which they can be sustainable is if local people are involved in them, are members of them, learn to operate them and are the key people in making them work. I welcome this development, and look forward to joining the Scottish Parliament credit union.

16:39

Robert Brown (Glasgow) (LD): This has been an unusual debate in some ways. The Minister for Social Justice will need a reality check after all the

laudatory stuff that has come from across the chamber.

I was intrigued by Mary Scanlon's concept of the growth of credit unions from 1 per cent to 5 per cent of the population as a result of MSPs' joining them. I know that we have argued for the retention of the current number of MSPs, but that is a new concept altogether of the number of MSPs. *[Interruption.]*

The Deputy Presiding Officer: The member whose mobile phone or pager is ringing should switch it off.

Mary Scanlon: My arithmetic is not so bad that I think that 129 MSPs will increase the membership of credit unions from 1 per cent of the population to 5 per cent. Does Robert Brown agree that we are in a unique position to raise awareness about, publicise, help to market, support and motivate the credit unions, as outlined in the action plan?

Robert Brown: Absolutely. My comment was made with tongue in cheek. I entirely accept Mary Scanlon's point that the Parliament has the opportunity to do something in this area in its leadership role.

The central point is that credit unions are major instruments of empowerment in Scotland. I take the point that they are not restricted to poor areas, but they have a particular role in areas where there is economic deprivation.

There is a long history, particularly in Scotland, of co-operative activity to harness the small economic power of ordinary individuals, to unite it into the bigger economic power of the group or community and to make it something that is greater than the sum of its parts. That was the basis of the co-operative movement, building societies and trade unions. It is clearly also the basis of credit unions. Credit unions have a bigger role than they have managed to play so far in Scotland.

In January, there were 138 credit unions registered across Scotland, which were staffed by about 1,600 volunteers and a few paid staff. As has been said, they are often the only realistic alternative to shark moneylenders or organisations such as the Provident. It is important to recollect the wider range of benefits that they offer their members and their role in widening social and economic opportunities.

The action plan recognises the dilemmas that are faced by credit unions and the handicaps of limited membership, which leads to limited funds, the inadequacy of premises, and the volunteer resources that are available. Cathy Jamieson made a good point about training.

The target of a minimum membership of 2,500 is valid but extremely difficult to achieve against the

background of those problems. Credit unions find it difficult to make the leap from small-scale voluntary groups with mainly voluntary staff to more substantial organisations employing professional staff as well as volunteers. I think that Des McNulty pointed out the importance not just of getting started but of support for such funding.

In growing the credit union movement, having a high street presence is important. People should be visible on the ground and a presence in communities. There are also issues of confidentiality and security. We are dealing with financial issues, and matters arise from that aspect.

Nora Radcliffe touched on the issue of a regional FSA. Several members have mentioned the problems that might emerge from the regulations that are being introduced in the middle of 2002. That is something to watch. We clearly need to tighten up the regulations, but we have to be careful not to throw the baby out with the bathwater by getting the balance wrong. What may apply to smaller groups may not apply to larger ones.

At the end of the day, the objective is credit unions that are financially viable and sustainable in the long term. That is what the chamber supports.

16:43

Mr David Davidson (North-East Scotland) (Con): In what has been a fairly hostile environment in the Parliament today, I should start by establishing my credentials for being involved in the debate. When I was a councillor on Stirling Council, I was actively involved in social and economic issues on behalf of my party. We had a great opportunity to see the work of credit unions, which were quite successful and had a minimum of input and not much interference from the centre—an issue that was referred to earlier. I was also a director of a friendly society, which was a trading and distribution organisation for pharmacists, so I come to the debate understanding the legal responsibilities that are involved.

We are talking today about an established set of Conservative principles: self-reliance, community support and saving for the future. We have always encouraged people to do that. If I may touch on the politics of credit unions, Presiding Officer, it is unfortunate that, under the past four years of the Labour Government, the savings ratio has dropped from 10.6 per cent to 3 per cent. Everyone is aware of our tax pledge to remove income tax from low earners—that is, those who are not on higher rates. However, we would like to take up the issue of credits for those who may

have some investment allowance and who do not pay income tax. Gordon Brown took action on that issue, albeit in the wrong direction. We would like to remove those people from the tax system, so that they could get back their credit. I hope that the minister would welcome such an initiative.

Many members spoke about rural communities, about which I am very concerned. I live in a rural community and have done so for most of my life, one way or another. Cathy Peattie talked about access to premises. That is fine for people who, as Kenny MacAskill said, live on a housing scheme where there is a community house or other premises that are supported by rates. However, such premises are not always available in rural areas. I make a plea to the minister that she work with her colleague, Wendy Alexander, in examining ways in which to support rural post offices.

We have pledged to help support single, stand-alone businesses in rural communities. A scheme of sorts is under way at present; I hope that that scheme is being encouraged and that links with the credit unions are established. People often go to the post office to collect their pensions and benefits, although some benefits now come through the post, which has a damaging influence on post offices. However, I make a plea for the activities of credit unions and post offices to be interrelated. We must examine carefully how we support credit unions in rural areas and how we can disseminate their activities.

I welcome the comments made about community councils, but, strictly speaking, credit unions do not fall within their remit. When the minister spoke about £1.5 million over three years, I noticed that she failed to mention the £800,000 a year that credit unions receive from local authorities, be it in kind, in premises or in staff support, which is an essential part of the process of community regeneration.

I was interested in some of the comments made during the debate about community businesses. When I was a councillor, I was involved in a community buy-out of a post office/shop—the co-operative society helped with the purchasing. We can be creative, particularly in rural areas.

The Parliament must deal with loan sharks and cheque shops, which are a growing menace to society, in towns and in rural areas. Other than that, I congratulate the minister.

16:48

Linda Fabiani (Central Scotland) (SNP): I noticed that a couple of members declared interests during the debate. I have three interests to declare in relation to credit unions.

First, I am a former member of a credit union that I joined when I worked in Clydebanks and which, sadly, I had to leave. It has been a great sadness to me that I have been unable to join a credit union where I now live. I am delighted by Cathy Jamieson's announcement, as I will again be able to become a member of a credit union.

Secondly, on volunteers day last year, when we all did our bit, I spent the day with East Kilbride Credit Union. The volunteers there work really hard, but I got totally confused when I was counting up the money and was sent to make the tea. Perhaps that is a mark of the adaptability of politicians.

Thirdly, I have been sitting on tenterhooks, as I was sure that someone—Des McNulty, perhaps, as he mentioned Dalmeir Credit Union—would bring up my third interest. During the mid-1980s, I was in the promotional video for Dalmeir Credit Union, playing the part of a Dalmeir lady who was deeply in debt. I was almost certain that someone would haul out that video and start to show it, and I am terribly glad that Des McNulty did not do so. My colleague—and friend, up until that point—Fiona Hyslop said that I should not worry, as that was so long ago that no one would recognise me.

Now that I have made all those declarations of interest, I would like to state that I am a long-time supporter of credit unions, as is the SNP. Our position has always been clear: credit unions have a valuable part to play in the development of small-banking services for people in the community whose income is too modest to be of any interest to the clearing banks and building societies. As other SNP members have said, we welcome the action plan and look forward to it being enacted.

However, it would seem that much of the action in the action plan is to be undertaken by local authorities, sometimes in conjunction with the new Scottish credit union partnership that is to be set up as part of the plan. Local authorities seem to have been given a role in areas including feasibility studies, monitoring and supervision, premises—some of which are already supplied by local authorities—membership promotion and development of teaching materials. Are those areas being funded out of the funding package that has been announced? Will on-going funding be fed through to local authorities for that work? When will the new SCUP report back and how will it report to members on its progress? I am sure that all members would like to see the development of credit unions progress quickly.

I mentioned earlier my sadness on having to leave the Clydebanks credit union. That sadness resulted from the common bond and affinity that people need to have to become a credit union member. Although mutuality is important—indeed

it is everything—I am concerned about how the need for it can exclude people. I live in a small town, which is just outside East Kilbride, and even though it is in the same constituency, I cannot become a member of East Kilbride Credit Union. Will the new action group look at ways to try to widen access to and accessibility of credit unions?

Members mentioned that, along with the issue of rural credit unions and how it is sometimes difficult to achieve a common bond. I would like to see a lot of discussion around how to encourage people to take part in credit unions. If that involves looking at affinity and common bonds, we will have to try to come up with a way that maintains the preciousness of where the movement started.

The minister mentioned volunteers. All members should pay tribute to the amount of work done by the volunteers who help to run credit unions; I am not nearly as cynical about that as is Bill Aitken.

One thing, however, that the minister said bothered me a wee bit—well, it did not really bother me a wee bit. She said that there can still be private money coming into credit unions and community participation. Sometimes when private money starts to come in, all of a sudden there is a regulation requiring financial bods on the management committee. I have seen that happen in housing associations. I believe and hope that that will not be put forward by the new grouping.

I am aware that we are running out of time, so I will wind up with a final worry about the FSA. Many credit unions are concerned about possible additional costs in 2002 when they have to affiliate to the FSA. Will the minister let us know what is being done to alleviate their worries?

What the Executive has come up with is great, and the speed with which it has come up with the proposals is much to be admired. I hope that it will be as speedy in advancing the credit union movement in Parliament.

16:53

The Deputy Minister for Social Justice (Ms Margaret Curran): It has been quite an afternoon. I am disappointed that more members did not hear the debate. If they had been in the chamber, they would have heard Kenny MacAskill and Alex Neil congratulating the Executive on its work in very positive terms. I will cherish those comments. I accept that they were made in the context of a specific issue, but it was worth hearing them nonetheless.

For us warriors of the Labour movement, it was interesting to hear the Trotskyist MSP ask us to facilitate more involvement from the business community. It is interesting how life develops.

This has been an extremely interesting debate,

which reflects the concerns of all those in Parliament about financial inclusion—*[Interruption.]* I will try to speak over my colleagues.

The Deputy Presiding Officer: Order.

Ms Curran: Thank you.

It is clear that many MSPs have great involvement in their communities. They know the detail of the credit unions and have raised many detailed issues. That is a credit to the Parliament and to the work of those MSPs.

We recognise that we must promote financial inclusion, because doing so is critical to achieving social justice. We must increase the choice of financial services to meet the needs of people on low incomes. Many members have articulated that point very well this afternoon.

Dr Winnie Ewing (Highlands and Islands) (SNP): How will the minister act on Alex Neil's suggestion that the magnificent facility of credit unions be extended to remote and underpopulated places such as those in the Highlands and Islands?

Ms Curran: I promise that I will come to that point. I intend to talk about rural areas and the point that Alex Neil made.

The support that members have given to credit unions and the respect that they have shown for them are very important. That will have a knock-on effect on the work that is being done in local communities. In my constituency, remarkable work is being done by people in Easterhouse and Baillieston in particular. They make a significant contribution.

As Kenny MacAskill said—very well, if I may say so, to return his compliment—it is important that we enable people to save so that they can avoid having to borrow from high-cost lenders and, in particular, from the worst loan sharks.

Credit unions foster inclusion. Membership of them appeals to a broad range of people. They also attract volunteers. However, we appreciate the concerns of many people in the movement and that is why we have proposed the health check through the FSA.

If I do not respond now to all the detailed remarks that members have made, I will be happy to respond in writing. Members will probably not be able to hear what I say anyway, because of all the noise.

Changes in regulations and legislation are important, but so too is the increased interest in credit unions from local authorities and Government. I say to Linda Fabiani in particular that the Convention of Scottish Local Authorities was included in the working group. It represented

the interests of local authorities and said that it was comfortable with that responsibility—*[Interruption.]*

The Presiding Officer (Sir David Steel): Order. There are far too many conversations going on. It is most unfair to the minister, who is winding up the debate. Please, let us pay attention.

Ms Curran: I want to reinforce what Jackie Baillie said. Our efforts are made in good part. David Davidson spoiled the party somewhat, as we tried to emphasise the consensual approach. The only negative point that I will make is this: people cannot have it both ways. We are getting criticised because we do not intervene enough, then criticised because we intervene too much. People need to take a more balanced approach. We want to provide support and encouragement, but we acknowledge the autonomy of the movement and we do not want to take it over.

We also recognise that organisations such as credit unions help to develop a stronger sense of community. They provide the glue for strong and inclusive communities. The action plan is an opportunity and we hope that it will be seen as such. The Executive has committed new resources—more than £1.5 million—and that will enable more to be levered in, especially from European funds. That represents a new impetus to growth in the recruitment of members and volunteers.

Cathy Jamieson mentioned partnership. That will be important in driving forward the agenda and monitoring progress. I join others in welcoming Cathy's announcement and congratulate her on the negotiations that have resulted in the common bond of Capital Credit Union being extended to Parliament and the Executive.

John Young (West of Scotland) (Con): I welcome the idea of the Parliament getting involved in a credit union. May I suggest that we establish contacts with Glasgow City Council, which for some years has run a successful credit union? It is a large organisation and has members who are on differing salaries.

Ms Curran: It is a shame that John Young was not here for the debate; if he had been, things would have been clarified for him and he would know that we talked about dealing with Capital Credit Union.

As Cathy Jamieson said, we can now put our money where our mouth is. I advise everyone in the chamber to join as soon as possible. Let us send out a clear message: credit unions are for everyone—even MSPs. They are not the poor person's bank.

I want to respond to the points that were made about rural credit unions. We want to support the

development of credit unions as much as possible. We are committed to addressing the particular needs of rural credit unions and, as part of our action plan, we will support a volunteering initiative that is specifically targeted at rural needs. We understand the points that have been made about the Highlands and Islands. Big is not always beautiful and we want to support small credit unions as well.

Our work over the past 18 months on financial inclusion is beginning to come together. Last month, we debated the problem of indebtedness in Fiona Hyslop's members' debate. We will shortly begin piloting the plans for a national debtline to help those who find themselves in debt. We are providing new resources for additional debt advice, and we are testing new ways of delivering it.

With the action plan, we will help to build a strong credit union movement, so that access to low-cost credit and other financial services will be much more widely available, and will be provided by organisations with the ethos of self-help and mutuality that sits full square with our approach to achieving social justice by helping people to help themselves. Yet again, that demonstrates our commitment to collective social organisation to benefit Scotland.

Decision Time

17:00

The Presiding Officer (Sir David Steel): There are no Parliamentary Bureau motions tonight, so we move straight to decision time. I invite all members to check that their cards are inserted in the console properly and that the light in front of the card has gone out, so that all votes will be recorded. When we come to a division, members should remember to check that the flashing vote-now light has stopped flashing once they have voted.

The first question is, that amendment S1M-1750.1, in the name of Roseanna Cunningham, which seeks to amend motion S1M-1750, in the name of Mr Jim Wallace, on freedom of information, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)

Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGregor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Presiding Officer: Members can vote at any console; there is no political significance in it.

The result of the division is: For 36, Against 88, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S1M-1750.2, in the name of David McLetchie, which seeks to amend motion S1M-1750, in the name of Mr Jim Wallace, on freedom of information, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Canavan, Dennis (Falkirk West)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)

Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)

Harper, Robin (Lothians) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 20, Against 69, Abstentions 35.

Amendment disagreed to.

The Presiding Officer: The third question is, that motion S1M-1750, in the name of Mr Jim Wallace, on freedom of information, be agreed to.

Motion agreed to.

That the Parliament welcomes the publication by the Executive of a draft Freedom of Information Bill for consultation, in particular: (a) the fully independent Scottish Information Commissioner, to be appointed by the Parliament, with a duty to promote and enforce the legislation and with powers to order the disclosure of information; (b) the demanding harm test of "substantial prejudice"; (c) the requirement to consider the public interest in disclosing exempt information, and (d) the requirement on public authorities to make clear in a publication scheme the information to be made available as a matter of routine.

The Presiding Officer: The fourth question is, that amendment S1M-1760.3, in the name of John Swinney, which seeks to amend motion S1M-1760, in the name of Ross Finnie, on fisheries, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)

Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Presiding Officer: The result of the division is: For 56, Against 67, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The fifth question is, that motion S1M-1760, in the name of Ross Finnie, on fisheries, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)

Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)

Gibson, Mr Kenneth (Glasgow) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Green)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 68, Against 36, Abstentions 20.

Motion agreed to.

That the Parliament welcomes the record £27 million package for the fishing industry announced by the Deputy Minister for Rural Development on 8 March 2001; notes that the joint objective of the Executive and the industry is the conservation of fish stocks and a sustainable long-term future for the fishing industry; further notes that best scientific advice is that these objectives are most effectively achieved through a targeted decommissioning scheme and immediate technical conservation measures; welcomes further research into these practical measures intended to reduce the number of discards and protect stocks of fish, and welcomes the fact that the Executive, taking into account the view expressed by the Parliament on 8 March 2001, is engaged in continuing discussion with the fishing industry to explore a degree of re-balancing of the £27 million package of measures to address the short term needs of the industry by extending that research

programme.

The Presiding Officer: The final question is, that motion S1M-1751, in the name of Jackie Baillie, on credit unions, be agreed to.

Motion agreed to.

That the Parliament recognises that credit unions are a valuable provider of low cost financial services and an important way of tackling financial exclusion; welcomes the Action Plan for the credit union movement in Scotland, and supports its implementation and the objective of building a vibrant self-sustaining credit union movement in Scotland, accessible to all, with credit unions as broad based, community owned financial institutions operating in a sound commercial manner but based on the principles of mutuality and economic justice.

National Tartan Day

The Presiding Officer (Sir David Steel): The final item of business is the members' business debate. I ask those who are not staying for the debate to leave us quickly and quietly. We will debate motion S1M-1670, in the name of George Reid, on national tartan day. As usual, the motion will be taken without any vote.

Motion debated,

That the Parliament notes the importance of National Tartan Day, held annually in the United States on 6 April, which celebrates the contribution of Scots and Scots-Americans to the creation and prosperity of America and welcomes the opportunities National Tartan Day offers as a vehicle for strengthening economic, social and cultural links between our two countries.

17:06

Mr George Reid (Mid Scotland and Fife) (SNP): Presiding Officer,

"The time is now near at hand which must ... determine whether"

we

"are to be freemen or slaves ... Our ... unrelenting enemy leaves us only the choice of brave resistance, or the most abject submission. We have, therefore, to resolve to conquer or die."

Those are the words of George Washington, pledging himself to the cause of American independence in 1776. They were quoted in the United States Senate debate on tartan day to make a living link to Scotland. For every Scot, those words should bring back memories of an event 462 years earlier:

"LIBERTY's in every blow!
Let us DO—or DIE!!!"

In using those linked quotations, I am not making any political statement about contemporary Scotland. Tartan day is an American event. It concerns Scots Americans who gave their country independence and built it into what it is today. Tartan day is about the Scots concept of liberty. The sovereignty of the people is a fundamental ingredient of what has made America great. I commend the First Minister most warmly for seeing and seizing the opportunity that the day presents to promote Scottish enterprise, education, culture and tourism in the States.

When Trent Lott, the Senate majority leader—himself descended from the Buchanans of Loch Lomond—and Newt Gingrich, then Speaker of the House and a descendant of the McPhersons, introduced resolution 155, to declare 6 April national tartan day in the States, they focused on the Scots and the sovereignty of the people. It is

worth writing the official report of their resolution into our *Official Report*.

"Whereas April 6 has a special significance for all Americans, and especially those Americans of Scottish descent, because the Declaration of Arbroath, the Scottish Declaration of Independence, was signed on April 6, 1320 and the American Declaration of Independence was modeled on that inspirational document;

Whereas this resolution honors the major role that Scottish Americans played in the founding of this Nation, such as the fact that almost half of the signers of the Declaration of Independence were of Scottish descent, the Governors in 9 of the original 13 States were of Scottish ancestry ...

Whereas this resolution recognizes the monumental achievements and invaluable contributions made by Scottish Americans that have led to America's preeminence in the fields of science, technology, medicine, government, politics, economics, architecture, literature, media, and visual and performing arts; Now, therefore, be it

Resolved, That the Senate designates April 6 of each year as 'National Tartan Day'."

Sometimes, it takes Americans to remind us Scots of our own heritage and history. While senators on Capitol Hill pay tribute to Scotland as the first country ever to articulate the contractual nature of governance—from the Declaration of Arbroath, through the national covenant, to the Claim of Right that underwrites this very Parliament—we Scots perhaps stay a bit mute on the subject.

Two Scots in particular should be honoured this tartan day for making America what it is. The first is John Witherspoon, Church of Scotland minister, from Beith in Ayrshire. He not only signed the Declaration of Independence but, as president of the College of New Jersey, which was shortly to become Princeton University, he trained the leadership of the new country. Through his hands passed one President, one Vice-President, 12 state governors, 56 state legislators, 33 judges including three members of the Supreme Court, and the whole officer class of the war of independence—all of them given a Scottish education. At the college, he pumped into those young revolutionary minds the ideas of the Scottish enlightenment, which was flourishing here in Edinburgh, and the philosophy of Francis Hutcheson, Lord Kames, David Hume, Adam Smith, Thomas Reid and Adam Ferguson—commonsense philosophy; the belief that a man is as good as his master and that the people reign supreme.

The second great Scot to make America what it is was James Wilson, who was born in 1742 on a farm outside Cupar. He too signed the Declaration of Independence and was, to a large extent, responsible for the initial drafting of the US constitution. Importantly, his Scots ideas shone through into the future. He argued for limits on the power of the President, for proportional

representation and for direct election of the Senate and of the President.

In my last minute, I ask members to think of the long line of Scots who distinguish the American-Scots roll of honour: Alexander Hamilton, first Secretary of the Treasury, who put the new country on a sound financial footing; John Paul Jones, who founded the American navy; a whole host of doctors and lawyers; pre-eminent Scots entrepreneurs and inventors, such as Andrew Carnegie, Alexander Graham Bell and Wallace Carruthers; and nine Presidents of Scots descent.

Woodrow Wilson, 28th President and son of a Scots Presbyterian minister, said:

"Every line of strength in American history is a line coloured with Scottish blood."

It is small wonder that David McCrae of Greenock, arriving in the promised land, should write home in his first letter:

"I begin to think, Mither, that either the world is awfu small or Scotland awfu large."

I have confined my remarks to the Senate resolution on tartan day. I hope that members have not found it too much of a history lesson. I know that when Alasdair Morrison winds up the debate, he will quite rightly wish to show that Scotland has a future for its past, as a vibrant small country that is ready for the challenges of the new millennium.

To the United States consul in Edinburgh, Liane Dorsey, who will be present in the gallery throughout the debate, I give a word of welcome. We are proud to have had an American consulate in our capital city continuously since 1798.

To our friends on Capitol Hill, I say a thank you for tartan day. As a small nation—now with our own Parliament, back after a recess of 300 years—we are grateful for the acknowledgement of our contribution to what has made Americans great.

On our side, I make only one request to the Scots diaspora. I do so in Gaelic: cuimhnich air na daoine on tàinig thu—remember the people from whom you came.

The Presiding Officer: Many members want to take part in the debate. If members keep their remarks to three minutes, we will get everybody in.

Patricia Ferguson, the other Deputy Presiding Officer, will lead our delegation to tartan day next month. I call her to speak next.

17:14

Patricia Ferguson (Glasgow Maryhill) (Lab): Together with Mr Reid and other members of the Scottish Parliament, I was privileged to be able to

attend tartan day in Washington last year. Looking around the chamber, I see that a number of the members who were there last year are with us this afternoon. I was struck by the hospitality that we were shown and by the interest in America in maintaining the Scottish heritage that many Americans recognise as their own.

I would like to highlight a number of points that show that the connection continues to this day, and to echo the history that Mr Reid has so eloquently outlined to us. In doing so, I want to mention my home city of Glasgow.

The links between Glasgow and America go back to the very beginning of that great nation. By 1730, trade from Glasgow to America was fully established. Glasgow's tobacco lords had cornered the market, in the process becoming Glasgow's—and Scotland's—first millionaires. Unfortunately, trade was curtailed by the civil war, but Glasgow's shipyards were prized for their ability to construct packet-ships, which I am told were used by both sides in the civil war. They were built in Glasgow and dispatched across the Atlantic.

After the civil war, shipbuilding on the Clyde, which was recognised as being top quality, quickly became Scotland's major export to north America. The Glasgow of today has many remnants of that past, both in the fine buildings that adorn our city centre—especially the Merchant City—and in the place names. Virginia Street, for example, is obviously connected with that particular trade. When I looked for similar connections in America, I was intrigued to find that the idea of naming places or streets after one's homeland is very much part of American culture. In fact, I was surprised to find no fewer than eight Aberdeens, eight Edinburghs and seven Glasgows in the United States. I am sure that, wherever we were to land in America, we would, as George Reid said, feel very much at home.

It is interesting to note that it was a Scot—Logie Baird—who, in 1928, first transmitted television pictures across the Atlantic. It is fitting that today's debate is being recorded and webcast for an American audience. The Americans would be proud of the way in which, since the first days of the Parliament, we have embraced new technology. I will come back to that in a moment.

America is also proud of Scotland because there are so many women members of our Parliament. When we were in Washington last year, that was one of the main areas that people expressed an interest in and wanted more information about. Given that the idea of international women's day originated in America, at the socialist women's international, it is understandable why that is.

In recent years, Glasgow has had other links

with America. We in Glasgow were very much involved in the repatriation of a ghost dance shirt that had been taken from one of those killed at Wounded Knee. Glasgow City Council negotiated with the Wounded Knee Survivors Association and was able to come to an agreement that allowed the important artefact to be returned to its homeland.

Today, I was told of an interesting piece of history. Alexander Hamilton may have drafted the US constitution, which declares that all men are created equal, but it was black Scots Americans—the descendants of African slaves and Scottish settlers—who helped to give substance to those aspirations two centuries later. One of them was Professor Joseph Douglas. I do not have time to go into Professor Douglas's entire curriculum vitae, which is long and distinguished, but I will say that he is a lifelong campaigner in America for higher education for all and was the first black professor of engineering at Penn State University.

I wanted to mention Professor Douglas not only because of his Scots ancestry, but because he ties us in with the idea of using new technology. Professor Douglas's daughter, Marion, works for the United Nations in Macedonia. Having watched a meeting of our Equal Opportunities Committee in February this year, she brought Professor Douglas's heritage to our attention. She decided that, since she had, as it were, found the Scottish Parliament, she would tell us about her own heritage. It is interesting to note that new technology is beginning to reap dividends in promoting the culture of Scotland and the Parliament of Scotland as far afield as Macedonia.

17:20

Bill Aitken (Glasgow) (Con): It gives me great pleasure to associate myself and my party with the motion that George Reid has so ably proposed. One of my earliest childhood recollections is the sight of thousands of people queuing at Yorkhill quay in the 1950s to board ships bound for the United States. Even as a young child, I wondered what attracted so many of my parents' generation to leave Scotland to seek their future elsewhere. We Scots travel far, but we also travel well. In that era particularly, we went in large numbers to the United States, contributing to the make-up of the most diverse, cosmopolitan and fascinating potpourri that is American society.

In some ways, it is sad that over many generations our chief export has been our people, but at the same time, it is a matter of considerable pride that Scots Americans have played such a prominent role in the development and governance of the United States. The evidence for that is apparent. As Patricia Ferguson said, settlements from North Dakota to Georgia bear the

name of Glasgow. It even seems that some of my forefathers got as far as the west coast, where they founded the township of Aitken, Oregon.

From time to time, we seem to export some of our more militaristic citizens as well, but they too have made a tremendous contribution to US society. Ulysses S Grant, the victor of the battles of Vicksburg and Missionary ridge, was of Scots descent. When he accepted the confederate surrender in 1865, he described himself as being sad and depressed at the downfall of a foe who had fought so long and valiantly. He was probably reflecting on the fact that almost half the population of the defeated confederacy were also of Scots descent, including his opponent, General Stonewall Jackson. Grant went on to become President of the United States, a position that he held with great honour and distinction.

The Scots military connection in America goes further. George Patton was of Scots descent, as was Douglas MacArthur. Colin Powell can claim to be not only the first black American Secretary of State but of Scots descent. It is those ties of kinship, friendship and blood that have meant that we and America have stood shoulder to shoulder during the past 100 years in battles against fascism and the threat of world communism. Our ties and roots run deep and, I would like to think, in both directions.

To those Americans who do not know Scotland, I say that we are no ephemeral and mystical Brigadoon, but a vibrant, living and contemporary society. Scots are proud of their long history and rich heritage. However, although we respect the past, we do not live in it. We glory in our culture, but we are far from blind to the merits of other people's. Like Americans, we thrive not only in adversity, but in the joys of diversity and we are seldom slow to sing the praises of our nation.

Every year, we welcome many thousands of American visitors and it is a pleasure and a joy to do so. Scotland is unique. The type of scenery that we have to offer can be found nowhere else in the world. Scots cuisine at its best cannot be bettered. To those Americans who do not know us, I say, "We are a small, small country—there are only 5 million of us—but there are 5 million people out there who are interested, keen to meet you and very anxious indeed to have you as a friend." To those who have not been here, I say, "Everyone in the Parliament extends the warmest invitation to come." To those who, like General MacArthur, have vowed that they will return, I say, "Haste ye back."

17:24

Nora Radcliffe (Gordon) (LD): National tartan day is celebrated annually in the United States of

America on 6 April. As George Reid said, that date has special significance for Scots, because the Declaration of Arbroath, which was our Declaration of Independence, was signed on 6 April 1320. Therefore, 6 April is a national day when Scottish Americans can remember and take pride in both their Scottish heritage and the influence that Scots have had on the creation, character and prosperity of America.

Scots have played a pivotal role in developing education in the new world, as George Reid said, establishing universities and colleges such as Princeton and New York's first medical school. However, the flow has not been all one way. The library in Inverurie, where I live, is, as in so many communities in Scotland, a Carnegie library.

Scots have also contributed to government and politics. I am a MacPherson and today learned of a link of which I was previously unaware. I thank George Reid for that; it was of great interest to me.

Patricia Ferguson outlined how the Scottish influence can almost be mapped by place names. I am an Aberdonian—a Scottish Aberdonian, with American cousins in the eight Aberdeens in the United States. The Scottish Aberdeen is the oil capital of the UK. Grampian region, which includes Aberdeen and the north-east corner of Scotland, is twinned with Houston, the oil town on the other side of the Atlantic. The flow of black gold from the North sea has created a tremendous flow of people, investment and expertise between America and Scotland.

Andrew Fulton, chairman of the Scottish North American Business Council, said:

"The first oil boom of the mid-1970s further cemented the relationship between the two nations, as expertise from Texas was imported into Grampian".

We were delighted to welcome the Texans then and glad that many of them liked Grampian enough still to be with us today. We are also delighted that the knowledge and expertise that we developed with our American partners in developing the North sea are now being re-exported to other developing oil fields across the world.

Tartan day is a grand opportunity to celebrate and take pride in the shared heritage and the many cultural, business and personal links that exist between Scotland and the United States. I want briefly to mention a Gordon tartan day that happened in Scotland last year. Huntly, in my constituency, is the heart of the Gordon clan territory in the north-east. Last year, it celebrated the millennium by hosting Gordon 2000. Gordons from all over the world—many of them from the United States—converged on the town to celebrate their family and their roots. We had a truly wonderful weekend. Even the sun shone.

Unfortunately, we could not welcome all those people at the moment, as we are under the cloud of an outbreak of foot-and-mouth disease. Many of our friends from America have had to change their plans to come to Scotland. We appreciate their understanding and co-operation in staying away, but we want them back. I appeal to them to support us as soon as we are open for business again, which I hope will be very soon.

The motto of Aberdeen is "Bon Accord", which we translate as, "Happy to meet, sorry to part, happy to meet again." We mean it. Alasdair Morrison will talk to everyone in Gaelic later. For the benefit of the American visitors whom I hope we will welcome in the months to come, I will give an introduction to a little Doric. The phrase that we greet people with in Aberdeen is, "Fit like?" and the response is, "Nae bad; fit like yersel?"

17:28

Mr John Home Robertson (East Lothian)
(Lab): I am happy to support this significant motion. There are important historic and living connections between Scotland and north America. I will cite two examples—one from my family and one from my constituency.

James Douglas-Hamilton and I may be the only two members of the Parliament who are directly descended from members of the previous Scottish Parliament in 1707. I am not sure whether Patrick Home of Renton was offered any of the famous English gold but, for the record, he voted against the incorporating union. I am therefore all the happier to be making the return journey from the Westminster Parliament to the new Holyrood Parliament.

Members of the next generation of the family took part in the Jacobite rising of 1718. Some were condemned and transported to Culpepper County in Virginia. Like so many Scots, they played their part in the early development of the United States of America. Indeed, one of them was closely associated with George Washington. It is fascinating to examine some of the correspondence and records of those times. A lot of it, from my family and other families, is in the Scottish Record Office. That heritage should be celebrated.

My constituency, East Lothian, is the birthplace of John Muir, the great explorer of the wilderness of north America and the founder of the north American—and world—conservation movement. He was born and went to school in Dunbar. His family emigrated to Wisconsin. He founded the great national parks, such as Yellowstone and Yosemite. He must be the greatest example of a Scot who has made an immense contribution to the life and environment of the United States and

the rest of the planet.

There is a rich history—and a living history—of contacts between Scotland and the United States of America. Americans welcome the fact that our new Scottish Parliament is actively involved in promoting those contacts through tartan day. We will be able to build on those contacts and I am especially pleased to hear that the United States consul is with us today.

Mr Reid: On a point of order, Presiding Officer. I understand that more members want to speak in the debate than time will allow. If I were to move a motion without notice to extend business by 30 minutes, would you be so minded to take it?

The Presiding Officer: I am happy to accept an extension of up to 30 minutes.

Motion moved,

That the debate be extended by up to 30 minutes.—[*Mr George Reid.*]

Motion agreed to.

The Presiding Officer: We should now be able to fit in all the members who want to speak in the debate.

17:31

Mr Duncan Hamilton (Highlands and Islands) (SNP): It is interesting to note that the way to ensure that one's point of order has a successful outcome is to be a Presiding Officer. That is clearly the way forward.

I was struck by Bill Aitken's comment that cities in America were named after his family; he made that claim on the ground that they shared his surname. By that rationale, given that my surname is Hamilton, my family did not make it past Lanarkshire. I am not entirely sure that that is something to boast about.

I welcome this debate and congratulate Mr Reid on securing it. Like Patricia Ferguson, I was in America last year for tartan day. I am well aware of the profile that it brings to Scotland. I learned of the result of the referendum that created this Parliament in a bar in Boston—I was spending a year in that city—so I have a particular affinity with America.

Tartan day has existed only for a short time, but it has been very successful. Members who have not had the opportunity to go to America for tartan day should do so. It is awe-inspiring to see what the Americans can make of their Scottish heritage. In many ways, it is a great lesson to us about how we can be more bold and creative in what we do with our history. I am delighted that representatives from every party will be in America for tartan day. I hope that there will also be representatives from the tourist board, because

we can learn a great deal from the can-do mentality that defines America.

During one trip to America, on a lecture tour with Alex Salmond, I saw that the success knew no bounds. At the start of the trip, the claim was that there were 9 million people in America of Scots descent. That figure grew halfway through our trip to 12 million and, by the end of our trip, it was 24 million. If that does not define success, I do not know what does.

Tartan day is bipartisan and it is interesting to note who has taken part in it in the United States. Trent Lott has been a good friend of Scotland and has driven forward the idea in the United States, but the chamber should be aware of the considerable interest from people in the Democratic Party. One whom I know well is Ted Kennedy. I had a long conversation with him when I went for a long lunch with the Kennedys—I am not sure that the Kennedys do anything other than long lunches. Ted Kennedy is well aware of what is happening in Scotland and was keen to lend his weight to the democratic movement that he saw here.

We should bear in mind the fact that the themes of justice, self-determination and freedom are close to the hearts of Americans. We have a receptive audience in America and I suggest that, on this tartan day and all future tartan days, we try our best to exploit that and to embrace the friendship. America is a hotch-potch of cultures and Scots have a proud tradition there. I hope that many of us will be in America and that we can welcome many Americans to our shores in the future.

17:34

Scott Barrie (Dunfermline West) (Lab): I, like other members, congratulate George Reid on lodging the motion, which celebrates the contribution of Scots and Scots Americans to the creation and prosperity of America.

I want to highlight the legacy of the man who was arguably the greatest capitalist in history but who was also arguably the greatest philanthropist—Andrew Carnegie.

Members might find it strange that somebody like me, who is steeped in the Labour and trade union movement, should wish to acknowledge Andrew Carnegie's memory. However, coming from Fife and as MSP for Dunfermline—Carnegie's home town—I know from first hand the great extent of the legacy that Carnegie has bequeathed on his homeland. He left Dunfermline in 1847 aged 12 and settled with his family in Pennsylvania. Forty years later, through a mixture of sheer hard work and total ruthlessness, he had amassed a huge fortune. That ruthlessness

probably came to a head in 1892, when his company was involved in the most violent industrial dispute in late 19th century American trade union history, over trade union recognition at the Homestead steel works. The incident is shrouded in much controversy; Andrew Carnegie was not in the US at the time, because he was holidaying in Scotland. However, whether by accident or design, Andrew Carnegie's life appeared to take something of a turn from that time on.

In his famous essay of 1889, "The Gospel of Wealth", Carnegie wrote:

"A man who dies rich, dies disgraced."

From then on, he set about releasing the huge fortune that he had managed to amass. That fortune was estimated at \$350 million in 1900, which is worth far more than \$112 billion today. His aim was to give 95 per cent of it away.

As Nora Radcliffe has acknowledged, one of Carnegie's passions was education. Through the Carnegie Trust and his bequests, more than 2,800 libraries have been created throughout the world, more than 600 of which are in the UK. My town of Dunfermline has benefited greatly from his bequests. Not only did he build four community centres, the first public baths in Scotland and the Carnegie Hall he bequeathed money to establish a technical college, which was named after his uncle, George Lauder. He also bought what was possibly his greatest acquisition for the town, Pittencrieff park, which he had not been allowed to play in when he was a child. Furthermore, he received the freedom of 57 British cities, which is far more than Winston Churchill achieved.

Earlier this week, I attended the annual dinner of the UK Carnegie Trust, which was held in Dunfermline. Yesterday, the trustees held their annual general meeting, which was chaired by Andrew Carnegie's great-grandson. Carnegie's fortune was earned in the US. Today, 100 years later, his bequests are still enriching the lives of many Scots, particularly in education and leisure.

17:38

Kay Ullrich (West of Scotland) (SNP): We have heard much talk in the debate about our links with America and, indeed, the love that we Scots have of everything American and Americans themselves. However, perhaps I am the only member in the chamber who can actually prove her love of America and Americans. My husband is an American, and for the sake of our friends on Capitol Hill, he is a li'l ole farmboy from Oklahoma. He is almost, but not quite, an Okie from Muskogee. Furthermore, although my son is a great muckle boy with a great Scottish brogue, he is very proud of the fact that he is an American

citizen—complete with American passport—having been born in Dover, Delaware.

Everyone—particularly our friends over in the States—will have guessed that I was a military bride and, as such, I have been all over the States, from east to west and north to south. I have truly left my heart in San Francisco; Chicago is really my kind of town; and so very, very often I have wished that I were still in Dixie.

Duncan Hamilton talked about how tartan day is really taking off in the States; I had living proof of that on Tuesday night. The phone rang and it was a little niece from Oklahoma who wanted us to send to her information about Scotland and the Scots for a project that she was doing in second grade. That showed that tartan day is becoming a part of the American way of life. It has not quite reached the status of St Patrick's day, but we can hope.

I am proud to have been chosen to be among the delegation from the Parliament that will visit Washington in a couple of weeks' time. The other night, I was saying to my husband that I had been in Washington before. He reminded me cruelly that the last time I was in Washington, my son, who is now 35, was being taken about in a baby buggy. Before members start trying to work out my age, I should point out that I was a child bride.

To our friends from Capitol Hill I say, "See y'all in a couple of weeks." I hope that, when we leave, they will extend to us that wonderful southern invitation, "Y'all come back now, y'hear."

17:40

Mr Brian Monteith (Mid Scotland and Fife) (Con): I congratulate George Reid on securing the debate and I pay tribute to Trent Lott and Newt Gingrich, and to all those who supported them, for establishing tartan day. In my humble speech—dressed as I am in the tartan of Monteith of Clan Graham—I shall mention a few names in the context of the different contributions that have been made by Scots, and Americans of Scottish descent, to America's prosperity.

First, I mention somebody who was not directly involved with America—Sir Walter Scott. Sir Walter Scott helped not only to establish the Scottish Conservative and Unionist Party, but to invent the historical novel and save the Scottish pound from abolition. He guaranteed the revival and popularisation of tartan by ensuring that George IV wore a kilt and tartan garb on his visit to Edinburgh. We therefore owe a debt to Sir Walter Scott. I recommend that anybody who has not visited his house, Abbotsford, or who has not seen Scott's view—which looks over his house in the Borders—should go there and take in that view, be they Scots or Americans who are visiting this

country.

Secondly, I pay tribute to a Scot in America, reminding us that many Scots still go to the States and contribute to modern America. Dr Stewart Butler is such a person. A graduate of St Andrew's University, he is the vice-president of the Heritage Foundation, which is based in Washington DC. I inform those who have not heard of that foundation that it is in the vanguard of new political thought in the United States. Dr Butler has, through the foundation, been one of the key brains behind the development of social and domestic policy in Washington DC. It is people such as Dr Stewart Butler who continue to ensure that Scots make a contribution to the free and just society that prospers in the United States.

Another American whom I want to mention—this time of Scots descent—is a man whom I discovered by surfing the web. I recommend that all members of the Scottish Parliament punch their surnames into a search engine and see what it finds. I found Senator Dick Monteith, a senator in California State Senate. He is not only a Monteith and a Republican; he is a defender of rural schools and has proposed a bill to provide tax relief for agriculture—my sort of guy. I shall e-mail the *Official Report* of this debate to Senator Dick Monteith, professing my support for his agricultural bill.

In conclusion, I mention two things about Arbroath. First, Arbroath is not famous only for its declaration of independence; it is famous because the inventor of the Buick car came from Arbroath. To anybody in America, that is probably one of the foremost reasons for being proud of coming from Arbroath.

Secondly, the anniversary of the signing of the Declaration of Arbroath—6 April—is a fitting day to have tartan day in America. As a direct descendant of Sir John Menteith, who signed the Declaration of Arbroath, I am pleased to support the motion and the United States of America's tartan day.

The Presiding Officer: Andrew Wilson was due to speak next, but has explained to me that he has had to leave to catch a plane, whether to America or not I do not know. I call Dennis Canavan—our independent member of the Scottish Parliament.

17:45

Dennis Canavan (Falkirk West): I congratulate George Reid on securing the debate. I applaud the aim of strengthening links between Scotland and America and trust that that also embraces Canada, as I understand that tartan day was originally a Canadian initiative.

The links between Scotland and north America go back many years. There is hardly a family in Scotland that does not have relatives on the other side of the Atlantic. For example, in the 1920s, my mother emigrated at the age of 19 to Canada and then moved to the USA before coming back to Scotland. I realise that some of my political opponents wish that she had stayed there; I might, had that been the case, not be here. She was one of a family of eight and, as a result, I have countless cousins in Canada and the USA. Many Scots will be able to tell a similar story.

The motion refers to the strengthening of
“economic, social and cultural links”

between Scotland and America. I hope that that becomes a reality. However, I want to make two suggestions regarding national tartan day.

I wonder whether “tartan day” is the best name for a day that celebrates the links between Scotland and America. Many Scottish families identify with a clan tartan, as do many American families whose Scottish roots often date back centuries. However, the Scotland of the 21st century is a multi-ethnic society and I wonder whether that might be better recognised if the day had a different name. The date—6 April—was chosen because it is the anniversary of the Declaration of Arbroath. I suppose that calling the day, “independence day” would ruffle too many unionist feathers, but “Scotland day”, “Caledonia day” or “saltire day” might be worthy of consideration as an alternative.

My second suggestion relates to the Scottish Parliament's delegation to national tartan day—I declare a non-interest, as I am not interested in being a member of that delegation. I feel strongly that the membership of any official delegation from the Scottish Parliament should be subject to parliamentary approval rather than being decided behind closed doors by the Parliamentary Bureau, acting like some sort of secret society.

The Scottish Parliament was supposed to herald a new era of open democracy. It should therefore ensure that all members of the Parliament are invited to apply for membership of any delegation. The final selection should be subject to parliamentary approval by means of an appropriate motion.

I hope that, as well as going to America, the delegation will come back. [*Laughter.*] I also hope that it will report to the Parliament. I hope that all future delegations from the Parliament will, on returning—if they return—report back to us. In this instance, I hope that the delegation comes back with good news of achievements in terms of strengthened economic, social and cultural links between Scotland and America.

17:49

Dorothy-Grace Elder (Glasgow) (SNP): I thank George Reid for securing this debate and I also thank all those who have worked hard on the debate.

The bad boys and girls of history are, unfortunately, always a lot more interesting than some of the good and the great. That is why John Paul Jones is particularly fascinating. He was a distinguished pirate before he founded the American navy. Without a navy, America might not have achieved independence when it did, because the fledgling United States navy was up against the might of the British navy. John Paul Jones, being an inventive man from Kirkcudbright, acquired the navy in the easiest possible way: he simply boarded United Kingdom ships, pinched them and ran up the American flag. He also rearranged the Russian navy for Catherine the Great. I think that he was the chap whom everyone faxed when they wanted something done about acquiring navies.

As for other half-good, half-bad boys, the great example is that of Carnegie. Our colleague from Dunfermline, Scott Barrie, has gone through Andrew Carnegie's history. I remind members that Andrew Carnegie was a valiant champion of the black American. Members would be moved to read some of his typed speeches from the turn of the 20th century. He founded the Carnegie Mellon University, the first black university. Unfortunately, it had to be exclusively black, because that was the only way for young black people to get a university education. Carnegie said that blacks work far harder than whites, and quoted the federal statistics on that at a time when blacks were being accused of not working hard enough. Of course they were: 90 per cent of them were engaged in labour by the age of 10.

The story of John Logie Baird is fascinating. I made the centenary programme about Baird and the birth of television in 1988. Patricia Ferguson correctly referred to the transatlantic broadcast in 1928. It was a terrible race between Britain and America to see who could be the first. Baird had three engineers in London, plus himself. He was up against Bell Laboratories in the States, which had 400 engineers. Baird's television equipment had to be smuggled into the United States, because it was not legal to compete against the States in the race for television at that time.

Sixty years on, I tried to trace the missing American who helped Baird, on that great day, when newspapers carried headlines such as "People Seen Walking About in London". I could not find that old American, Robert Hart. I reckoned that he would have been about 90 and would be dead. However, I went to the house on Elm Street, Hartford, just to see the house where that

transmission had been received, rang the doorbell, and Mr Hart himself, aged well over 90, answered the doorbell. We got some marvellous interviews, commemorating the birth of television.

So much has been achieved between the United States and Scotland. Falkirk's Carron ironworks manufactured the iron stoves for the prairie schooners of the wild west. Carnegie opened up the wild west with his steel rails—his interest in railways, as Scott Barrie rightly said, was controversial. At any rate, of all people, it was Carnegie who opened up the wild west.

As we are veering more and more towards Europe nowadays, we are supposed to have a European mindset. However, we have tens of millions of friends in the United States and Canada. I feel that we are neglecting many of our friendships in those marvellous countries. That is one reason why I have been planning since December to set up a cross-party American and Canadian group for friendship and trade between our countries. Forget the politics. I hope that absolutely everyone who is here for this evening's debate will join it.

17:54

Marilyn Livingstone (Kirkcaldy) (Lab): I also thank George Reid for securing this debate.

I want to focus on the trade links with the United States. Tartan day has been marked for many years in the United States. As other members have said, there have been, are and will continue to be many cultural, historical and social ties between Scotland and the US. Thanks to Senator Lott and many other sponsors in the Senate, tartan day is now celebrated on a much more official footing. I am grateful and proud that Scotland and Scottish endeavour is being recognised in this way.

As the result of a Senate resolution, tartan day will represent a solid bridge between two democracies, which can learn and have learned much from each other, and will continue to do so. Tartan day is an American celebration. I hope that Scotland can add value to what is fast becoming a major event in America. We heard from Kay Ullrich that her niece's school in America was taking the day very seriously.

I will focus on trade links. The relationship between Scotland and north America spans almost five centuries. It started in 1585 when the first British colonies were settled in North Carolina, and has grown to be one of Scotland's most valuable trading relationships.

Over many years, Scots have emigrated to the USA to seek their fortune. There are now estimated to be 20 million Scots Americans. Since

the 1950s, many American companies have established operations in Scotland. More recently, the focus has been on tertiary industries and companies such as Motorola and Hewlett-Packard.

The USA is now Scotland's second-largest export market and is the destination of around 15 per cent of our exports. The Scottish North American Business Council, which was launched in December 1999 to strengthen bilateral business and trading links between Scotland and the USA and Canada, is used by 60 businesses. I congratulate everyone who has developed the council.

The commercial ties and trade links between us are diverse. However, there is still much to do to encourage trade, business and, as Nora Radcliffe said, tourism between Scotland and the United States. As a member of the Enterprise and Lifelong Learning Committee, I will pay close attention to how small businesses develop under the guidance of the Scottish technology and research centres, how Locate in Scotland and Scottish Trade International seek Scottish business opportunities in the USA and the opportunities for developing the many American companies that are located in Scotland.

I encourage all efforts to progress Scottish business abroad and, equally, encourage other countries, in particular America, to invest in Scotland. It is my hope and belief that over the next few years tartan day will provide a shop window for Scotland and allow America a glimpse of the innovation and drive of Scotland's business and leisure industries. Tartan day provides a platform for Scottish and American business interests to engage with each other. I welcome it and commend it to Parliament for the benefit of both our countries.

17:57

Mr Keith Raffan (Mid Scotland and Fife) (LD):

I am very glad to have the opportunity briefly to contribute to this debate. Within the regional constituency of Mid Scotland and Fife, which I, along with others, represent in the chamber is the great city of Dunfermline, which is the former capital of Scotland. It is the birthplace of many of our kings and, most distinguished of all, Andrew Carnegie. He has been mentioned often in the debate. He was a great Pittsburgh steel millionaire and international philanthropist, and a man of such foresight that he built the Highland setting for Madonna's wedding. He certainly enriched life enormously for people in Scotland and the United States.

I made my first visit to the United States nearly 30 years ago, in 1972, in a delegation that was led

by that great Scottish politician, the late John Smith. I was a very junior member of that delegation. We went to Washington DC, to Capitol Hill, and then to a somewhat chaotic Democratic convention at Miami Beach. I returned subsequently as often as four or five times a year, sometimes on work and often on recreation. In the early 1990s, I lived and worked in New York. Indeed, I had the privilege of working in an office on the 76th floor of the Empire State Building, which is a particularly exciting place to be if a hurricane happens to touch the eastern seaboard—it sways quite a bit.

The USA has played a central part in my life and has enriched it enormously. I have friendships there of many years' standing, and which I retain still. The American influence has stretched even to my native city of Aberdeen. We had the same neighbours on either side for 25 years. Then came oil, and then came the Texans. That certainly livened up the neighbourhood and Aberdeen has never looked back. Scottish cuisine was referred to earlier—that is somewhat distinguished terminology for it. Texan barbecues were introduced to Aberdeen and are now a regular feature of life in the city.

Wherever one goes in the United States, one finds Scottish connections and links. Not long ago I was in that wonderful town in the south, Savannah, where I visited a 19th century house. I looked into a bookcase and thought I recognised the bindings on a row of volumes. They had the distinct green-gold bindings of the Spalding Club, which, as Nora Radcliffe knows, is the great antiquarian society of Aberdeenshire. I subsequently discovered that I was in the former home of a Scottish-born cotton merchant from Savannah, who, in the 19th century, regularly commuted between Scotland and America.

I have had the pleasure of introducing many American friends to Scotland and through their eyes I have seen my native land freshly and in a different way. Those experiences have certainly increased my pride in my own country.

I hope that the delegation will have a successful visit. It is enormously important to promote our links with the United States and to promote tourism, which benefits us all immensely, particularly within my own region in Highland Perthshire and Highland Stirlingshire, and also, of course, beyond in Aberdeenshire. It is important to increase those links and contacts and for all of us to go back and forth to that great country, which plays such a distinguished role, in so many ways, in international politics and to the story to which Scotland has made such a significant contribution.

18:01

David Mundell (South of Scotland) (Con): I am pleased to make a brief contribution to the debate and I welcome the fact that George Reid secured it.

Last year, I had the pleasure of travelling to Virginia and Washington DC as part of a delegation that was looking into e-government and how we can learn from its application in the United States. That is part of the continuing relationship that we must have with the United States, which is not only about the past and what has gone before but about what we can do now.

While I was there, I had one of those experiences that leads us to say that, in many ways, language is what binds us together with the US but, in other ways, separates us. I had the opportunity to visit Dumfries, Virginia, but when I told people in Virginia that I was going to Dumfries they had no clue where I was intending to go, because they pronounce it "Dumfrys." Unlike Duncan Hamilton, I did not have the opportunity to lunch with someone as distinguished as Ted Kennedy, although, in the True Grit Restaurant, "Dumfrys", I had my picture taken with a life-size cut-out of John Wayne, which certainly impressed my children.

As Patricia Ferguson said, it is important to understand the connectivity that we can maintain with the United States through the deployment of new technology. It may be surprising to learn that people watch the webcast of First Minister's question time in Arizona at 4 am, but the fact that they do so is to be welcomed. The internet, e-mail and all those trappings allow us to maintain a greater connectivity with the United States, which we must all welcome and encourage.

I will go back to a much earlier connection. Some members who are present this evening were present for a members' business debate in my name on Robert Burns a few weeks ago. Robert Burns and his works are a great Scottish contribution to the culture of the United States, where he is held in high regard and is well read. We welcome that interest, just as we welcome Americans coming to Scotland to find out more about Burns and his homeland.

The Robert Burns World Federation, which the minister knows well, is to hold its annual meeting in Atlanta. Presiding Officer, I think that it would be appropriate to send at least one delegate from the Parliament to that meeting. We also welcome the Burns fields, a park in Milwaukee that is being named after Robert Burns.

We had strong links with the United States in the past, but we must take advantage of the strong links that we can forge and continue to forge in the future.

18:04

Mr Lloyd Quinan (West of Scotland) (SNP): I congratulate George Reid on securing this debate and will follow on from David Mundell's remarks about developing and understanding our current links with the United States.

We sometimes have the attitude that tartan is a thing of the past. Much of the debate has been concerned with the past. I would like to turn to what is happening on college radio in America. What does Scotland mean to 18 to 26-year-old Americans? It means Sharleen Spiteri, who is part of a band from Glasgow that is called Texas. It means Shirley Manson from Edinburgh—a good friend of mine—who is in the American band Garbage. Currently, three Scottish bands are in the US college radio stations top 10. They are Teenage Fan Club, Arab Strap and the remarkably titled band—Mull Historical Society. *[Laughter.]* That is what Scotland means to young Americans. We have exchanged and converted their music to our music and we are re-exporting it.

Two years ago, I stood on the esplanade at Stirling Castle. In front of me were some gentlemen whom I recognised from a brief period I had spent working in New York. They were clearly traders from Wall Street on a weekend golf holiday. We were all on the esplanade to see the American band REM. The traders had also managed successfully to achieve their ambition of playing Scotland's three great golf courses. For members who have not heard of REM, the band's lead singer, Michael Stipe, is a great golfer.

The three guys, all of whom were aged under 30, asked me why they had to find out about the concert from the REM website. They asked why had they not seen a poster. In fact, they asked why had they not seen the concert advertised in neon in Times Square. They told me that they thought that they should have been told to go and see REM, the castle that was in the "Braveheart" movie, William Wallace's birthplace and to play the Royal Troon golf course and the Old Course at St Andrews.

Today, many of us are celebrating our connections with the United States. Mine are numerous: I cannot count the number of cousins I have from the eastern to the southern and the western seaboard of the United States. History is important, as it is to our American friends, but what is more important is to recognise our continuing cultural links and particularly the links that younger Scottish people are making. That contribution includes our games creators, most of whom are based in Glasgow, who are in direct contact with silicon valley. In the eyes of young Americans, which is a great tune by David Bowie, those people are Scotland.

We have also had exported to us the American, Claudio Reyna, who plays soccer in Scotland. That is marvellous. It is also fantastic that we have our own National Football League team in the Scottish Claymores. When the Claymores come back for the coming season, I suggest that everyone goes to see them. It is an interesting experience.

Let us look not at emigration or the past, but at interconnections into the future. At the moment, the UK has a number of devolved assemblies and the United States has a federal structure. Let federalists learn from that. I learn from the Declaration of Independence.

18:08

Lord James Douglas-Hamilton (Lothians) (Con): It is worth mentioning that there is a cemetery just by St Andrews House that contains a tribute to Abraham Lincoln and the countless thousands of young Scots who died fighting for the northern cause in the American civil war. I hasten to add that President Abraham Lincoln abolished the institution of slavery in that civil war. The memorial is a testimonial to those from this country who gave their lives.

Last summer, I had occasion to go to America. At Montclair, which is near New York, I opened a fête in tribute to the British contribution in north America. I was astonished that every stall had Scottish goods, including Scottish tartans and Scottish sgian-dubhs. Everything about it seemed remarkably Scottish. The connection goes very deep indeed.

Perhaps one of the most moving experiences of my life was at the island near Staten Island, very close to the Statue of Liberty, where some 25 million Europeans entered America. Many were young Scots, many were down on their luck or in circumstances of great misfortune, but at least 98 per cent were accepted. It was known as the island of hope and of tears—tears for the 2 per cent who were turned away, but great hope for those who entered the United States of America. We are extremely proud of the contribution that they and their descendants have made. The relationship goes very deep indeed. We wish it to be cherished, remembered and appreciated in the years to come.

The Presiding Officer: Alasdair Morrison is the minister responding to the debate. He has given notice that at least part of his speech will be in Gaelic, so members should have their headphones ready.

18:10

The Deputy Minister for Enterprise and Lifelong Learning and Gaelic (Mr Alasdair Morrison): We are here tonight to look forward to tartan day in the United States—6 April, when America celebrates the contribution that Scots have made to its fantastic success. I look forward with immense pleasure to being in America again for the celebrations this year. I can assure my colleague Dennis Canavan that I intend to return to Scotland. David Mundell mentioned the great American icon and legend, John Wayne. His real name was, of course, Morrison. His first name was Marion, which was my mother's name—*[Laughter.]*

I would like to pay tribute to those who have contributed to the development of tartan day in the United States. It is a tremendous initiative that everyone in Scotland should support. In celebrating tartan day, we celebrate too the strong relationship that Scotland and the United States enjoy today. It is a relationship founded on the history that we share, graced by the appreciation that each country holds of what is special in the other and enlivened by the opportunities that we share to trade and to prosper in the new knowledge economy of the 21st century.

It is natural on this occasion—the question has been posed by fellow members—to ask how the Scots who settled in America came to contribute so greatly to its success. Many historians have identified as a crucial factor the famous Scottish tradition of education. Over the centuries, the Scots who have moved to the United States have carried with them important knowledge and valuable skills. Scots doctors, clergymen and educators were familiar figures in north America from the earliest days of the United States. Scots engineers and farmers, merchants and craftsmen played significant parts in the construction of America. Long before the term “knowledge economy” was invented, Scotland was exporting its expertise and its know-how to the United States. Scottish families and communities in the United States carried forward that tradition of education, self-improvement and professionalism.

It is important to remember that people of Scots extraction in the United States are not always among the affluent successful sectors of the community. For example, there are people of Scots ancestry among native Americans and among African Americans. We need to reach out to those sectors of American society too. It is also important to remember why so many of our people left Scotland in the first place. Some did so because they were looking for the sort of opportunities that America could offer; but others left because they had absolutely no alternative. Many left because it was simply impossible for

them to make the best of their talents and abilities in their own country.

It is vital that we ensure that the Scotland that we live in today is not like that. It must be a place where everyone can maximise their own potential in their own country and their own communities. In that regard, tartan day is relevant because there is a lot to be learned from America. It has always been an open society where there have often been far fewer barriers to advancement than were to be found here in Scotland.

America has always welcomed immigrants, including hundreds of thousands of Scots. Perhaps there is a lesson for us there. We need to be a country that opens its doors to people from other parts of the world. If there is one lesson to be learned from the American experience, it is that a society that welcomes immigrants and makes them feel at home tends also to be the sort of society that flourishes economically, culturally and in every other way.

America holds a special place in the consciousness of Scotland. Scots take a keen interest in American life, American arts, American music—some of which shows its own Scottish roots. We take pleasure in welcoming American visitors to our country, and in Scotland too we celebrate the names of Scots who have found success in America. This interest in America is not some random effect of so-called cultural globalisation. It is a genuine fascination and a long-standing bond of concern between the people of Scotland and the people of America.

I believe that it is also true to say that Scotland holds a place in American hearts and minds that is out of all proportion to our size or population. Many Americans hold their Scottish ancestry dear, and tartan day recognises the historic contribution of those ancestors who settled in America. Scottish products are well known, well respected and greatly enjoyed. Many of America's finest golf courses were designed and built by Scots, and of course many Americans have had the pleasure of visiting Scotland for themselves and enjoyed the unique experience it provides—the beauty of its landscape, the fascination of our history, the warmth of our people and, not least, the excellence of our golf courses.

Presiding Officer, it has been a privilege to close this debate, and it will be a privilege to join the all-party delegation in celebrating tartan day. I am happy to support the motion, and I will do so in my native tongue of Scottish Gaelic.

Tha mise toilichte an cothrom fhaighinn an-diugh airson taic a thoirt dhan mholadh seo agus tha mi toilichte sin a dhèanamh nam chiad chànan, cànan nan Gaidheal. Mar Ghaidheal, agus mar Albannach, tha mise mothachail air eachdraidh na

dùthcha seo agus gu sònraichte air eachdraidh na Gaidhealtachd agus nan Eilean. Tha fios agam gun do dh'fhàg mòran de dhaoine air Ghaidhealtachd—agus ann am pàirtean eile de dh'Alba—an dùthaich air an cùlaibh ann an suidheachadh gu math dòrainneach. Bha aca ri sin a dhèanamh airson iomadach adhbhar, ach a-nist tha fios againne gu bheil iad air buaidh mhòr a thoirt air na Stàitean Aonaichte. Tha mise toilichte a bhith a' dol a-null dha na Stàitean Aonaichte còmhla ri buill bho gach pàrtaidh agus a-rithist tha mi toilichte mo thaic a thoirt dhan mholadh a chaidh a dhèanamh ann an ainm Sheòrais Reid.

Following is the simultaneous interpretation:

I am happy to have the opportunity today to support this motion, and I am also happy to do so in my native tongue, which is my first language. As a Gael and as a Scot, I am very aware of the history of this country, especially that of the Highlands and Islands. I know that many people had to leave the Highlands and other parts of Scotland, which is sad for many different reasons, but we know that they had a great effect in the United States. I am happy to be going to the States with members from other parties, and I am happy to support the motion.

The Presiding Officer: It is a happy coincidence that our first overseas guest in this Parliament, in the summer of 1999, was Dennis Hastert, the Speaker of the House of Representatives in Washington. I hope that when the delegation goes there it will convey our warm greetings. I wish to say how jealous I am of the two Deputy Presiding Officers. I am the only one who has never been to tartan day, but then somebody has to stay behind in case there is a casting vote. *[Laughter.]*

Meeting closed at 18:17.

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